



House of Representatives

General Assembly

File No. 505

February Session, 2006

Substitute House Bill No. 5812

House of Representatives, April 12, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE REGISTRATION AND SUPERVISION OF SEXUAL OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) There is established a
2 Risk Assessment Board consisting of the Commissioner of Correction,
3 the Commissioner of Mental Health and Addiction Services, the
4 Commissioner of Public Safety, the Chief State's Attorney, the Chief
5 Public Defender, the Chairperson of the Board of Pardons and Paroles,
6 the Victim Advocate and the Executive Director of the Court Support
7 Services Division of the Judicial Department, or their designees, a
8 forensic psychiatrist with experience in the treatment of sexual
9 offenders appointed by the Governor and a person trained in the
10 identification, assessment and treatment of sexual offenders appointed
11 by the Governor.

12 (b) The board shall develop a risk assessment scale that assigns
13 weights to various risk factors including, but not limited to, the
14 seriousness of the offense, the offender's prior offense history, the

15 offender's characteristics, the availability of community supports,
16 whether the offender has indicated or credible evidence in the record
17 indicates that the offender will reoffend if released into the community
18 and whether the offender demonstrates a physical condition that
19 minimizes the risk of reoffending, and specifies the risk level to which
20 offenders with various risk assessment scores shall be assigned.

21 (c) The board shall use the risk assessment scale to assess the risk of
22 reoffending of each person subject to registration under chapter 969 of
23 the general statutes and assign each such person a risk level of high,
24 medium or low.

25 (d) Not later than February 1, 2007, the board shall submit a report
26 to the joint standing committee of the General Assembly on the
27 judiciary in accordance with section 11-4a of the general statutes
28 setting forth its findings and recommendations concerning: (1)
29 Whether information about sexual offenders assigned a risk level of
30 high, medium or low should be made available to the public through
31 the Internet; (2) the types of information about sexual offenders that
32 should be made available to the public through the Internet which may
33 include, but not be limited to, (A) the name, residential address,
34 physical description and photograph of the registrant, (B) the offense
35 or offenses of which the registrant was convicted or found not guilty
36 by reason of mental disease or defect that required registration under
37 chapter 969 of the general statutes, (C) a brief description of the facts
38 and circumstances of such offense or offenses, (D) the criminal record
39 of the registrant with respect to any prior convictions or findings of not
40 guilty by reason of mental disease or defect for the commission of an
41 offense requiring registration under chapter 969 of the general statutes,
42 and (E) the name of the registrant's supervising correctional, probation
43 or parole officer, and contact information for such officer; (3) whether
44 any of the persons assigned a high risk level by the board pursuant to
45 subsection (c) of this section meets the criteria for civil commitment
46 pursuant to section 17a-498 of the general statutes; (4) whether
47 additional restrictions should be placed on persons subject to
48 registration under chapter 969 of the general statutes such as curfews

49 and intensive monitoring on certain holidays; and (5) whether persons
50 convicted of a sexual offense who pose a high risk of reoffending
51 should be required to register under chapter 969 of the general statutes
52 regardless of when they were convicted or released into the
53 community.

54 Sec. 2. Subdivision (2) of section 54-250 of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective July*
56 *1, 2006*):

57 (2) "Criminal offense against a victim who is a minor" means (A) a
58 violation of subdivision (2) of section 53-21 of the general statutes in
59 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
60 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
61 subdivision (1), (4), [or] (8) or (10) or subparagraph (B) of subdivision
62 (9) of subsection (a) of section 53a-71, subdivision (2) of subsection (a)
63 of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86,
64 subdivision (2) of subsection (a) of section 53a-87, section 53a-90a,
65 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a
66 violation of subparagraph (A) of subdivision (9) of subsection (a) of
67 section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96
68 or 53a-186, provided the court makes a finding that, at the time of the
69 offense, the victim was under eighteen years of age, (C) a violation of
70 any of the offenses specified in subparagraph (A) or (B) of this
71 subdivision for which a person is criminally liable under section 53a-8,
72 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any
73 offense specified in subparagraph (A), (B) or (C) of this subdivision the
74 essential elements of which are substantially the same as said offense.

75 Sec. 3. Subdivision (5) of section 54-250 of the general statutes is
76 repealed and the following is substituted in lieu thereof (*Effective July*
77 *1, 2006*):

78 (5) "Nonviolent sexual offense" means (A) a violation of section 53a-
79 73a or subdivision (2) of subsection (a) of section 53a-189a, as amended
80 by this act, or (B) a violation of any of the offenses specified in
81 subparagraph (A) of this subdivision for which a person is criminally

82 liable under section 53a-8, 53a-48 or 53a-49.

83 Sec. 4. Subdivision (11) of section 54-250 of the general statutes is
84 repealed and the following is substituted in lieu thereof (*Effective July*
85 *1, 2006*):

86 (11) "Sexually violent offense" means (A) a violation of section
87 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
88 53a-70b, 53a-71, except subdivision (1), (4), [or] (8) or (10) or
89 subparagraph (B) of subdivision (9) of subsection (a) of said section or
90 subparagraph (A) of subdivision (9) of subsection (a) of said section if
91 the court makes a finding that, at the time of the offense, the victim
92 was under eighteen years of age, 53a-72a, except subdivision (2) of
93 subsection (a) of said section, or 53a-72b, or of section 53a-92 or
94 53a-92a, provided the court makes a finding that the offense was
95 committed with intent to sexually violate or abuse the victim, (B) a
96 violation of any of the offenses specified in subparagraph (A) of this
97 subdivision for which a person is criminally liable under section 53a-8,
98 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of
99 the offenses specified in subparagraph (A) or (B) of this subdivision
100 the essential elements of which are substantially the same as said
101 offense.

102 Sec. 5. Subsection (a) of section 54-251 of the 2006 supplement to the
103 general statutes is repealed and the following is substituted in lieu
104 thereof (*Effective July 1, 2006*):

105 (a) Any person who has been convicted or found not guilty by
106 reason of mental disease or defect of a criminal offense against a victim
107 who is a minor or a nonviolent sexual offense, and is released into the
108 community on or after October 1, 1998, shall, within three days
109 following such release or, if such person is in the custody of the
110 Commissioner of Correction, at such time prior to release as the
111 commissioner shall direct, and whether or not such person's place of
112 residence is in this state, register such person's name, identifying
113 factors, criminal history record and residence address with the
114 Commissioner of Public Safety, on such forms and in such locations as

115 the commissioner shall direct, and shall maintain such registration for
116 ten years except that any person who has one or more prior
117 convictions of any such offense or who is convicted of a violation of
118 subdivision (2) of subsection (a) of section 53a-70 shall maintain such
119 registration for life. Prior to accepting a plea of guilty or nolo
120 contendere from a person with respect to a criminal offense against a
121 victim who is a minor or a nonviolent sexual offense, the court shall (1)
122 inform the person that the entry of a finding of guilty after acceptance
123 of the plea will subject the person to the registration requirements of
124 this section, and (2) determine that the person fully understands the
125 consequences of the plea. If any person who is subject to registration
126 under this section changes such person's name, such person shall,
127 without undue delay, notify the Commissioner of Public Safety in
128 writing of the new name. If [such] any person who is subject to
129 registration under this section changes such person's address, such
130 person shall, [within five days, register the new address in writing
131 with the Commissioner of Public Safety,] without undue delay, notify
132 the Commissioner of Public Safety in writing of the new address and,
133 if the new address is in another state, such person shall also register
134 with an appropriate agency in that state, provided that state has a
135 registration requirement for such offenders. If any person who is
136 subject to registration under this section is employed at, carries on a
137 vocation at or is a student at a trade or professional institution or
138 institution of higher learning in this state, such person shall, without
139 undue delay, notify the Commissioner of Public Safety of such status
140 and of any change in such status. If any person who is subject to
141 registration under this section is employed in another state, carries on
142 a vocation in another state or is a student in another state, such person
143 shall, without undue delay, notify the Commissioner of Public Safety
144 and shall also register with an appropriate agency in that state
145 provided that state has a registration requirement for such offenders.
146 During such period of registration, each registrant shall complete and
147 return forms mailed to such registrant to verify such registrant's
148 residence address and shall submit to the retaking of a photographic
149 image upon request of the Commissioner of Public Safety. [If any

150 person who is subject to registration under this section is employed at,
151 carries on a vocation at or is a student at a trade or professional
152 institution or institution of higher learning in this state, such person
153 shall notify the Commissioner of Public Safety of such status and of
154 any change in such status.]

155 Sec. 6. Subsection (c) of section 54-251 of the 2006 supplement to the
156 general statutes is repealed and the following is substituted in lieu
157 thereof (*Effective July 1, 2006*):

158 (c) Notwithstanding the provisions of subsection (a) of this section,
159 the court may exempt any person who has been convicted or found
160 not guilty by reason of mental disease or defect of a violation of
161 subdivision (2) of subsection (a) of section 53a-73a or subdivision (2) of
162 subsection (a) of section 53a-189a, as amended by this act, from the
163 registration requirements of this section if the court finds that
164 registration is not required for public safety.

165 Sec. 7. Subsection (e) of section 54-251 of the 2006 supplement to the
166 general statutes is repealed and the following is substituted in lieu
167 thereof (*Effective July 1, 2006*):

168 (e) Any person who violates the provisions of subsection (a) of this
169 section shall be guilty of a class D felony, except that, if such person
170 violates the provisions of this section by failing to notify the
171 Commissioner of Public Safety without undue delay of a change of
172 name, address or status or another reportable event, such person shall
173 be subject to such penalty if such failure continues for five business
174 days.

175 Sec. 8. Section 54-252 of the general statutes is repealed and the
176 following is substituted in lieu thereof (*Effective July 1, 2006*):

177 (a) Any person who has been convicted or found not guilty by
178 reason of mental disease or defect of a sexually violent offense, and (1)
179 is released into the community on or after October 1, 1988, and prior to
180 October 1, 1998, and resides in this state, shall, on October 1, 1998, or

181 within three days of residing in this state, whichever is later, or (2) is
182 released into the community on or after October 1, 1998, shall, within
183 three days following such release or, if such person is in the custody of
184 the Commissioner of Correction, at such time prior to release as the
185 commissioner shall direct, register such person's name, identifying
186 factors, criminal history record, documentation of any treatment
187 received for mental abnormality or personality disorder, and residence
188 address with the Commissioner of Public Safety on such forms and in
189 such locations as said commissioner shall direct, and shall maintain
190 such registration for life. Prior to accepting a plea of guilty or nolo
191 contendere from a person with respect to a sexually violent offense, the
192 court shall (A) inform the person that the entry of a finding of guilty
193 after acceptance of the plea will subject the person to the registration
194 requirements of this section, and (B) determine that the person fully
195 understands the consequences of the plea. If any person who is subject
196 to registration under this section changes such person's name, such
197 person shall, without undue delay, notify the Commissioner of Public
198 Safety in writing of the new name. If [such] any person who is subject
199 to registration under this section changes such person's address, such
200 person shall, [within five days, register the new address in writing
201 with the Commissioner of Public Safety,] without undue delay, notify
202 the Commissioner of Public Safety in writing of the new address and,
203 if the new address is in another state, such person shall also register
204 with an appropriate agency in that state, provided that state has a
205 registration requirement for such offenders. If any person who is
206 subject to registration under this section is employed at, carries on a
207 vocation at or is a student at a trade or professional institution or
208 institution of higher learning in this state, such person shall, without
209 undue delay, notify the Commissioner of Public Safety of such status
210 and of any change in such status. If any person who is subject to
211 registration under this section is employed in another state, carries on
212 a vocation in another state or is a student in another state, such person
213 shall, without undue delay, notify the Commissioner of Public Safety
214 and shall also register with an appropriate agency in that state,
215 provided that state has a registration requirement for such offenders.

216 During such period of registration, each registrant shall complete and
217 return forms mailed to such registrant to verify such registrant's
218 residence address and shall submit to the retaking of a photographic
219 image upon request of the Commissioner of Public Safety. [If any
220 person who is subject to registration under this section is employed at,
221 carries on a vocation at or is a student at a trade or professional
222 institution or institution of higher learning in this state, such person
223 shall notify the Commissioner of Public Safety of such status and of
224 any change in such status.]

225 (b) Any person who has been subject to the registration
226 requirements of section 54-102r of the general statutes, revised to
227 January 1, 1997, as amended by section 1 of public act 97-183, shall, not
228 later than three working days after October 1, 1998, register under this
229 section and thereafter comply with the provisions of sections 54-102g
230 and 54-250 to 54-258a, inclusive, as amended by this act, except that
231 any person who was convicted or found not guilty by reason of mental
232 disease or defect of an offense that is classified as a criminal offense
233 against a victim who is a minor under subdivision (2) of section 54-250,
234 as amended by this act, and that is subject to a ten-year period of
235 registration under section 54-251, as amended by this act, shall
236 maintain such registration for ten years.

237 (c) Notwithstanding the provisions of subsections (a) and (b) of this
238 section, during the initial registration period following October 1, 1998,
239 the Commissioner of Public Safety may phase in completion of the
240 registration procedure for persons released into the community prior
241 to said date over the first three months following said date, and no
242 such person shall be prosecuted for failure to register under this
243 section during those three months provided such person complies
244 with the directives of said commissioner regarding registration
245 procedures.

246 (d) Any person who violates the provisions of this section shall be
247 guilty of a class D felony, except that, if such person violates the
248 provisions of this section by failing to notify the Commissioner of

249 Public Safety without undue delay of a change of name, address or
250 status or another reportable event, such person shall be subject to such
251 penalty if such failure continues for five business days.

252 Sec. 9. Section 54-253 of the general statutes is repealed and the
253 following is substituted in lieu thereof (*Effective July 1, 2006*):

254 (a) Any person who has been convicted or found not guilty by
255 reason of mental disease or defect in any other state, in a federal or
256 military court or in any foreign jurisdiction of any crime [,] (1) the
257 essential elements of which are substantially the same as any of the
258 crimes specified in subdivisions (2), (5) and (11) of section 54-250, as
259 amended by this act, or (2) which requires registration as a sexual
260 offender in such other state or in the federal or military system, and
261 who resides in this state on and after October 1, 1998, shall, [within ten
262 days of] without undue delay upon residing in this state, register with
263 the Commissioner of Public Safety in the same manner as if such
264 person had been convicted or found not guilty by reason of mental
265 disease or defect of such crime in this state, except that [for purposes of
266 determining the ten-year period of registration under section 54-251
267 such person shall be deemed to have initially registered on the date of
268 such person's release into the community] the commissioner shall
269 maintain such registration until such person is released from the
270 registration requirement in such other state, federal or military system
271 or foreign jurisdiction.

272 (b) If any person who is subject to registration under this section
273 changes such person's name, such person shall, without undue delay,
274 notify the Commissioner of Public Safety in writing of the new name.
275 If any person who is subject to registration under this section changes
276 such person's address, such person shall, without undue delay, notify
277 the Commissioner of Public Safety in writing of the new address and,
278 if the new address is in another state, such person shall also register
279 with an appropriate agency in that state, provided that state has a
280 registration requirement for such offenders. If any person who is
281 subject to registration under this section is employed at, carries on a

282 vocation at or is a student at a trade or professional institution or
283 institution of higher learning in this state, such person shall, without
284 undue delay, notify the Commissioner of Public Safety of such status
285 and of any change in such status. If any person who is subject to
286 registration under this section is employed in another state, carries on
287 a vocation in another state or is a student in another state, such person
288 shall, without undue delay, notify the Commissioner of Public Safety
289 and shall also register with an appropriate agency in that state,
290 provided that state has a registration requirement for such offenders.
291 During such period of registration, each registrant shall complete and
292 return forms mailed to such registrant to verify such registrant's
293 residence address and shall submit to the retaking of a photographic
294 image upon request of the Commissioner of Public Safety.

295 [(b)] (c) Any person not a resident of this state who is registered as a
296 sexual offender under the laws of any other state and who is employed
297 in this state, carries on a vocation in this state or is a student in this
298 state, shall, [within five days] without undue delay after the
299 commencement of such employment, vocation or education in this
300 state, register such person's name, identifying factors, criminal history
301 record, locations visited on a recurring basis or residence address, if
302 any, in this state, and residence address in such person's home state
303 with the Commissioner of Public Safety on such forms and in such
304 locations as said commissioner shall direct and shall maintain such
305 registration until such employment, vocation or education terminates
306 or until such person is released from registration as a sexual offender
307 in such other state. If such person terminates such person's
308 employment, vocation or education in this state or changes such
309 person's address in this state such person shall, [within five days,
310 provide notice in writing to the Commissioner of Public Safety]
311 without undue delay, notify the Commissioner of Public Safety in
312 writing of such termination or new address.

313 [(c) If any person who is subject to registration under this section is
314 employed at, carries on a vocation at or is a student at a trade or
315 professional institution or institution of higher learning in this state,

316 such person shall notify the Commissioner of Public Safety of such
317 status and of any change in such status.]

318 (d) Any person not a resident of this state who is registered as a
319 sexual offender under the laws of any other state and who travels in
320 this state on a recurring basis for periods of less than five days shall
321 notify the Commissioner of Public Safety of such person's temporary
322 residence in this state and of a telephone number at which such person
323 may be contacted.

324 (e) Any person who violates the provisions of this section shall be
325 guilty of a class D felony, except that, if such person violates the
326 provisions of this section by failing to register with the Commissioner
327 of Public Safety without undue delay or notify the Commissioner of
328 Public Safety without undue delay of a change of name, address or
329 status or another reportable event, such person shall be subject to such
330 penalty if such failure continues for five business days.

331 Sec. 10. Section 54-254 of the general statutes is repealed and the
332 following is substituted in lieu thereof (*Effective July 1, 2006*):

333 (a) Any person who has been convicted or found not guilty by
334 reason of mental disease or defect in this state on or after October 1,
335 1998, of any felony that the court finds was committed for a sexual
336 purpose, may be required by the court upon release into the
337 community or, if such person is in the custody of the Commissioner of
338 Correction, at such time prior to release as the commissioner shall
339 direct to register such person's name, identifying factors, criminal
340 history record and residence address with the Commissioner of Public
341 Safety, on such forms and in such locations as the commissioner shall
342 direct, and to maintain such registration for ten years. If the court finds
343 that a person has committed a felony for a sexual purpose and intends
344 to require such person to register under this section, prior to accepting
345 a plea of guilty or nolo contendere from such person with respect to
346 such felony, the court shall (1) inform the person that the entry of a
347 finding of guilty after acceptance of the plea will subject the person to
348 the registration requirements of this section, and (2) determine that the

349 person fully understands the consequences of the plea. If any person
350 who is subject to registration under this section changes such person's
351 name, such person shall, without undue delay, notify the
352 Commissioner of Public Safety in writing of the new name. If [such]
353 any person who is subject to registration under this section changes
354 such person's address, such person shall, [within five days, register the
355 new address in writing with the Commissioner of Public Safety,]
356 without undue delay, notify the Commissioner of Public Safety in
357 writing of the new address and, if the new address is in another state,
358 such person shall also register with an appropriate agency in that state,
359 provided that state has a registration requirement for such offenders. If
360 any person who is subject to registration under this section is
361 employed at, carries on a vocation at or is a student at a trade or
362 professional institution or institution of higher learning in this state,
363 such person shall, without undue delay, notify the Commissioner of
364 Public Safety of such status and of any change in such status. If any
365 person who is subject to registration under this section is employed in
366 another state, carries on a vocation in another state or is a student in
367 another state, such person shall, without undue delay, notify the
368 Commissioner of Public Safety and shall also register with an
369 appropriate agency in that state, provided that state has a registration
370 requirement for such offenders. During such period of registration,
371 each registrant shall complete and return forms mailed to such
372 registrant to verify such registrant's residence address and shall submit
373 to the retaking of a photographic image upon request of the
374 Commissioner of Public Safety.

375 (b) Any person who violates the provisions of this section shall be
376 guilty of a class D felony, except that, if such person violates the
377 provisions of this section by failing to notify the Commissioner of
378 Public Safety without undue delay of a change of name, address or
379 status or another reportable event, such person shall be subject to such
380 penalty if such failure continues for five business days.

381 Sec. 11. Section 54-257 of the general statutes is repealed and the
382 following is substituted in lieu thereof (*Effective July 1, 2006*):

383 (a) The Department of Public Safety shall, not later than January 1,
384 1999, establish and maintain a registry of all persons required to
385 register under sections 54-251, 54-252, 54-253 and 54-254, as amended
386 by this act. The department shall, in cooperation with the Office of the
387 Chief Court Administrator, the Department of Correction and the
388 Psychiatric Security Review Board, develop appropriate forms for use
389 by agencies and individuals to report registration information,
390 including changes of address. Upon receipt of registration information,
391 the department shall enter the information into the registry and notify
392 the local police department or state police troop having jurisdiction
393 where the registrant resides or plans to reside. If a registrant notifies
394 the Department of Public Safety that such registrant is employed at,
395 carries on a vocation at or is a student at a trade or professional
396 institution or institution of higher learning in this state, the department
397 shall notify the law enforcement agency with jurisdiction over such
398 institution. If a registrant reports a residence in another state, the
399 department shall notify the state police agency of that state or such
400 other agency in that state that maintains registry information, if
401 known. The department shall also transmit all registration information,
402 conviction data, photographic images and fingerprints to the Federal
403 Bureau of Investigation in such form as said bureau shall require for
404 inclusion in a national registry.

405 (b) The Department of Public Safety may suspend the registration of
406 any person registered under section 54-251, 54-252, 54-253 or 54-254, as
407 amended by this act, while such person is incarcerated, under civil
408 commitment or residing outside this state. During the period that such
409 registration is under suspension, the department is not required to
410 verify the address of the registrant pursuant to subsection (c) of this
411 section and may withdraw the registration information from public
412 access. Upon the release of the registrant from incarceration or civil
413 commitment or resumption of residency in this state by the registrant,
414 the department shall reinstate the registration, redistribute the
415 registration information in accordance with subsection (a) of this
416 section and resume verifying the address of the registrant in
417 accordance with subsection (c) of this section. Suspension of

418 registration shall not affect the date of expiration of the registration
419 obligation of the registrant under section 54-251, 54-252 or 54-253, as
420 amended by this act.

421 (c) Except as provided in subsection (b) of this section, the
422 Department of Public Safety shall verify the address of each registrant
423 by mailing a nonforwardable verification form to the registrant at the
424 registrant's last reported address. Such form shall require the registrant
425 to sign a statement that the registrant continues to reside at the
426 registrant's last reported address and return the form by mail by a date
427 which is ten days after the date such form was mailed to the registrant.
428 The form shall contain a statement that failure to return the form or
429 providing false information is a violation of section 54-251, 54-252, 54-
430 253 or 54-254, as amended by this act, as the case may be. Each person
431 required to register under section 54-251, 54-252, 54-253 or 54-254, as
432 amended by this act, shall have such person's address verified in such
433 manner every ninety days after such person's initial registration date.
434 In the event that a registrant fails to return the address verification
435 form, the Department of Public Safety shall notify the local police
436 department or the state police troop having jurisdiction over the
437 registrant's last reported address, and that agency shall apply for a
438 warrant to be issued for the registrant's arrest under section 54-251,
439 54-252, 54-253 or 54-254, as amended by this act, as the case may be.
440 The Department of Public Safety shall not verify the address of
441 registrants whose last reported address was outside this state.

442 (d) The Department of Public Safety shall include in the registry the
443 most recent photographic image of each registrant taken by the
444 department, the Department of Correction, a law enforcement agency
445 or the Court Support Services Division of the Judicial Department and
446 shall retake the photographic image of each registrant at least once
447 every five years.

448 (e) Whenever the Commissioner of Public Safety receives notice
449 from a superior court pursuant to section 52-11 or a probate court
450 pursuant to section 45a-99 that such court has ordered the change of

451 name of a person, and the department determines that such person is
452 listed in the registry, the department shall revise such person's
453 registration information accordingly.

454 (f) The Commissioner of Public Safety shall develop a protocol for
455 the notification of other state agencies, the Judicial Department and
456 local police departments whenever a person listed in the registry
457 changes such person's name and notifies the commissioner of the new
458 name pursuant to section 54-251, 54-252, 54-253 or 54-254, as amended
459 by this act, or whenever the commissioner determines pursuant to
460 subsection (e) of this section that a person listed in the registry has
461 changed such person's name.

462 Sec. 12. (NEW) (*Effective July 1, 2006*) Not later than January fifteenth
463 of each year, the Department of Correction, the Board of Pardons and
464 Paroles and the Court Support Services Division of the Judicial
465 Department shall each submit a report setting forth the number of
466 persons subject to registration under chapter 969 of the general statutes
467 who are being electronically monitored while being supervised in the
468 community by such agency, including monitoring by global
469 positioning system devices, and what, if any, additional resources are
470 needed by such agency to ensure that persons subject to registration
471 under chapter 969 of the general statutes are being supervised while in
472 the community.

473 Sec. 13. Section 53a-189a of the general statutes is repealed and the
474 following is substituted in lieu thereof (*Effective July 1, 2006*):

475 (a) A person is guilty of voyeurism when, (1) with malice, [or intent
476 to arouse or satisfy the sexual desire of such person or any other
477 person,] such person knowingly photographs, films, videotapes or
478 otherwise records the image of another person [(1)] (A) without the
479 knowledge and consent of such other person, [(2)] (B) while such other
480 person is not in plain view, and [(3)] (C) under circumstances where
481 such other person has a reasonable expectation of privacy, or (2) with
482 intent to arouse or satisfy the sexual desire of such person or any other
483 person, such person knowingly photographs, films, videotapes or

484 otherwise records the image of another person (A) without the
485 knowledge and consent of such other person, (B) while such other
486 person is not in plain view, and (C) under circumstances where such
487 other person has a reasonable expectation of privacy.

488 (b) Voyeurism is a class D felony.

489 Sec. 14. (NEW) (*Effective July 1, 2006*) (a) The State Police Bureau of
490 Identification may maintain the fingerprints of arrested persons
491 received pursuant to section 29-12 of the 2006 supplement to the
492 general statutes and of persons who have submitted fingerprints in
493 connection with a criminal history records check pursuant to section
494 29-17a of the 2006 supplement to the general statutes in an electronic
495 format in lieu of a paper format.

496 (b) Whenever the bureau converts fingerprints contained in its files
497 from a paper format to an electronic format, it may destroy the paper
498 copy of such fingerprints.

499 Sec. 15. (*Effective July 1, 2006*) The sum of two million two hundred
500 twenty-five thousand dollars is appropriated, from the General Fund,
501 to the Judicial Department, for the fiscal year ending June 30, 2007, for
502 purposes of expanding the specialized sexual offender probation
503 supervision units.

504 Sec. 16. (*Effective July 1, 2006*) The sum of four hundred forty
505 thousand dollars is appropriated, from the General Fund, to the
506 Department of Correction, for purposes of the Board of Pardons and
507 Paroles, for the fiscal year ending June 30, 2007, for purposes of
508 increasing the number of parole officers assigned to supervise sexual
509 offenders.

510 Sec. 17. (*Effective July 1, 2006*) (a) The sum of four hundred fifty
511 thousand dollars is appropriated, from the General Fund, to the
512 Department of Children and Families, for the fiscal year ending June
513 30, 2007, for purposes of expanding the services provided by
514 multidisciplinary teams pursuant to section 17a-106a of the general

515 statutes.

516 (b) The sum of four hundred thousand dollars is appropriated, from
 517 the General Fund, to the Department of Children and Families, for the
 518 fiscal year ending June 30, 2007, for purposes of expanding the services
 519 provided by children's advocacy centers.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	54-250(2)
Sec. 3	<i>July 1, 2006</i>	54-250(5)
Sec. 4	<i>July 1, 2006</i>	54-250(11)
Sec. 5	<i>July 1, 2006</i>	54-251(a)
Sec. 6	<i>July 1, 2006</i>	54-251(c)
Sec. 7	<i>July 1, 2006</i>	54-251(e)
Sec. 8	<i>July 1, 2006</i>	54-252
Sec. 9	<i>July 1, 2006</i>	54-253
Sec. 10	<i>July 1, 2006</i>	54-254
Sec. 11	<i>July 1, 2006</i>	54-257
Sec. 12	<i>July 1, 2006</i>	New section
Sec. 13	<i>July 1, 2006</i>	53a-189a
Sec. 14	<i>July 1, 2006</i>	New section
Sec. 15	<i>July 1, 2006</i>	New section
Sec. 16	<i>July 1, 2006</i>	New section
Sec. 17	<i>July 1, 2006</i>	New section

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Branch Agencies; Correction, Dept.; Children & Families, Dept.	GF - Cost	\$3.54 million	\$3.54 million
Public Safety, Dept.	GF - See Below	See Below	See Below
Correction, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Risk Assessment Board

The bill establishes a Risk Assessment Board and requires it to develop a risk assessment scale, and assign a level of high, medium, or low to each sex offender required to register. Additionally, the board must submit several recommendations to the Judiciary Committee on the registration and restrictions of sex offenders. This could require full time staff assistance from the Department of Public Safety of approximately \$77,500 (plus \$18,290 of fringe benefits in the first year, and \$45,183 in FY 08)¹.

It is anticipated that the Department of Correction (DOC) could also require additional resources of \$200,000 for a contract provider to

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate as a percentage of payroll is 23.6%, effective July 1, 2005. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2005-06 fringe benefit rate is 34.7%, which when combined with the non pension fringe benefit rate would total 58.3%.

develop and assign risk assessments. DOC currently has 2,150 inmates in custody who are required to register as sex offenders, and would require resources to hire a contract provider to review, assign, and document the new risk assessment.

Reporting and Registration Requirements

The bill makes various changes regarding reporting and registration requirements including: (1) requiring persons convicted of certain types of statutory rape to comply with sex offender registry laws for ten years rather than for life, as required under current law, (2) expanding the criminal activities that trigger the ten-year registration requirement to include: (A) voyeurism committed for the offender's or a third person's sexual gratification or arousal; and (B) attempt, conspiracy to commit and aiding and abetting the commitment of voyeurism or fourth degree sexual assault violations², (3) requiring individuals who have a registration requirement in another jurisdiction to also register in Connecticut, (4) adds name changes to the events triggering update reports to the Sex Offender Registry Unit, (5) requires individuals under custody of the DOC to register prior to release into the community, (6) requires that pre-1998 registrants register for 10 years rather than life.

It is anticipated that the Sex Offender Registry Unit, within the DPS, would be able to complete the reporting and registration requirements and updates with one additional Processing Technician (an average annual salary of approximately \$42,750, plus \$10,089 of fringe benefits in the first year and \$24,923 in FY 08).

Report Supervision

The bill requires the DOC, Board of Pardons and Paroles, and the Court Support Services Division of the Judicial Department to report annually on the number of sex offenders electronically monitored, and the additional resources required. This provision could result in a

² In FY 05 there were roughly 140 convictions under the statutes affected by this change.

workload increase for the participating agencies, but is not anticipated to result in a fiscal impact.

Fingerprints

The bill allows the DPS to convert paper copies of fingerprints of arrested persons to an electronic format. Once fingerprints have been converted to an electronic format the paper copies may be destroyed. The conversion of paper files to an electronic format could result in a savings to the DPS, as storage and filing of the fingerprints is no longer necessary.

Additionally, the bill allows the DPS to delete or destroy fingerprints and identification data. This provision will result in administrative savings for the DPS.

Appropriations

The bill appropriates \$3.54 million in FY 07, from the General Fund for the purposes of monitoring, supervising, and rehabilitating sex offenders. The Appropriations Budget (sHB 5007) contains funding in the amount of \$2.30 million for similar items. The table below illustrates the amount appropriated in the bill, and the additional funding included in the Appropriations Budget (sHB 5007).

Agency	Amount contained in sHB 5812 (\$)	Amount contained in sHB 5007 (\$)
Judicial Department (expanding specialized sexual offender probation supervision units)	2,250,000	2,099,803
Department of Correction (increasing number of Parole Officers assigned to sex offenders)	440,000	197,153
Department of Children and Families (expanding services provided by	850,000	0

multidisciplinary teams and children's advocacy centers)		
Total	3,540,000	2,296,956

Although the bill only appropriates funds in FY 07, it is anticipated that the costs would continue into the out years.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5812

AN ACT CONCERNING THE REGISTRATION AND SUPERVISION OF SEXUAL OFFENDERS.

SUMMARY:

This reduces, from life to 10 years, the mandatory registration period for violators of several statutory rape offenses. It requires additional offenders to register for 10 years by including them in the definition of "nonviolent offender." It corrects a disparity in registration terms for offenders released before and after October 1, 1998 (the date the current registration law took effect).

It establishes a Risk Assessment Board and requires it to develop a scale using various factors to determine a sex offender's likelihood of reoffending. It requires an annual report on registrants' supervision.

The bill appropriates over \$3.5 million from the General Fund for a variety of different purposes that relate to the supervision of sex offenders or handling of child sex assault victims.

It adds activities that trigger a registrant's obligation to update his registry information and requires the Department of Correction (DOC) commissioner to ensure that sex offenders in his custody are registered before he releases them. It changes the timeframe for out-of-state offenders to register and for reporting changes to reported information. It requires the Department of Public Safety (DPS) to establish a protocol for notifying state agencies and local police of such changes.

EFFECTIVE DATE: July 1, 2006

§§ 2 & 4 - UPDATED REPORTING REQUIREMENTS FOR RECENTLY ENACTED STATUTORY RAPE OFFENSES

The bill makes statutory rape offenses involving coaches, mentors, and custodians in positions of trust or power who engage in sexual intercourse with underage victims “criminal offenses against a victim who is a minor,” requiring perpetrators to comply with sex offender registry laws for 10 years. Currently, they are “violent sexual offenses,” which require lifetime registration. This change makes the registration period for these offenses consistent with that for other similar offenses (e.g., a statutory rape offense committed by a teacher).

§§ 3, 6, & 13 - “NONVIOLENT SEXUAL OFFENSE” CLASSIFICATION AND VOYEURISM

The bill expands the criminal activities that trigger the 10-year registration requirement. It does this by expanding the current definition of “nonviolent sexual offense” to include (1) voyeurism committed for the offender’s or a third person’s sexual gratification or arousal and (2) an attempt to commit, conspiring to commit, and aiding and abetting the commitment of voyeurism or fourth-degree sexual assault. Under current law, voyeurism does not trigger registration unless one of the reasons for the voyeuristic act was to engage in nonconsensual sexual contact or sexual intercourse with another person. And only the principal actor has to register for fourth-degree sexual assault violations.

The bill allows a court to exempt a voyeur from the registration requirement if it finds that registration is not necessary for public safety.

By law, a person is guilty of voyeurism if he knowingly photographs, films, videotapes, or otherwise records the image of another person with malice or for his or a third person’s sexual gratification or arousal and (1) without the subject’s knowledge or consent, (2) while the subject is not in plain view, and (3) under circumstances where the subject has a reasonable expectation of privacy. It is these voyeurs that the bill requires to register. Voyeurism is a class D felony, punishable by up to five years in prison, a \$5,000

fine, or both.

§ 8 - REGISTRATION OF OFFENDERS RELEASED BEFORE 10/1/98

Under PA 97-183, sexual offenders released into the community after incarceration or probation were required to register for 10 years. PA 98-111 required these same offenders to comply with its provisions and register for life; however offenders convicted of the same crimes now classified as “criminal offenses against a victim who is a minor” and released after the passage of PA 98-111 were required to register for only 10 years.

The bill corrects the disparity in registration terms by requiring the pre-1998 registrants to register for 10 years, rather than life.

§ 1 - RISK ASSESSMENT BOARD

Members

The bill establishes a 10-member board consisting of a forensic psychiatrist experienced in sex offender treatment appointed by the governor; a person trained in the identification, assessment, and treatment of sex offenders appointed by the governor; and the following state officials or their designees:

1. correction, mental health and addiction services, and public safety commissioners;
2. chief state’s attorney;
3. chief public defender;
4. chairperson of the Board of Pardons and Parole;
5. victim advocate; and
6. executive director of the Judicial Department’s Court Support Services Division.

Duties

The board must develop a risk assessment scale and use it to assign a risk level of high, medium, or low to each sex offender required to register based on his likelihood to reoffend.

The risk assessment scale must assign weights to various risk factors, including:

1. the seriousness of the offense;
2. the offender's prior criminal history and characteristics;
3. the availability of community supports;
4. whether the offender, or credible evidence in his record, indicates that he will reoffend if released into the community; and
5. whether the offender demonstrates a physical condition that minimizes his risk of reoffending.

By February 1, 2007, the board must submit recommendations to the Judiciary Committee regarding:

1. information about sex offenders that should be available to the public through the Internet, including (a) their names, residential addresses, physical descriptions, photographs; (b) the crime they committed; (c) a brief description of the facts and circumstances of each crime; (d) any history of prior sex offenses that would require registration; and (e) the names of their supervising correctional, probation, or parole officers and the officers' contact information;
2. the level assigned to offenders whose information should be available to the public through the Internet;
3. the need for additional restrictions on registrants, such as curfews and intensive monitoring on holidays; the need to require high-risk offenders to register regardless of when they were convicted or released into the community; and

4. any high-risk offenders who meet the criteria for civil commitment.

Existing law permits the involuntary commitment of people with psychiatric disabilities who are either dangerous to themselves or others or gravely disabled.

§ 12 - REGISTRANT SUPERVISION

The bill requires DOC, the Board of Pardons and Parole, and the Judicial Department's Court Support Services Division to submit an annual report, by January 15th, on the number of registered sex offenders they supervise who are electronically monitored and any additional resources they need to ensure that registrants are supervised.

§§ 15-17 - APPROPRIATIONS

The bill appropriates funds from the General Fund during FY 06-07 (1) \$2.25 million to the Judicial Department for the expansion of specialized sexual offender probation units, (2) \$440,000 to DOC for additional parole officers to supervise sexual offenders, and (3) \$450,000 to the Department of Children and Families for expanding services provided by multidisciplinary teams and \$400,000 for children's advocacy centers. Multidisciplinary teams are located in each judicial district. They review selected child abuse or neglect cases, reduce the trauma to child victims, and ensure the child's protection and treatment.

§§ 5 & 7-11 - REGISTRY INFORMATION UPDATES AND PENALTIES

The law, unchanged by the bill, requires residents to register in this state if they were convicted of crimes in another jurisdiction that if committed in Connecticut would require their registration. The bill also requires these offenders to register if they are subject to a registration requirement in the other jurisdiction. Current law subjects these foreign registrants to the registration periods applicable to offenders convicted under Connecticut law. The bill specifies that the

registration period is that of the jurisdiction that convicted the offender.

The bill adds name changes to the events triggering updated reports to the Sex Offender Registry Unit. Registered offenders must register their new names without undue delay after the change is finalized. It changes the time period for reporting changes in address and status and for registering as an out-of-state offender from five and 10 days, respectively, to without delay.

By law, people who violate sex offender registration laws are guilty of a class D felony. The bill specifies that a person who fails to register as an out-of-state offender or report a change in name, address, status, or other reportable event is subject to the penalty only if the failure continues for five business days.

§ 11 - PHOTOGRAPHS AND NOTIFICATION PROTOCOL

By law, DPS must retake pictures of registrants at least once every five years. The bill requires the department to include the most recent photograph of each registrant in the registry taken by DOC, DPS, a law enforcement agency, or the Judicial Department's Court Services Division.

The bill requires the DPS commissioner to develop a protocol for notifying other state agencies, the Judicial Department, and local police departments when a registrant registers a name change or the commissioner determines that a registrant has changed his name.

§ 14 - FINGERPRINTS

By law, anyone arrested for a crime of moral turpitude must submit to having his fingerprints taken by law enforcement agencies that must immediately send two copies of the prints to the State Police Bureau of Identification.

The bill permits the bureau to keep these prints and those of people who submit them as part of a criminal history records check in electronic, instead of a paper, format. It permits the bureau to destroy

paper prints after electronic conversion.

BACKGROUND

Non-Violent Sexual Offenses

Fourth degree sexual assault is the only crime designated a non-violent sexual offense. It generally involves sexual contact without the victim's permission or sexual contact with a victim who is (1) unable to give consent because of age or physical or mental circumstances, (2) helpless, or (3) vulnerable because the actor holds a special position of trust or power over them.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (03/27/2006)