



House of Representatives

General Assembly

File No. 656

January Session, 2007

Substitute House Bill No. 7408

House of Representatives, April 30, 2007

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 RISK ASSESSMENT BOARD, THE DISSEMINATION OF REGISTRATION INFORMATION OF SEXUAL OFFENDERS AND THE MANDATED REPORTING OF THE SEXUAL ABUSE OF CHILDREN.

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

1 Section 1. Section 54-259a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There is established a Risk Assessment Board consisting of the
4 Commissioner of Correction, the Commissioner of Mental Health and
5 Addiction Services, the Commissioner of Public Safety, the Chief
6 State's Attorney, the Chief Public Defender, the chairperson of the
7 Board of Pardons and Paroles, the executive director of the Court
8 Support Services Division of the Judicial Department and the
9 chairpersons and ranking members of the joint standing committees of
10 the General Assembly having cognizance of matters relating to the
11 judiciary and public safety, or their designees, a victim advocate with
12 experience working with sexual assault victims and sexual offenders

13 appointed by the Governor, a forensic psychiatrist with experience in
14 the treatment of sexual offenders appointed by the Governor and a
15 person trained in the identification, assessment and treatment of sexual
16 offenders appointed by the Governor.

17 (b) The board shall develop a risk assessment scale that assigns
18 weights to various risk factors including, but not limited to, the
19 seriousness of the offense, the offender's prior offense history, the
20 offender's characteristics, the availability of community supports,
21 whether the offender has indicated or credible evidence in the record
22 indicates that the offender will reoffend if released into the community
23 and whether the offender demonstrates a physical condition that
24 minimizes the risk of reoffending, and specifies the risk level to which
25 offenders with various risk assessment scores shall be assigned.

26 (c) The board shall use the risk assessment scale to assess the risk of
27 reoffending of each person subject to registration under this chapter,
28 including incarcerated offenders who are within one year of their
29 estimated release date, and assign each such person a risk level of high,
30 medium or low.

31 (d) Not later than [February 1, 2007] October 1, 2007, the board shall
32 submit a report to the joint standing committee of the General
33 Assembly on the judiciary in accordance with section 11-4a setting
34 forth its findings and recommendations concerning: (1) Whether
35 information about sexual offenders assigned a risk level of high,
36 medium or low should be made available to the public through the
37 Internet; (2) the types of information about sexual offenders that
38 should be made available to the public through the Internet which may
39 include, but not be limited to, (A) the name, residential address,
40 physical description and photograph of the registrant, (B) the offense
41 or offenses of which the registrant was convicted or found not guilty
42 by reason of mental disease or defect that required registration under
43 this chapter, (C) a brief description of the facts and circumstances of
44 such offense or offenses, (D) the criminal record of the registrant with
45 respect to any prior convictions or findings of not guilty by reason of

46 mental disease or defect for the commission of an offense requiring
47 registration under this chapter, and (E) the name of the registrant's
48 supervising correctional, probation or parole officer, and contact
49 information for such officer; (3) whether any of the persons assigned a
50 high risk level by the board pursuant to subsection (c) of this section
51 meets the criteria for civil commitment pursuant to section 17a-498; (4)
52 whether additional restrictions should be placed on persons subject to
53 registration under this chapter such as curfews and intensive
54 monitoring on certain holidays; [and] (5) whether persons convicted of
55 a sexual offense who pose a high risk of reoffending should be
56 required to register under this chapter regardless of when they were
57 convicted or released into the community; and (6) whether persons
58 determined to be guilty with adjudication withheld in any other state
59 or jurisdiction of any crime the essential elements of which are
60 substantially the same as any of the crimes specified in subdivisions
61 (2), (5) and (11) of section 54-250 should be required to register under
62 this chapter.

63 Sec. 2. Subsections (a) and (b) of section 54-255 of the general
64 statutes are repealed and the following is substituted in lieu thereof
65 (*Effective October 1, 2007*):

66 (a) Upon the conviction or finding of not guilty by reason of mental
67 disease or defect of any person for a violation of section 53a-70b, the
68 court may order the Department of Public Safety to restrict the
69 dissemination of the registration information to law enforcement
70 purposes only and to not make such information available for public
71 access, provided the court finds that dissemination of the registration
72 information is not required for public safety and that publication of the
73 registration information would be likely to reveal the identity of the
74 victim within the community where the victim resides. The victim may
75 at any time petition the court to remove the restriction on the
76 dissemination of such registration information and to make such
77 registration information available to the public. The court shall remove
78 the restriction on the dissemination of such registration information if,
79 at any time, the court finds that public safety requires that such

80 person's registration information be made available to the public or
81 that a change of circumstances makes publication of such registration
82 information no longer likely to reveal the identity of the victim within
83 the community where the victim resides. Prior to ordering or
84 removing the restriction on the dissemination of such person's
85 registration information, the court shall consider any information or
86 statements provided by the victim.

87 (b) Upon the conviction or finding of not guilty by reason of mental
88 disease or defect of any person of a criminal offense against a victim
89 who is a minor, a nonviolent sexual offense or a sexually violent
90 offense, where the victim of such offense was, at the time of the
91 offense, under eighteen years of age and related to such person within
92 any of the degrees of kindred specified in section 46b-21, the court may
93 order the Department of Public Safety to restrict the dissemination of
94 the registration information to law enforcement purposes only and to
95 not make such information available for public access, provided the
96 court finds that dissemination of the registration information is not
97 required for public safety and that publication of the registration
98 information would be likely to reveal the identity of the victim within
99 the community where the victim resides. The victim may at any time
100 petition the court to remove the restriction on the dissemination of
101 such registration information and to make such registration
102 information available to the public. The court shall remove the
103 restriction on the dissemination of such registration information if, at
104 any time, it finds that public safety requires that such person's
105 registration information be made available to the public or that a
106 change in circumstances makes publication of the registration
107 information no longer likely to reveal the identity of the victim within
108 the community where the victim resides.

109 Sec. 3. Subsection (b) of section 17a-101 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective*
111 *October 1, 2007*):

112 (b) The following persons shall be mandated reporters: Any

113 physician or surgeon licensed under the provisions of chapter 370, any
114 resident physician or intern in any hospital in this state, whether or not
115 so licensed, any registered nurse, licensed practical nurse, medical
116 examiner, dentist, dental hygienist, psychologist, coach of intramural
117 or interscholastic athletics, school teacher, school principal, school
118 guidance counselor, school paraprofessional, school coach, social
119 worker, police officer, juvenile or adult probation officer, juvenile or
120 adult parole officer, member of the clergy, pharmacist, physical
121 therapist, optometrist, chiropractor, podiatrist, mental health
122 professional or physician assistant, any person who is a licensed or
123 certified emergency medical services provider, any person who is a
124 licensed or certified alcohol and drug counselor, any person who is a
125 licensed marital and family therapist, any person who is a sexual
126 assault counselor or a battered women's counselor as defined in
127 section 52-146k, any person who is a licensed professional counselor,
128 any person paid to care for a child in any public or private facility,
129 child day care center, group day care home or family day care home
130 licensed by the state, any employee of the Department of Children and
131 Families, any employee of the Department of Public Health who is
132 responsible for the licensing of child day care centers, group day care
133 homes, family day care homes or youth camps, the Child Advocate
134 and any employee of the Office of Child Advocate and any person
135 who services or repairs personal computers.

136 Sec. 4. Subsection (b) of section 54-256 of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective July*
138 *1, 2007*):

139 (b) Whenever a person is convicted or found not guilty by reason of
140 mental disease or defect of an offense that will require such person to
141 register under section 54-251, 54-252 or 54-254, the [court] state's
142 attorney for the judicial district in which the offense was committed
143 shall provide to the Department of Public Safety a written summary of
144 the offense that includes the age and sex of any victim of the offense
145 and a specific description of the offense. Such summary shall be added
146 to the registry information made available to the public through the

147 Internet.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-259a
Sec. 2	<i>October 1, 2007</i>	54-255(a) and (b)
Sec. 3	<i>October 1, 2007</i>	17a-101(b)
Sec. 4	<i>July 1, 2007</i>	54-256(b)

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Public Safety, Dept.	GF - Cost	Significant	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires that any court restricting the disclosure of certain sexual offender registration information in order to protect the identity of victims, must provide the Department of Public Safety (DPS) a summary of the crime committed. This summary information must be placed on the Internet. This provision may result in a cost to DPS associated with upgrading the current database system, used to place sex offender information on the Internet. The current database would be unable to incorporate the information provided by the courts. It is estimated that the cost to upgrade the system would be significant¹.

The bill permits crime victims to petition the court to remove restrictions on the disclosure of certain sexual offender registration information. It is anticipated that this provision will not result in a cost.

The bill shifts, from the Judicial Department to the Division of Criminal Justice, the responsibility for providing DPS with a written summary of the offenses for which an individual must register as a sex offender. This involves a shift in workload and will not result in a cost.

Additionally, the bill adds people who service/repair personal

¹ The Office of Fiscal Analysis defines significant as exceeding \$100,000.

computers as mandated reporters of child abuse or neglect. There is no associated fiscal impact.

The Out Years

The fiscal impact identified above would be a one-time cost, and would not continue into the future.

OLR Bill Analysis**sHB 7408*****AN ACT CONCERNING THE RISK ASSESSMENT BOARD, THE DISSEMINATION OF REGISTRATION INFORMATION OF SEXUAL OFFENDERS AND THE MANDATED REPORTING OF THE SEXUAL ABUSE OF CHILDREN.*****SUMMARY:**

This bill extends, from February 1 to October 1, 2007, the deadline for the Risk Assessment Board to submit to the Judiciary Committee a report on the board's findings and recommendations on (1) the sex offenders who should appear on the Internet and the detailed information that should accompany each posting and (2) the need for addition restrictions on this population, including civil commitment.

It expands the information the board must include in the report by requiring recommendations on whether a person found guilty of an offense in another state that would require registration in this state must register in Connecticut if final judgment was never entered in the other state.

The bill adds people who service or repair personal computers to the list of mandated child abuse reporters. A mandated reporter must report to the Department of Children and Families (DCF) when, acting in his or her professional capacity, he or she has reasonable cause to suspect that a child under age 18 has been abused, neglected, or is at risk of abuse or neglect.

By law, the court may restrict the disclosure of certain sexual offender registration information to protect victims' identities. Beginning July 1, 2007, any court that exercises this discretion must provide the Department of Public Safety (DPS) with a summary of the crime the offender committed and DPS must place the summary on the

Internet. The bill permits crime victims to petition the court at any time to remove the restrictions. It also shifts the responsibility to provide the summary to DPS from the court to the prosecutor for the district where the offense was committed.

EFFECTIVE DATE: October 1, 2007, except that the provision on the Risk Assessment Board is effective upon passage and the provision on the DPS summary is effective July 1, 2007.

BACKGROUND

Risk Assessment Board

In addition to the report to the Judiciary Committee, the 18-member 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 board consists 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;
6. executive director of the Judicial Department's Court Support Services Division; and
7. chairpersons and ranking members of the Judiciary and Public Safety committees.

Restriction on Public Disclosure of Sex Offender Information

A court may restrict dissemination of sex offender information to law enforcement purposes only if the offender is convicted or found not guilty by reason of mental defect or disease of certain sexual assault crimes and the court finds dissemination (1) is not required for public safety and (2) would likely reveal the victim's identity within his or her community. The court's discretion applies in cases of sexual assault between close relatives and sexual assault in spousal or cohabitating relationships.

Beginning July 1, 2007, the law requires the court to give DPS a written summary that specifically describes each offense and the age and sex of the crime victim. The department must add the summary to the sex offender registry information available to the public on the Internet.

Mandated Reporters

The following people are mandated reporters:

1. licensed physicians and surgeons, medical residents, physician assistants, dentists, and dental hygienists;
2. registered nurses and licensed practical nurses;
3. medical examiners, pharmacists, physical therapists, optometrists, chiropractors, and podiatrists;
4. psychologists, social workers, and licensed marital and family therapists;
5. school teachers, principals, guidance counselors, and paraprofessionals;
6. police officers;
7. clergy;
8. mental health professionals and licensed substance abuse counselors;

- 9. sexual assault and battered women’s counselors;
- 10. child care providers in licensed facilities; and
- 11. DCF employees, the Child Advocate, and Office of Child Advocate employees, and Department of public health employees who license child care centers and camps.

Related Bill

sHB 5503, favorably reported by the Judiciary Committee, (1) requires the Risk Assessment Board to use its risk assessment scale to determine the sex offenders who should be prohibited from residing within 1,000 feet of an elementary or secondary school or child day care facility and (2) extends the deadline for the board’s report.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/12/2007)