



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Deborah Fuller
Judiciary Committee Public Hearing
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House Bill 7086, An Act Concerning Registration of Sexual Offenders

Good morning. My name is Deborah Fuller and I appear before you today on behalf of the Judicial Branch to address **House Bill 7086, *An Act Concerning Registration of Sexual Offenders***. We have some substantive and operational concerns with this proposal.

The substantive concern that we have with the proposal is with the new language in sections 12 through 22 of the proposal, which would require a mandatory minimum sentence of 25 years of incarceration for almost all sex offenses, ranging from Aggravated Sexual Assault I down to Risk of Injury to a Minor, if the victim is under age 13. The Judicial Branch has long been opposed to mandatory minimum sentences because they limit the ability of the judges to impose the most appropriate sentences in the cases over which they preside. The judge is in the best position to determine the appropriate sentence, within the statutory range set by the Legislature, as they have a great deal of information about each individual case. This includes information about the victim and a detailed presentence investigation report on the defendant, as well as the detailed facts of the crime committed.

Furthermore, mandatory minimum sentences have the effect of transferring the discretion that judges have in sentencing to the prosecutors, who determine the crime to be charged and pled to. In addition, mandatory minimum sentences result in more hearings and force more trials. Attorneys for defendants facing one of these charges will have little choice but to take the case to trial, which may negatively impact on the

victims who are forced to endure the delay and trauma of a trial and who may be compelled to testify as a witness. In addition, in the many cases in which the victim and the defendant are relatives, the prospect of a mandatory 25-year sentence is likely to discourage some victims from coming forward.

In addition to this concern with the policy embodied in the proposal, the Judicial Branch has some operational concerns. The first concerns section 9(b), which would require the court to provide to the Department of Public Safety, for inclusion in the Sex Offender Registry, a written summary of the offense that includes the age and sex of the victim and a specific description of the offense. Our issue with this language is that the court is simply not the appropriate entity to perform this function. This language was enacted last year, but does not go into effect until July 1, 2007 because we were able to persuade the Legislature to delay the effective date so that the language could be changed during this legislative session.

To this end, we have met with representatives from the Office of the Chief State's Attorney and the Department of Public Safety, and we are happy to report that the Chief State's Attorney has agreed that the state's attorneys should perform this function. We are working with them to draft an amendment to this subsection that will reflect this change, which we will submit for your consideration. We anticipate that a form will be developed that will include in plain language all the pertinent information, which will be completed by the state's attorneys at the time of conviction or sentencing for transmission to the Registry.

The other concerns that the Judicial Branch has with the proposal are largely fiscal. The additional registration requirements in this proposal will have an impact on the Judicial Branch, as a very large number of these offenders are under the supervision of the Court Support Services Division (CSSD). Probation officers are required to ensure offenders under their charge are properly registered. The additional information this bill is seeking from the offender will need to be checked for accuracy and completeness. Among other things, probation officers will need to verify all the offenders aliases with State Police, the offenders' license plate numbers and vehicles owned or operated and employment. Officers will need to verify compliance every time one of these factors changes.

Currently, we assist the State Police Sex Offender Registry with verifying addresses. If Probation Officers conduct a home visit and receive information that the offender does not reside at the address where the offender is registered, they inform the Registry and the State Police then seek an arrest for violation of the registration requirements. If it becomes a crime to aid an offender in failing to register, the probation officer could be an instrumental witness for the arresting agency. Having probation officers testify in court hearings will take up significant time that could otherwise have been spent in the field supervising probationers.

In addition, section 23(b) of the bill would mandate, rather than permit, the use of a Global Positioning System (GPS) tracking device for certain sex offenders convicted under a number of statutes (sexual assault I, aggravated sexual assault I, sexual assault II, enticing a minor, obscenity as to minors and promoting a minor in an obscene performance II) who are placed on probation or conditional discharge. We anticipate that this will have a significant fiscal impact on the Judicial Branch that cannot be absorbed within existing resources. GPS is time-consuming and expensive. We estimate that 50 offenders are sentenced under these statutes each month. Although the statute provides that the offender pay for the monitoring, if the defendant is indigent, which is not uncommon, the cost is borne by the Branch.

Thank you for the opportunity to testify.