



# Senate

General Assembly

**File No. 533**

February Session, 2008

Substitute Senate Bill No. 35

*Senate, April 9, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS.**

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

1 Section 1. Section 54-250 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 For the purposes of sections 54-102g of the 2008 supplement to the  
4 general statutes, as amended by this act, and 54-250 to 54-258a,  
5 inclusive, as amended by this act, and sections 2, 3, 4, 7 and 8 of this  
6 act:

7 (1) "Conviction" means a judgment entered by a court upon a plea of  
8 guilty, a plea of nolo contendere or a finding of guilty by a jury or the  
9 court notwithstanding any pending appeal or habeas corpus  
10 proceeding arising from such judgment.

11 [(2) "Criminal offense against a victim who is a minor" means (A) a  
12 violation of subdivision (2) of section 53-21 of the general statutes in

13 effect prior to October 1, 2000, subdivision (2) of subsection (a) of  
14 section 53-21, subdivision (2) of subsection (a) of section 53a-70,  
15 subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of  
16 subsection (a) of section 53a-71, subdivision (2) of subsection (a) of  
17 section 53a-72a, subdivision (2) of subsection (a) of section 53a-86,  
18 subdivision (2) of subsection (a) of section 53a-87, section 53a-90a, 53a-  
19 196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a violation  
20 of subparagraph (A) of subdivision (9) of subsection (a) of section 53a-  
21 71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186,  
22 provided the court makes a finding that, at the time of the offense, the  
23 victim was under eighteen years of age, (C) a violation of any of the  
24 offenses specified in subparagraph (A) or (B) of this subdivision for  
25 which a person is criminally liable under section 53a-8, 53a-48 or  
26 53a-49, or (D) a violation of any predecessor statute to any offense  
27 specified in subparagraph (A), (B) or (C) of this subdivision the  
28 essential elements of which are substantially the same as said offense.]

29 [(3)] (2) "Identifying factors" means fingerprints and palm prints,  
30 scars, marks or tattoos, a photographic image, and a description of any  
31 other identifying characteristics as may be required by the  
32 Commissioner of Public Safety. The commissioner shall also require a  
33 sample of the registrant's blood or other biological sample be taken for  
34 DNA (deoxyribonucleic acid) analysis, unless such sample has been  
35 previously obtained in accordance with section 54-102g of the 2008  
36 supplement to the general statutes, as amended by this act.

37 [(4) "Mental abnormality" means a congenital or acquired condition  
38 of a person that affects the emotional or volitional capacity of the  
39 person in a manner that predisposes that person to the commission of  
40 criminal sexual acts to a degree that makes the person a menace to the  
41 health and safety of other persons.

42 (5) "Nonviolent sexual offense" means (A) a violation of section 53a-  
43 73a or subdivision (2) of subsection (a) of section 53a-189a, or (B) a  
44 violation of any of the offenses specified in subparagraph (A) of this  
45 subdivision for which a person is criminally liable under section 53a-8,

46 53a-48 or 53a-49.]

47 [(6)] (3) "Not guilty by reason of mental disease or defect" means a  
48 finding by a court or jury of not guilty by reason of mental disease or  
49 defect pursuant to section 53a-13 notwithstanding any pending appeal  
50 or habeas corpus proceeding arising from such finding.

51 [(7)] "Personality disorder" means a condition as defined in the most  
52 recent edition of the Diagnostic and Statistical Manual of Mental  
53 Disorders, published by the American Psychiatric Association.]

54 [(8)] (4) "Registrant" means a person required to register under  
55 section [54-251, 54-252,] 54-253 or 54-254 of the 2008 supplement to the  
56 general statutes, as amended by this act, or section 2, 3 or 4 of this act.

57 [(9)] (5) "Registry" means a central record system in this state, any  
58 other state, [or] the federal government or a foreign country that  
59 receives, maintains and disseminates information on persons convicted  
60 or found not guilty by reason of mental disease or defect of [criminal  
61 offenses against victims who are minors, nonviolent sexual offenses,  
62 sexually violent offenses] tier one offenses, tier two offenses, tier three  
63 offenses and felonies found by the sentencing court to have been  
64 committed for a sexual purpose.

65 [(10)] (6) "Release into the community" means, with respect to a  
66 conviction or a finding of not guilty by reason of mental disease or  
67 defect of a [criminal offense against a victim who is a minor, a  
68 nonviolent sexual offense, a sexually violent offense] tier one offense, a  
69 tier two offense, a tier three offense or a felony found by the sentencing  
70 court to have been committed for a sexual purpose, (A) any release by  
71 a court after such conviction or finding of not guilty by reason of  
72 mental disease or defect, a sentence of probation or any other sentence  
73 under section 53a-28 that does not result in the offender's immediate  
74 placement in the custody of the Commissioner of Correction; (B)  
75 release from a correctional facility at the discretion of the Board of  
76 Pardons and Paroles, by the Department of Correction to a program  
77 authorized by section 18-100c or upon completion of the maximum

78 term or terms of the offender's sentence or sentences, or to the  
79 supervision of the Court Support Services Division in accordance with  
80 the terms of the offender's sentence; or (C) release from a hospital for  
81 mental illness or a facility for persons with mental retardation by the  
82 Psychiatric Security Review Board on conditional release pursuant to  
83 section 17a-588 of the 2008 supplement to the general statutes or upon  
84 termination of commitment to the Psychiatric Security Review Board.

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

100 [(12)] (7) "Sexual purpose" means that a purpose of the defendant in  
101 committing the felony was to engage in sexual contact or sexual  
102 intercourse with another person without that person's consent. A  
103 sexual purpose need not be the sole purpose of the commission of the  
104 felony. The sexual purpose may arise at any time in the course of the  
105 commission of the felony.

106 [(13)] (8) "Employed" or "carries on a vocation" means employment  
107 that is full-time or part-time for more than fourteen days, or for a total  
108 period of time of more than thirty days during any calendar year,  
109 whether financially compensated, volunteered or for the purpose of  
110 government or educational benefit.

111 [(14)] (9) "Student" means a person who is enrolled on a full-time or  
112 part-time basis, in any public or private educational institution,  
113 including any secondary school, trade or professional institution or  
114 institution of higher learning.

115 (10) "Tier one offense" means (A) a violation of section 16 or 19 of  
116 this act, section 53a-73a other than a violation of subparagraph (A) of  
117 subdivision (1) of subsection (a) or subdivision (2) of subsection (a) of  
118 section 53a-189a, or (B) a violation of any of the offenses specified in  
119 subparagraph (A) of this subdivision for which a person is criminally  
120 liable under section 53a-8, 53a-48 or 53a-49.

121 (11) "Tier two offense" means (A) a violation of subdivision (2) of  
122 section 53-21 of the general statutes in effect prior to October 1, 2000,  
123 subdivision (2) of subsection (a) of section 53-21 of the general statutes  
124 in effect prior to October 1, 2008, section 18 of this act, subdivision (2)  
125 of subsection (a) of section 53a-70, subdivision (1), (4), (8) or (10) or  
126 subparagraph (B) of subdivision (9) of subsection (a) of section 53a-71,  
127 subdivision (2) of subsection (a) of section 53a-72a, subparagraph (A)  
128 of subdivision (1) of subsection (a) of section 53a-73a, section 53a-90a,  
129 53a-196d, 53a-196e or 53a-196f, (B) a violation of subparagraph (A) of  
130 subdivision (9) of subsection (a) of section 53a-71 or section 53a-92,  
131 53a-92a, 53a-94, 53a-94a, 53a-95 or 53a-96, provided the court makes a  
132 finding that, at the time of the offense, the victim was under eighteen  
133 years of age, (C) a violation of any of the offenses specified in  
134 subparagraph (A) or (B) of this subdivision for which a person is  
135 criminally liable under section 53a-8, 53a-48 or 53a-49, or (D) a  
136 violation of any predecessor statute to any offense specified in  
137 subparagraph (A), (B) or (C) of this subdivision the essential elements  
138 of which are substantially the same as said offense.

139 (12) "Tier three offense" means (A) a violation of section 53a-70,  
140 except subdivision (2) of subsection (a) of said section, 53a-70a,  
141 53a-70b, 53a-71, except subdivision (1), (4), (8) or (10) or subparagraph  
142 (B) of subdivision (9) of subsection (a) of said section or subparagraph  
143 (A) of subdivision (9) of subsection (a) of said section if the court

144 makes a finding that, at the time of the offense, the victim was under  
145 eighteen years of age, 53a-72a, except subdivision (2) of subsection (a)  
146 of said section, section 53a-72b, subdivision (2) of subsection (a) of  
147 section 53a-86, subdivision (2) of subsection (a) of section 53a-87,  
148 section 53a-196a, 53a-196b or 53a-196c, or of section 53a-92 or 53a-92a,  
149 provided the court makes a finding that the offense was committed  
150 with intent to sexually violate or abuse the victim, (B) a violation of  
151 any of the offenses specified in subparagraph (A) of this subdivision  
152 for which a person is criminally liable under section 53a-8, 53a-48 or  
153 53a-49, or (C) a violation of any predecessor statute to any of the  
154 offenses specified in subparagraph (A) or (B) of this subdivision the  
155 essential elements of which are substantially the same as said offense.

156 (13) "Transient" means a person who has no residence.

157 (14) "Transient locations" means locations where a transient  
158 registrant habitually lives, eats, works, frequents, engages in leisure  
159 activities, stations himself or herself during the day or sleeps at night  
160 within a specific town or city.

161 (15) "Residence" means a place where a person is living or staying  
162 including a temporary residence or lodging, a person's home or a place  
163 where a person habitually lives such as a homeless, emergency or  
164 other shelter, or a structure that can be located by a street address  
165 including, but not limited to, a house, apartment building, motel, hotel,  
166 homeless shelter, recreational or other vehicle and vessel, not limited  
167 by the length of stay at that residence.

168 (16) "State" means a state of the United States, the District of  
169 Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,  
170 Guam or any territory or possession of the United States.

171 (17) "Foreign country" means a foreign country where sexual offense  
172 convictions are deemed to have been obtained with sufficient  
173 safeguards for fundamental fairness and due process including, but  
174 not limited to, Canada, Great Britain, Australia and New Zealand.

175       Sec. 2. (NEW) (*Effective October 1, 2008*) (a) Any person who has  
176 been convicted or found not guilty by reason of mental disease or  
177 defect of a tier one offense and is released into the community shall,  
178 not later than three days following such release or, if such person is in  
179 the custody of the Commissioner of Correction, at such time prior to  
180 release as the commissioner shall direct, register with the  
181 Commissioner of Public Safety in accordance with section 7 of this act  
182 and shall maintain such registration for fifteen years, except that any  
183 person who has one or more prior convictions of any such offense shall  
184 maintain such registration for life. Prior to accepting a plea of guilty or  
185 nolo contendere from a person with respect to a tier one offense, the  
186 court shall (1) inform the person that the entry of a finding of guilty  
187 after acceptance of the plea will subject the person to the registration  
188 requirements of this section, and (2) determine that the person fully  
189 understands the consequences of the plea.

190       (b) Any person who has been convicted or found not guilty by  
191 reason of mental disease or defect of a tier one offense and who is  
192 subject to the registration requirements of section 54-251 of the general  
193 statutes, revised to January 1, 2007, as amended by section 90 of public  
194 act 07-4 of the June special session, shall, not later than three business  
195 days after October 1, 2008, register under this section and comply with  
196 the provisions of section 7 of this act and section 54-102g of the 2008  
197 supplement to the general statutes, as amended by this act, except that  
198 any person who was convicted, or found not guilty by reason of  
199 mental disease or defect, of an offense that is classified as a criminal  
200 offense against a victim who is a minor, as defined in subdivision (2) of  
201 section 54-250 of the general statutes, revised to January 1, 2007, and  
202 that is subject to a ten-year period of registration under section 54-251  
203 of the general statutes, revised to January 1, 2007, shall maintain such  
204 registration for ten years if so ordered by the court or if such person  
205 has (1) not been convicted of any offense for which imprisonment for  
206 more than one year was imposed, (2) not been convicted of another  
207 sexual offense, (3) successfully completed any periods of probation  
208 and parole, and (4) successfully completed an appropriate sexual  
209 offender treatment program certified by the state.

210 (c) Notwithstanding the provisions of subsection (a) of this section,  
211 the court may exempt any person who has been convicted, or found  
212 not guilty by reason of mental disease or defect, of a violation of  
213 subdivision (2) of subsection (a) of section 53a-73a of the general  
214 statutes or subdivision (2) of subsection (a) of section 53a-189a of the  
215 general statutes, from the registration requirements of this section if  
216 the court finds that registration is not required for public safety.

217 (d) Any person who files an application with the court to be  
218 exempted from the registration requirements of this section pursuant  
219 to subsection (c) of this section shall, pursuant to subsection (b) of  
220 section 54-227 of the general statutes, as amended by this act, notify the  
221 Office of Victim Services and the Victim Services Unit within the  
222 Department of Correction of the filing of such application. The Office  
223 of Victim Services or the Victim Services Unit within the Department  
224 of Correction, or both, shall, pursuant to section 54-230 or 54-230a of  
225 the general statutes, as amended by this act, notify any victim who has  
226 requested notification of the filing of such application. Prior to  
227 granting or denying such application, the court shall consider any  
228 information or statement provided by the victim.

229 (e) Any person who violates the provisions of subsection (a) or (b) of  
230 this section shall be guilty of a class D felony.

231 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) Any person who has  
232 been convicted, or found not guilty by reason of mental disease or  
233 defect, of a tier two offense and is released into the community shall,  
234 not later than three days following such release or, if such person is in  
235 the custody of the Commissioner of Correction, at such time prior to  
236 release as the commissioner shall direct, register with the  
237 Commissioner of Public Safety in accordance with section 7 of this act  
238 and shall maintain such registration for twenty-five years, except that  
239 any person previously convicted of any such offense shall maintain  
240 such registration for life. Prior to accepting a plea of guilty or nolo  
241 contendere from a person with respect to a tier two offense, the court  
242 shall (1) inform the person that the entry of a finding of guilty after

243 acceptance of the plea will subject the person to the registration  
244 requirements of this section, and (2) determine that the person fully  
245 understands the consequences of the plea.

246 (b) Any person who has been convicted or found not guilty by  
247 reason of mental disease or defect of a tier two offense and who is  
248 subject to the registration requirements of section 54-251 of the general  
249 statutes, revised to January 1, 2007, as amended by section 90 of public  
250 act 07-4 of the June special session, shall, not later than three business  
251 days after October 1, 2008, register under this section and comply with  
252 the provisions of section 7 of this act and section 54-102g of the 2008  
253 supplement to the general statutes, as amended by this act, except that  
254 any person who was convicted, or found not guilty by reason of  
255 mental disease or defect, of an offense that is classified as a criminal  
256 offense against a victim who is a minor as defined in subdivision (2) of  
257 section 54-250 of the general statutes, revised to January 1, 2007, and  
258 that is subject to a ten-year period of registration under section 54-251  
259 of the general statutes, revised to January 1, 2007, shall maintain such  
260 registration for ten years if so ordered by the court or if such person  
261 has (1) not been convicted of any offense for which imprisonment for  
262 more than one year was imposed, (2) not been convicted of another  
263 sexual offense, (3) successfully completed any periods of probation  
264 and parole, and (4) successfully completed an appropriate sex offender  
265 treatment program certified by the state.

266 (c) Notwithstanding the provisions of subsection (a) of this section,  
267 the court may exempt any person who has been convicted or found  
268 not guilty by reason of mental disease or defect of a violation of  
269 subdivision (1) of subsection (a) of section 53a-71 of the general  
270 statutes from the registration requirements of this section if the court  
271 finds that such person was under nineteen years of age at the time of  
272 the offense and that registration is not required for public safety.

273 (d) Any person who files an application with the court to be  
274 exempted from the registration requirements of this section pursuant  
275 to subsection (c) of this section shall, pursuant to subsection (b) of

276 section 54-227 of the general statutes, as amended by this act, notify the  
277 Office of Victim Services and the Victim Services Unit within the  
278 Department of Correction of the filing of such application. The Office  
279 of Victim Services or the Victim Services Unit within the Department  
280 of Correction, or both, shall, pursuant to section 54-230 or 54-230a of  
281 the general statutes, as amended by this act, notify any victim who has  
282 requested notification of the filing of such application. Prior to  
283 granting or denying such application, the court shall consider any  
284 information or statement provided by the victim.

285 (e) Any person who violates the provisions of subsection (a) or (b) of  
286 this section shall be guilty of a class D felony.

287 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) Any person who has  
288 been convicted, or found not guilty by reason of mental disease or  
289 defect, of a tier three offense and is released into the community shall,  
290 within three days following such release or, if such person is in the  
291 custody of the Commissioner of Correction, at such time prior to  
292 release as the commissioner shall direct, register with the  
293 Commissioner of Public Safety in accordance with section 7 of this act  
294 and shall maintain such registration for life. Prior to accepting a plea of  
295 guilty or nolo contendere from a person with respect to a tier three  
296 offense, the court shall (1) inform the person that the entry of a finding  
297 of guilty after acceptance of the plea will subject the person to the  
298 registration requirements of this section, and (2) determine that the  
299 person fully understands the consequences of the plea.

300 (b) Any person who has been subject to the registration  
301 requirements of section 54-102r of the general statutes, revised to  
302 January 1, 1997, as amended by section 1 of public act 97-183, shall, not  
303 later than three business days after October 1, 2008, register under this  
304 section and comply with the provisions of section 7 of this act and  
305 section 54-102g of the 2008 supplement to the general statutes, as  
306 amended by this act, except that any person who was convicted, or  
307 found not guilty by reason of mental disease or defect, of an offense  
308 that is classified as a criminal offense against a victim who is a minor

309 under subdivision (2) of section 54-250 of the general statutes, revised  
310 to January 1, 2007, and is subject to a ten-year period of registration  
311 under section 54-251 of the general statutes, revised to January 1, 2007,  
312 shall maintain such registration for ten years.

313 (c) Any person who violates the provisions of this section shall be  
314 guilty of a class D felony.

315 Sec. 5. Section 54-253 of the 2008 supplement to the general statutes  
316 is repealed and the following is substituted in lieu thereof (*Effective*  
317 *October 1, 2008*):

318 (a) Any person who has been convicted or found not guilty by  
319 reason of mental disease or defect or adjudicated a delinquent child,  
320 who is subject to the provisions of the Adam Walsh Child Protection  
321 and Safety Act of 2006, P.L. 109-248, in any other state, in a federal, [or]  
322 military or Indian tribal court or in any foreign [jurisdiction] country of  
323 any crime (1) the essential elements of which are substantially the same  
324 as any of the crimes specified in subdivisions [(2), (5) and (11)] (10),  
325 (11) and (12) of section 54-250, as amended by this act, or (2) which  
326 requires registration as a sexual offender in such other state or in the  
327 federal, [or] military or Indian tribal system, and who resides in this  
328 state on and after October 1, [1998] 2008, shall [, without undue delay  
329 upon] provide to the Commissioner of Public Safety, in writing, not  
330 less than forty-eight hours prior to entering the state, such person's  
331 name, date of birth and residence address, the state where such person  
332 is required to register as a sexual offender and the locations where  
333 such person is employed or is enrolled as a student, and shall, within  
334 three business days of residing in this state, register with the  
335 Commissioner of Public Safety in the same manner as if such person  
336 had been convicted or found not guilty by reason of mental disease or  
337 defect of such crime in this state in accordance with section 7 of this  
338 act, except that the commissioner shall maintain such registration until  
339 such person is released from the registration requirement in such other  
340 state, federal or military system or foreign [jurisdiction] country.

341 [(b) If any person who is subject to registration under this section

342 changes such person's name, such person shall, without undue delay,  
343 notify the Commissioner of Public Safety in writing of the new name.  
344 If any person who is subject to registration under this section changes  
345 such person's address, such person shall, without undue delay, notify  
346 the Commissioner of Public Safety in writing of the new address and,  
347 if the new address is in another state, such person shall also register  
348 with an appropriate agency in that state, provided that state has a  
349 registration requirement for such offenders. If any person who is  
350 subject to registration under this section establishes or changes an  
351 electronic mail address, instant message address or other similar  
352 Internet communication identifier, such person shall, without undue  
353 delay, notify the Commissioner of Public Safety in writing of such  
354 identifier. If any person who is subject to registration under this  
355 section is employed at, carries on a vocation at or is a student at a trade  
356 or professional institution or institution of higher learning in this state,  
357 such person shall, without undue delay, notify the Commissioner of  
358 Public Safety of such status and of any change in such status. If any  
359 person who is subject to registration under this section is employed in  
360 another state, carries on a vocation in another state or is a student in  
361 another state, such person shall, without undue delay, notify the  
362 Commissioner of Public Safety and shall also register with an  
363 appropriate agency in that state, provided that state has a registration  
364 requirement for such offenders. During such period of registration,  
365 each registrant shall complete and return forms mailed to such  
366 registrant to verify such registrant's residence address and shall submit  
367 to the retaking of a photographic image upon request of the  
368 Commissioner of Public Safety.]

369 [(c)] (b) Any person not a resident of this state who is registered as a  
370 sexual offender under the laws of any other state, the United States or  
371 a foreign country and who is employed in this state, carries on a  
372 vocation in this state or is a student in this state, shall, [without undue  
373 delay] provide to the Commissioner of Public Safety, in writing, not  
374 less than forty-eight hours prior to entering the state, such person's  
375 name, date of birth and residence address, the state where such person  
376 is required to register as a sexual offender and the locations where

377 such person is employed, carries on a vocation or is enrolled as a  
378 student, and shall, not later than three business days after the  
379 commencement of such employment, vocation or education in this  
380 state, register [such person's name, identifying factors and criminal  
381 history record, locations visited on a recurring basis, and such person's  
382 residence address, if any, in this state, residence address in such  
383 person's home state and electronic mail address, instant message  
384 address or other similar Internet communication identifier, if any,]  
385 with the Commissioner of Public Safety [on such forms and in such  
386 locations as said commissioner shall direct and shall] and maintain  
387 such registration in accordance with section 7 of this act until such  
388 employment, vocation or education terminates or until such person is  
389 released from registration as a sexual offender in such other state or  
390 foreign country or under the laws of the United States. If such person  
391 terminates such person's employment, vocation or education in this  
392 state, changes such person's address in this state or establishes or  
393 changes an electronic mail address, instant message address or other  
394 similar Internet communication identifier such person shall, [without  
395 undue delay] within three business days, notify the Commissioner of  
396 Public Safety in writing of such termination, new address or identifier.

397 [(d)] (c) Any person not a resident of this state who is registered as a  
398 sexual offender under the laws of any other state and who [travels in  
399 this state on a recurring basis for periods of less than five days shall  
400 notify the Commissioner of Public Safety of such person's temporary  
401 residence in this state and of a telephone number at which such person  
402 may be contacted] will be entering and remaining in this state for a  
403 period of less than five days shall notify the Commissioner of Public  
404 Safety in writing not less than forty-eight hours prior to entering the  
405 state of such person's name, date of birth and temporary residence  
406 address in this state, the state or foreign country where such person is  
407 required to register as a sexual offender, the nature of such person's  
408 stay in this state, the locations where such person will be while in this  
409 state, a telephone number at which such person may be contacted and  
410 the dates such person will be in this state and the date such person will  
411 be leaving. Any person not a resident of this state who enters this state

412 under the provisions of this subsection and who remains in this state  
413 for five or more days shall register with the Commissioner of Public  
414 Safety in the same manner as provided in subsection (a) of this section  
415 and shall do so within three business days after the fifth day such  
416 person has remained in this state after entry.

417 (d) Any person who is a registered sexual offender under the laws  
418 of any other state who enters this state and fails to notify the  
419 Commissioner of Public Safety in writing not less than forty-eight  
420 hours prior to entering the state of the information required under this  
421 section or falsely reports such information shall be guilty of a class D  
422 felony.

423 (e) Any person who violates the provisions of this section shall be  
424 guilty of a class D felony. [, except that, if such person violates the  
425 provisions of this section by failing to register with the Commissioner  
426 of Public Safety without undue delay or notify the Commissioner of  
427 Public Safety without undue delay of a change of name, address or  
428 status or another reportable event, such person shall be subject to such  
429 penalty if such failure continues for five business days.]

430 Sec. 6. Section 54-254 of the 2008 supplement to the general statutes  
431 is repealed and the following is substituted in lieu thereof (*Effective*  
432 *October 1, 2008*):

433 (a) Any person who has been convicted or found not guilty by  
434 reason of mental disease or defect in this state on or after October 1,  
435 1998, of any felony that the court finds was committed for a sexual  
436 purpose, may be required by the court [upon] not later than three days  
437 after release into the community or, if such person is in the custody of  
438 the Commissioner of Correction, at such time prior to release as the  
439 commissioner shall direct to register [such person's name, identifying  
440 factors, criminal history record, residence address and electronic mail  
441 address, instant message address or other similar Internet  
442 communication identifier, if any,] with the Commissioner of Public  
443 Safety [, on such forms and in such locations as the commissioner shall  
444 direct, and to] in accordance with section 7 of this act and maintain

445 such registration for ten years or life, as determined by the court. If the  
446 court finds that a person has committed a felony for a sexual purpose  
447 and intends to require such person to register under this section, prior  
448 to accepting a plea of guilty or nolo contendere from such person with  
449 respect to such felony, the court shall (1) inform the person that the  
450 entry of a finding of guilty after acceptance of the plea will subject the  
451 person to the registration requirements of this section, and (2)  
452 determine that the person fully understands the consequences of the  
453 plea. [If any person who is subject to registration under this section  
454 changes such person's name, such person shall, without undue delay,  
455 notify the Commissioner of Public Safety in writing of the new name.  
456 If any person who is subject to registration under this section changes  
457 such person's address, such person shall, without undue delay, notify  
458 the Commissioner of Public Safety in writing of the new address and,  
459 if the new address is in another state, such person shall also register  
460 with an appropriate agency in that state, provided that state has a  
461 registration requirement for such offenders. If any person who is  
462 subject to registration under this section establishes or changes an  
463 electronic mail address, instant message address or other similar  
464 Internet communication identifier, such person shall, without undue  
465 delay, notify the Commissioner of Public Safety in writing of such  
466 identifier. If any person who is subject to registration under this  
467 section is employed at, carries on a vocation at or is a student at a trade  
468 or professional institution or institution of higher learning in this state,  
469 such person shall, without undue delay, notify the Commissioner of  
470 Public Safety of such status and of any change in such status. If any  
471 person who is subject to registration under this section is employed in  
472 another state, carries on a vocation in another state or is a student in  
473 another state, such person shall, without undue delay, notify the  
474 Commissioner of Public Safety and shall also register with an  
475 appropriate agency in that state, provided that state has a registration  
476 requirement for such offenders. During such period of registration,  
477 each registrant shall complete and return forms mailed to such  
478 registrant to verify such registrant's residence address and shall submit  
479 to the retaking of a photographic image upon request of the

480 Commissioner of Public Safety.]

481 (b) Any person who violates the provisions of this section shall be  
482 guilty of a class D felony; [ except that, if such person violates the  
483 provisions of this section by failing to notify the Commissioner of  
484 Public Safety without undue delay of a change of name, address or  
485 status or another reportable event, such person shall be subject to such  
486 penalty if such failure continues for five business days.]

487 Sec. 7. (NEW) (*Effective October 1, 2008*) (a) Any person required to  
488 register under the provisions of section 2, 3 or 4 of this act or section  
489 54-253 or 54-254 of the 2008 supplement to the general statutes, as  
490 amended by this act, shall, as a requirement of such registration,  
491 provide the following information upon initial registration and shall  
492 maintain such information by reporting any changes, additions or  
493 omissions to such person's registry information by appearing in person  
494 at the Department of Public Safety or at a location designated by the  
495 department:

496 (1) Such person's name, including legal name changes, any name by  
497 which the person has been known, nicknames and pseudonyms  
498 including any designations or monikers used for self-identification in  
499 Internet communications or other postings. If any person who is  
500 subject to registration under this section changes such person's name,  
501 including legal name changes, nicknames and pseudonyms including  
502 any designations or monikers used for self-identification in Internet  
503 communications or other postings, such person shall, within three  
504 business days of such change, report in person to the Department of  
505 Public Safety or a location designated by the department and report  
506 such change of information in writing.

507 (2) The current residence address or residence addresses of such  
508 person or, if such person is in the custody of the Commissioner of the  
509 Department of Correction, the residence address or addresses where  
510 such person will reside upon such person's release into the  
511 community. If any person who is subject to registration under this  
512 section changes such person's address, such person shall, within three

513 business days of such change, report in person to the Department of  
514 Public Safety or a location designated by the department and report  
515 such change of address in writing and, if the new address is in another  
516 state or foreign country, such person shall also register with an  
517 appropriate agency in that state or foreign country. Any person  
518 required to register under the provisions of section 2, 3 or 4 of this act  
519 or section 54-253 or 54-254 of the 2008 supplement to the general  
520 statutes, as amended by this act, or who becomes a transient, shall  
521 report such transient status to the Department of Public Safety not later  
522 than three business days after becoming transient by reporting in  
523 person to the Department of Public Safety or a location designated by  
524 the department and reporting such transient status in writing. Such  
525 registrant shall sign a statement that, as a transient, such registrant is  
526 not residing at a residence. Any such residence shall constitute a  
527 change of address and shall be required to be reported under  
528 subsection (b) of this section. Such registrant shall report any transient  
529 locations, including the specific town or city in which such registrant is  
530 claiming to be a transient. Such locations shall be provided with  
531 sufficient detail to allow for law enforcement officials to be reasonably  
532 able to locate and verify the registrant's presence at such locations. If  
533 such transient locations are in another state or foreign country, such  
534 person shall also register with an appropriate agency in that other state  
535 or foreign country.

536 (3) The name of such person's employer and any address where  
537 employed or, if such person is in the custody of the Commissioner of  
538 Correction, the name and address of any employer by whom such  
539 person will be employed upon release from custody. If any person  
540 who is subject to registration changes employment, or the address  
541 where such person is employed changes, such person shall, not later  
542 than three business days after such change, report in person to the  
543 Department of Public Safety or a location designated by the  
544 department and report such change in writing and, if the new address  
545 is in another state or foreign country, such person shall register with  
546 an appropriate agency in that state or foreign country.

547 (4) The name and address of any youth camp, as defined in section  
548 19a-420 of the general statutes, provider of child day care services, as  
549 defined in section 19a-77 of the general statutes, public or private  
550 educational institution, including elementary, middle or high school,  
551 regional vocational-technical school, charter school, secondary school  
552 or trade or professional institution or institution of higher learning in  
553 this state where such registrant is employed, carries on a vocation, is a  
554 student or is enrolled. If any person who is subject to registration  
555 under this section is employed in another state or foreign country,  
556 carries on a vocation in another state or foreign country or is a student  
557 in another state or foreign country, such person shall notify the  
558 Commissioner of Public Safety and shall also register with an  
559 appropriate agency in that state or foreign country. If any person who  
560 is subject to registration changes employment, location of vocation or  
561 place of enrollment or if the address of any such place changes, such  
562 person shall, not later than three business days after such change,  
563 report in person to the Department of Public Safety or a location  
564 designated by the department and report such change in writing and,  
565 if the new employment, school or address is in another state or foreign  
566 country, such person shall register with an appropriate agency in that  
567 state or foreign country.

568 (b) Any person required to register under the provisions of section  
569 2, 3 or 4 of this act or section 54-253 or 54-254 of the 2008 supplement  
570 to the general statutes, as amended by this act, shall provide the  
571 following information to the Department of Public Safety upon initial  
572 registration and shall maintain such information by reporting any  
573 changes to such information to the Department of Public Safety in  
574 writing:

575 (1) Such person's date of birth and a copy of such person's birth  
576 certificate;

577 (2) Such person's Social Security number;

578 (3) Any alias names, dates of birth or Social Security numbers that  
579 such person is using or has used;

- 580 (4) Identifying factors;
- 581 (5) Such person's criminal history record including any convictions  
582 in other states or foreign countries;
- 583 (6) Telephone or cellular telephone number subscribed to or used by  
584 such person;
- 585 (7) A copy of such person's Connecticut motor vehicle operator's  
586 license or an identity card issued pursuant to section 1-1h of the  
587 general statutes;
- 588 (8) The date of such person's conviction, the name and address of  
589 the court where such person was convicted and the offense for which  
590 such person is required to register;
- 591 (9) The name, office location and telephone number of any  
592 probation or parole officer in this or any other state;
- 593 (10) Travel and immigration documents including, but not limited  
594 to, passports, alien registration cards and student or work visas;
- 595 (11) Any professional licenses that authorize such person to engage  
596 in an occupation or carry on a trade;
- 597 (12) Any electronic mail address, instant message address or other  
598 similar Internet communication identifier established or used by such  
599 person; and
- 600 (13) The license plate number and description of any vehicles  
601 owned, operated or used by such person.

602 (c) In the event that a registrant fails to notify the Department of  
603 Public Safety of a change of information required under this section or  
604 fails to maintain such information, the Department of Public Safety  
605 shall notify the local police department or the state police troop having  
606 foreign jurisdiction over the registrant's last reported address, and that  
607 agency shall apply for a warrant to be issued for the registrant's arrest  
608 under this section. The Department of Public Safety shall not be

609 required to update such information on any registrant whose last  
610 reported address was outside this state.

611 (d) Any person required to register under the provisions of section  
612 2, 3 or 4 of this act or section 54-253 or 54-254 of the 2008 supplement  
613 to the general statutes, as amended by this act, shall obtain a motor  
614 vehicle operator's license, renew such a license or obtain an identity  
615 card issued by the Department of Motor Vehicles prior to registration  
616 and shall maintain such license or card for the period such person is  
617 required to be registered. Such person shall report to the Department  
618 of Motor Vehicles that such person is required to comply with this  
619 section, shall provide all information required by said department and  
620 shall obtain a current photograph for use on such license or card and  
621 for use by the Department of Public Safety in maintaining a current  
622 record of registration. The Department of Motor Vehicles shall mark  
623 the front of any motor vehicle operator's license or identity card issued  
624 to such person by the department with a reference to the statute under  
625 which such person is required to register.

626 (e) Upon the request of any sworn member of an organized local,  
627 state or federal law enforcement agency, in the lawful performance of  
628 such sworn member's duties, to any person required to register under  
629 the provisions of section 2, 3 or 4 of this act or section 54-253 or 54-254  
630 of the 2008 supplement to the general statutes, as amended by this act,  
631 such person shall produce such person's motor vehicle operator's  
632 license or identity card issued by the Department of Motor Vehicles. If  
633 such registrant does not have such license or card in such registrant's  
634 possession, such registrant shall identify himself or herself as a  
635 registered sexual offender. Any such registrant who fails to comply  
636 with the provisions of this subsection shall be subject to arrest.

637 (f) Except as provided in subsection (b) of this section, the  
638 Department of Public Safety shall verify the address of each registrant  
639 by mailing a nonforwardable verification form by first class mail to the  
640 registrant at the registrant's last reported address. If mail is not  
641 delivered to a registrant's residential address due to postal restrictions,

642 the Commissioner of Public Safety may develop and implement  
643 procedures to verify the addresses of such registrants. Such  
644 verification form shall require the registrant to sign a statement that  
645 the registrant continues to reside at the registrant's last reported  
646 address and to return the form by mail by a date which is no more  
647 than ten days after the date such form was mailed to the registrant.  
648 The form shall contain a statement that failing to return the form or  
649 providing false information is a violation of this section. Each person  
650 required to register under the provisions of section 2, 3 or 4 of this act  
651 or section 54-253 or 54-254 of the 2008 supplement to the general  
652 statutes, as amended by this act, shall have such person's address  
653 verified in such manner every ninety days after such person's initial  
654 registration date. In the event that a registrant fails to return the  
655 address verification form, the Department of Public Safety shall notify  
656 the local police department or the state police troop having jurisdiction  
657 over the registrant's last reported address, and that agency shall apply  
658 for a warrant to be issued for the registrant's arrest under this section.  
659 The Department of Public Safety shall not verify the address of  
660 registrants whose last reported address was outside this state.

661 (g) Except as provided in subsection (b) of this section, the  
662 Department of Public Safety shall verify that each registrant is  
663 physically within this state by mailing a nonforwardable verification  
664 form by first class mail to the registrant at the registrant's last reported  
665 address which requires the registrant to appear in person with the  
666 verification form at a prescribed office of the Court Support Services  
667 Division within the judicial branch by a date which is ten days after the  
668 date such form was mailed to the registrant and submit to the taking of  
669 a photograph that reflects the registrant's current appearance and  
670 update and verify any information required under section 54-256 of  
671 the 2008 supplement to the general statutes, as amended by this act. If  
672 mail is not delivered to a registrant's residential address due to postal  
673 restrictions, the Commissioner of Public Safety may develop and  
674 implement procedures to deliver such form to such registrant. The  
675 form shall contain a statement that failure to report to the prescribed  
676 office of the Court Support Services Division with the verification form

677 is a violation of this section.

678 (h) Registrants shall appear in person with the verification form at  
679 the prescribed office pursuant to subsection (g) of this section in  
680 accordance with the following schedule:

681 (1) Any person required to register under section 2 of this act or  
682 section 54-253 of the 2008 supplement to the general statutes, as  
683 amended by this act, shall appear in person annually after such  
684 person's initial registration date;

685 (2) Any person required to register under section 3 of this act shall  
686 appear in person every six months after such person's initial  
687 registration date;

688 (3) Any person required to register under section 4 of this act shall  
689 appear in person every ninety days after such person's initial  
690 registration date;

691 (4) Any person required to register under section 54-254 of the 2008  
692 supplement to the general statutes, as amended by this act, shall  
693 appear in person as directed by the Department of Public Safety;

694 (5) Any person required to register under the provisions of section  
695 2, 3 or 4 of this act or section 54-253 or 54-254 of the 2008 supplement  
696 to the general statutes, as amended by this act, or who becomes a  
697 transient shall, after reporting such status under subdivision (2) of  
698 subsection (b) of this section, appear in person by a date which is not  
699 less than ten days or more than fifteen days after such registrant's last  
700 reporting date under this section and shall continue to appear in such  
701 manner until such registrant is no longer transient.

702 (i) If a registrant fails to physically report in person to the prescribed  
703 office of the Court Support Services Division as provided under  
704 subsections (g) and (h) of this section, the Court Support Services  
705 Division shall electronically notify the Department of Public Safety.  
706 The department shall notify the local police department or the state  
707 police troop having jurisdiction over the registrant's last reported

708 transient location, and that agency shall apply for a warrant to be  
709 issued for the registrant's arrest under this section. The Department of  
710 Public Safety shall not require a registrant to report if such registrant's  
711 last reported address was outside this state.

712 (j) Any person required to register under the provisions of section 2,  
713 3 or 4 of this act or section 54-253 or 54-254 of the 2008 supplement to  
714 the general statutes, as amended by this act, shall submit to the  
715 retaking of a photographic image upon request of, and at the time and  
716 place designated by, the Commissioner of Public Safety.

717 (k) Any person required to register under the provisions of section  
718 2, 3 or 4 of this act or section 54-253 or 54-254 of the 2008 supplement  
719 to the general statutes, as amended by this act, shall keep such person's  
720 registration current and in compliance with registry requirements. Any  
721 period of incarceration or noncompliance shall be excluded from such  
722 registrant's registry term and such registration requirement will  
723 continue until such registrant meets the required registration period.

724 (l) Any person who violates the registration requirements under this  
725 section shall be guilty of a class D felony, except that (1) any person  
726 required to register under section 2, 3 or 4 of this act or section 54-253  
727 or 54-254 of the 2008 supplement to the general statutes, as amended  
728 by this act, shall within three business days of a change of the  
729 information required under this section report in person to the  
730 Department of Public Safety or a location designated by the  
731 department and report such change of information in writing, and (2)  
732 any person required to register under the provisions of this section  
733 shall within three business days of a change of such information report  
734 such change to the Department of Public Safety in writing.

735 Sec. 8. (NEW) (*Effective October 1, 2008*) Any person who has reason  
736 to believe that a person required to register under the provisions of  
737 section 2, 3 or 4 of this act or section 54-253 or 54-254 of the 2008  
738 supplement to the general statutes, as amended by this act, is in  
739 violation of registration requirements and who, with intent to assist the  
740 registrant in eluding a law enforcement officer in the investigation or

741 enforcement of such violation, (1) withholds information from, or does  
742 not notify, the law enforcement officer about the registrant's  
743 noncompliance with the requirements of said sections and, if known,  
744 the whereabouts of the registrant, (2) harbors, or attempts to harbor, or  
745 assists another person in harboring or attempting to harbor, the  
746 registrant, (3) conceals or attempts to conceal, or assists another person  
747 in concealing or attempting to conceal, the registrant, (4) knowingly  
748 provides false information regarding the registrant, (5) obstructs or  
749 hinders the law enforcement officer in the performance of such  
750 officer's official duties relative to the investigation or enforcement of  
751 such violation, or (6) falsely represents the registrant by signing  
752 address verification forms or other official documentation relative to  
753 the registration of sexual offenders, shall be guilty of a class D felony.

754 Sec. 9. Section 54-255 of the general statutes is repealed and the  
755 following is substituted in lieu thereof (*Effective October 1, 2008*):

756 (a) Upon the conviction or finding of not guilty by reason of mental  
757 disease or defect of any person for a violation of section 53a-70b, the  
758 court may order the Department of Public Safety to restrict the  
759 dissemination of the registration information to law enforcement  
760 purposes only and to not make such information available for public  
761 access, provided the court finds that dissemination of the registration  
762 information is not required for public safety and that publication of the  
763 registration information would be likely to reveal the identity of the  
764 victim within the community where the victim resides. The court shall  
765 remove the restriction on the dissemination of such registration  
766 information if, at any time, the court finds that public safety requires  
767 that such person's registration information be made available to the  
768 public or that a change of circumstances makes publication of such  
769 registration information no longer likely to reveal the identity of the  
770 victim within the community where the victim resides. Prior to  
771 ordering or removing the restriction on the dissemination of such  
772 person's registration information, the court shall consider any  
773 information or statements provided by the victim.

774 (b) Upon the conviction or finding of not guilty by reason of mental  
775 disease or defect of any person of a [criminal offense against a victim  
776 who is a minor, a nonviolent sexual offense or a sexually violent  
777 offense] tier one offense, tier two offense or tier three offense, where  
778 the victim of such offense was, at the time of the offense, under  
779 eighteen years of age and related to such person within any of the  
780 degrees of kindred specified in section 46b-21, the court may order the  
781 Department of Public Safety to restrict the dissemination of the  
782 registration information to law enforcement purposes only and to not  
783 make such information available for public access, provided the court  
784 finds that dissemination of the registration information is not required  
785 for public safety and that publication of the registration information  
786 would be likely to reveal the identity of the victim within the  
787 community where the victim resides. The court shall remove the  
788 restriction on the dissemination of such registration information if, at  
789 any time, it finds that public safety requires that such person's  
790 registration information be made available to the public or that a  
791 change in circumstances makes publication of the registration  
792 information no longer likely to reveal the identity of the victim within  
793 the community where the victim resides.

794 (c) Any person who: (1) Has been convicted or found not guilty by  
795 reason of mental disease or defect of a violation of subdivision (1) of  
796 subsection (a) of section 53a-71 of the 2008 supplement to the general  
797 statutes between October 1, 1988, and June 30, 1999, and was under  
798 nineteen years of age at the time of the offense; (2) has been convicted  
799 or found not guilty by reason of mental disease or defect of a violation  
800 of subdivision (2) of subsection (a) of section 53a-73a of the 2008  
801 supplement to the general statutes between October 1, 1988, and June  
802 30, 1999; (3) has been convicted or found not guilty by reason of mental  
803 disease or defect of a criminal offense against a victim who is a minor,  
804 a nonviolent sexual offense or a sexually violent offense, between  
805 October 1, 1988, and June 30, 1999, where the victim of such offense  
806 was, at the time of the offense, under eighteen years of age and related  
807 to such person within any of the degrees of kindred specified in  
808 section 46b-21; (4) has been convicted or found not guilty by reason of

809 mental disease or defect of a violation of section 53a-70b between  
810 October 1, 1988, and June 30, 1999; or (5) has been convicted or found  
811 not guilty by reason of mental disease or defect of any crime between  
812 October 1, 1988, and September 30, 1998, which requires registration  
813 under sections 54-250 to 54-258a, inclusive, as amended by this act, and  
814 (A) served no jail or prison time as a result of such conviction or  
815 finding of not guilty by reason of mental disease or defect, (B) has not  
816 been subsequently convicted or found not guilty by reason of mental  
817 disease or defect of any crime which would require registration under  
818 sections 54-250 to 54-258a, inclusive, as amended by this act, and (C)  
819 has registered with the Department of Public Safety in accordance with  
820 sections 54-250 to 54-258a, inclusive, as amended by this act; may  
821 petition the court to order the Department of Public Safety to restrict  
822 the dissemination of the registration information to law enforcement  
823 purposes only and to not make such information available for public  
824 access. Any person who files such a petition shall, pursuant to  
825 subsection (b) of section 54-227, as amended by this act, notify the  
826 Office of Victim Services and the Victim Services Unit within the  
827 Department of Correction of the filing of such petition. The Office of  
828 Victim Services or the Victim Services Unit within the Department of  
829 Correction, or both, shall, pursuant to section 54-230 or 54-230a, as  
830 amended by this act, notify any victim who has requested notification  
831 pursuant to subsection (b) of section 54-228 as amended by this act, of  
832 the filing of such petition. Prior to granting or denying such petition,  
833 the court shall consider any information or statements provided by the  
834 victim. The court may order the Department of Public Safety to restrict  
835 the dissemination of the registration information to law enforcement  
836 purposes only and to not make such information available for public  
837 access, provided the court finds that dissemination of the registration  
838 information is not required for public safety.

839 (d) The court may order the Department of Public Safety to restrict  
840 the dissemination of the registration information for law enforcement  
841 purposes or to exempt from registration any person required to  
842 register under the provisions of section 2, 3 or 4 of this act or section  
843 54-253 or 54-254 of the 2008 supplement to the general statutes, as

844 amended by this act, who is protected under a state or federal witness  
845 protection or relocation program and to not make such information  
846 available for public access, provided the court finds that dissemination  
847 of the registration information or exemption from registration is not  
848 required for public safety and that publication of the registration  
849 information would be likely to jeopardize the safety of such protected  
850 individual. The court shall remove the restriction on the dissemination  
851 or exemption from registration of such registration information if, at  
852 any time, it finds that public safety requires that such person's  
853 registration information be made available to the public or that a  
854 change in circumstances makes publication of the registration  
855 information no longer likely to jeopardize the safety of such protected  
856 individual. The court shall direct the Department of Public Safety to  
857 execute and secure such order and refrain from any further  
858 dissemination of information in the matter unless so ordered by the  
859 court. Record of the order and activity of the court pertaining to the  
860 order shall be sealed from the public.

861       Sec. 10. Section 54-256 of the 2008 supplement to the general statutes  
862 is repealed and the following is substituted in lieu thereof (*Effective*  
863 *October 1, 2008*):

864       (a) [Any court, the] The Commissioner of Correction or the  
865 Psychiatric Security Review Board, prior to releasing into the  
866 community any person convicted or found not guilty by reason of  
867 mental disease or defect of a [criminal offense against a victim who is a  
868 minor, a nonviolent sexual offense, a sexually violent offense] tier one  
869 offense, tier two offense or tier three offense or a felony found by the  
870 sentencing court to have been committed for a sexual purpose [, except  
871 a person being released unconditionally at the conclusion of such  
872 person's sentence or commitment,] shall require as a condition of such  
873 release that such person complete the registration procedure  
874 established by the Commissioner of Public Safety under [sections 54-  
875 251, 54-252 and] section 2, 3 or 4 of this act or section 54-253 or 54-254  
876 of the 2008 supplement to the general statutes, as amended by this act.  
877 The [court, the] Commissioner of Correction or the Psychiatric Security

878 Review Board, as the case may be, shall provide the person with a  
879 written summary of the person's obligations under sections 54-102g of  
880 the 2008 supplement to the general statutes, as amended by this act,  
881 and 54-250 to 54-258a, inclusive, as amended by this act, and sections 2,  
882 3, 4 and 7 of this act, and transmit the completed registration package  
883 to the Commissioner of Public Safety who shall enter the information  
884 into the registry established under section 54-257, as amended by this  
885 act. [If a court transmits the completed registration package to the  
886 Commissioner of Public Safety with respect to a person released by the  
887 court, such package need not include identifying factors for such  
888 person. In the case of a person being released unconditionally who  
889 declines to complete the registration package through the court or the  
890 releasing agency, the court or agency shall: (1) Except with respect to  
891 information that is not available to the public pursuant to court order,  
892 rule of court or any provision of the general statutes, provide to the  
893 Commissioner of Public Safety the person's name, date of release into  
894 the community, anticipated residence address, if known, and criminal  
895 history record, any known treatment history of such person, any  
896 electronic mail address, instant message address or other similar  
897 Internet communication identifier for such person, if known, and any  
898 other relevant information; (2) inform the person that such person has  
899 an obligation to register within three days with the Commissioner of  
900 Public Safety for a period of ten years following the date of such  
901 person's release or for life, as the case may be, that if such person  
902 changes such person's address such person shall within five days  
903 register the new address in writing with the Commissioner of Public  
904 Safety and, if the new address is in another state or if such person is  
905 employed in another state, carries on a vocation in another state or is a  
906 student in another state, such person shall also register with an  
907 appropriate agency in that state, provided that state has a registration  
908 requirement for such offenders, and that if such person establishes or  
909 changes an electronic mail address, instant message address or other  
910 similar Internet communication identifier such person shall, within  
911 five days, register such identifier with the Commissioner of Public  
912 Safety; (3) provide the person with a written summary of the person's

913 obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as  
914 explained to the person under subdivision (2) of this subsection; and  
915 (4) make a specific notation on the record maintained by that agency  
916 with respect to such person that the registration requirements were  
917 explained to such person and that such person was provided with a  
918 written summary of such person's obligations under sections 54-102g  
919 and 54-250 to 54-258a, inclusive.] In the case of a person being released  
920 unconditionally who refuses to register with the Department of  
921 Correction, the Department of Correction shall notify the Department  
922 of Public Safety of such refusal and such person, upon release, shall be  
923 immediately placed under arrest for a violation of the provisions of  
924 section 2, 3 or 4 of this act or section 54-253 or 54-254 of the 2008  
925 supplement to the general statutes, as amended by this act.

926 (b) Any court prior to releasing into the community any person  
927 convicted or found not guilty by reason of mental disease or defect of a  
928 tier one offense, tier two offense or tier three offense or a felony found  
929 by the sentencing court to have been committed for a sexual purpose,  
930 shall order such person to report in person to the Commissioner of  
931 Public Safety within three days following such release. The court shall  
932 obtain such person's residence address and complete a form provided  
933 by the Department of Public Safety, which includes a written summary  
934 of the person's obligations under section 54-102g of the 2008  
935 supplement to the general statutes, as amended by this act, sections 54-  
936 250 to 54-258a, inclusive, as amended by this act, and sections 2, 3, 4  
937 and 7 of this act. The court shall provide a copy of such form to such  
938 person prior to their release. The court shall sign the form  
939 acknowledging that such person's registration requirement had been  
940 explained to such person and such person shall sign the form  
941 acknowledging that such person understood such person's registration  
942 requirements. If such person refuses to sign such form and provide  
943 such information, the court shall order immediate registration of such  
944 person and shall contact the Department of Public Safety to complete  
945 such registration. If such person refuses to complete such registration,  
946 such person shall be placed under arrest for violation of sections 54-  
947 250 to 54-258a, inclusive, as amended by this act, and sections 2, 3, 4

948 and 7 of this act.

949 [(b)] (c) Whenever a person is convicted or found not guilty by  
950 reason of mental disease or defect of an offense that will require such  
951 person to register under section [54-251, 54-252] 2, 3 or 4 of this act or  
952 section 54-253 or 54-254 of the 2008 supplement to the general statutes,  
953 as amended by this act, the court shall provide to the Department of  
954 Public Safety a written summary of the offense that includes the age  
955 and sex of any victim of the offense and a specific description of the  
956 offense. Such summary shall be added to the registry information  
957 made available to the public through the Internet.

958 (d) Any person fourteen years of age or older who has been  
959 convicted or found not guilty by reason of mental disease or defect of a  
960 violation of subdivision (1), (2) or (4) of subsection (a) of section 53a-70  
961 or of section 53a-70a, after the case of such person has been transferred  
962 to the regular criminal docket in accordance with section 46b-127, shall  
963 register under the provisions of section 54-253 of the 2008 supplement  
964 to the general statutes, as amended by this act, except that the court at  
965 its discretion may reduce the registration period to twenty-five years if  
966 such person has (1) not been convicted of any offense for which  
967 imprisonment for more than one year was imposed, (2) not been  
968 convicted of another sexual offense, (3) successfully completed any  
969 periods of probation and parole, and (4) successfully completed an  
970 appropriate sexual offender treatment program certified by the state.

971 Sec. 11. Section 54-257 of the general statutes is repealed and the  
972 following is substituted in lieu thereof (*Effective October 1, 2008*):

973 (a) The Department of Public Safety shall, not later than January 1,  
974 1999, establish and maintain a registry of all persons required to  
975 register under sections 2, 3 and 4 of this act and sections [54-251, 54-  
976 252,] 54-253 and 54-254 of the 2008 supplement to the general statutes,  
977 as amended by this act. The department shall, in cooperation with the  
978 Office of the Chief Court Administrator, the Department of Correction  
979 and the Psychiatric Security Review Board, develop appropriate forms  
980 for use by agencies and individuals to report registration information,

981 including changes of address. Upon receipt of registration information,  
982 the department shall enter the information into the registry and notify  
983 the local police department or state police troop having jurisdiction  
984 where the registrant resides or plans to reside, is employed or plans to  
985 be employed, carries on a vocation or is a student. If a registrant  
986 notifies the Department of Public Safety that such registrant is  
987 employed at, carries on a vocation at or is a student at a youth camp,  
988 as defined in section 19a-420, a provider of child day care services, as  
989 defined in section 19a-77, a public or private educational institution  
990 including an elementary, middle or high school, a regional vocational-  
991 technical school, a charter school or a trade or professional institution  
992 or institution of higher learning in this state, the department shall  
993 notify the law enforcement agency with jurisdiction over such  
994 institution. If a registrant reports a residence in another state, the  
995 department shall notify the state police agency of that state or such  
996 other agency in that state that maintains registry information, if  
997 known. The department shall also transmit all registration information,  
998 conviction data, photographic images and fingerprints to the Federal  
999 Bureau of Investigation in such form as said bureau shall require for  
1000 inclusion in a national registry. The local police department or state  
1001 police troop having jurisdiction where the registrant resides or plans to  
1002 reside, is employed or plans to be employed, carries on a vocation or is  
1003 a student shall develop polices and procedures to verify the accuracy  
1004 of the information provided by the registrant as well as uniform  
1005 procedures to investigate the registrant's continued compliance with  
1006 registration requirements and any violations of such requirements. The  
1007 Department of Public Safety shall develop and maintain software  
1008 applications to allow local jurisdictions to effectively and efficiently  
1009 track and manage local sexual offender registry programs.

1010 (b) The Department of Public Safety may suspend the registration of  
1011 any person registered under section 2, 3 or 4 of this act or section [54-  
1012 251, 54-252,] 54-253 or 54-254 of the 2008 supplement to the general  
1013 statutes, as amended by this act, while such person is incarcerated,  
1014 under civil commitment, medically incapacitated or residing outside  
1015 this state. During the period that such registration is under suspension,

1016 the department is not required to verify the address of the registrant  
1017 [pursuant to subsection (c) of this section] and may withdraw the  
1018 registration information from public access. Upon the release of the  
1019 registrant from incarceration or civil commitment, [or] the resumption  
1020 of residency in this state by the registrant or the registrant becoming  
1021 medically capable, the department shall reinstate the registration,  
1022 redistribute the registration information in accordance with subsection  
1023 (a) of this section and resume verifying the address of the registrant.  
1024 [in accordance with subsection (c) of this section.] Suspension of  
1025 registration shall not affect the date of expiration of the registration  
1026 obligation of the registrant under section 2, 3 or 4 of this act or section  
1027 [54-251, 54-252 or] 54-253 or 54-254 of the 2008 supplement to the  
1028 general statutes, as amended by this act.

1029 [(c) Except as provided in subsection (b) of this section, the  
1030 Department of Public Safety shall verify the address of each registrant  
1031 by mailing a nonforwardable verification form to the registrant at the  
1032 registrant's last reported address. Such form shall require the registrant  
1033 to sign a statement that the registrant continues to reside at the  
1034 registrant's last reported address and return the form by mail by a date  
1035 which is ten days after the date such form was mailed to the registrant.  
1036 The form shall contain a statement that failure to return the form or  
1037 providing false information is a violation of section 54-251, 54-252, 54-  
1038 253 or 54-254, as the case may be. Each person required to register  
1039 under section 54-251, 54-252, 54-253 or 54-254 shall have such person's  
1040 address verified in such manner every ninety days after such person's  
1041 initial registration date. In the event that a registrant fails to return the  
1042 address verification form, the Department of Public Safety shall notify  
1043 the local police department or the state police troop having jurisdiction  
1044 over the registrant's last reported address, and that agency shall apply  
1045 for a warrant to be issued for the registrant's arrest under section 54-  
1046 251, 54-252, 54-253 or 54-254, as the case may be. The Department of  
1047 Public Safety shall not verify the address of registrants whose last  
1048 reported address was outside this state.]

1049 [(d)] (c) The Department of Public Safety shall include in the registry

1050 the most recent photographic image of each registrant taken by the  
1051 department, the Department of Correction, a law enforcement agency  
1052 or the Court Support Services Division of the Judicial Department and  
1053 shall retake the photographic image of each registrant at least once  
1054 every [five years] year.

1055 [(e) Whenever the Commissioner of Public Safety receives notice  
1056 from a superior court pursuant to section 52-11 or a probate court  
1057 pursuant to section 45a-99 that such court has ordered the change of  
1058 name of a person, and the department determines that such person is  
1059 listed in the registry, the department shall revise such person's  
1060 registration information accordingly.]

1061 [(f)] (d) The Commissioner of Public Safety shall develop a protocol  
1062 for the notification of other state agencies, the Judicial Department and  
1063 local police departments whenever a person listed in the registry  
1064 changes such person's name and notifies the commissioner of the new  
1065 name pursuant to section 2, 3 or 4 of this act or section [54-251, 54-252,  
1066 54-253 or 54-254 of the 2008 supplement to the general statutes, as  
1067 amended by this act. [or whenever the commissioner determines  
1068 pursuant to subsection (e) of this section that a person listed in the  
1069 registry has changed such person's name.]

1070 Sec. 12. Subdivision (3) of subsection (a) of section 54-258 of the 2008  
1071 supplement to the general statutes is repealed and the following is  
1072 substituted in lieu thereof (*Effective October 1, 2008*):

1073 (3) Notwithstanding the provisions of subdivisions (1) and (2) of  
1074 this subsection, state agencies, the Judicial Department, state police  
1075 troops and local police departments shall not disclose the identity of  
1076 any victim of a crime committed by a registrant, [or] treatment  
1077 information, a registrant's Social Security number, a telephone number  
1078 or cellular mobile telephone number subscribed to or used by the  
1079 registrant, or any electronic mail address, instant message address or  
1080 other similar Internet communication identifier used, established or  
1081 changed by a registrant, that is provided to the registry pursuant to  
1082 sections 54-102g [and] of the 2008 supplement to the general statutes,

1083 as amended by this act, 54-250 to 54-258a, inclusive, as amended by  
1084 this act, and sections 2, 3, 4, 7 and 8 of this act, except to government  
1085 agencies for bona fide law enforcement or security purposes.

1086 Sec. 13. Subdivision (6) of subsection (a) of section 54-258 of the 2008  
1087 supplement to the general statutes is repealed and the following is  
1088 substituted in lieu thereof (*Effective October 1, 2008*):

1089 (6) When any registrant completes the registrant's term of  
1090 registration or is otherwise released from the obligation to register  
1091 under the provisions of section 2, 3 or 4 of this act or section [54-251,  
1092 54-252,] 54-253 or 54-254 of the 2008 supplement to the general  
1093 statutes, as amended by this act, the Department of Public Safety shall  
1094 notify any state police troop or local police department having  
1095 jurisdiction over the registrant's last reported residence address that  
1096 the person is no longer a registrant, and the Department of Public  
1097 Safety, state police troop and local police department shall remove the  
1098 registrant's name and information from the registry.

1099 Sec. 14. Subsection (a) of section 54-259a of the 2008 supplement to  
1100 the general statutes is repealed and the following is substituted in lieu  
1101 thereof (*Effective October 1, 2008*):

1102 (a) There is established a Risk Assessment Board consisting of the  
1103 Commissioner of Correction, the Commissioner of Mental Health and  
1104 Addiction Services, the Commissioner of Public Safety, the Chief  
1105 State's Attorney, the Chief Public Defender, the chairperson of the  
1106 Board of Pardons and Paroles, the executive director of the Court  
1107 Support Services Division of the Judicial Department, the Attorney  
1108 General and the chairpersons and ranking members of the joint  
1109 standing committees of the General Assembly having cognizance of  
1110 matters relating to the judiciary and public safety, or their designees, a  
1111 victim advocate with experience working with sexual assault victims  
1112 and sexual offenders appointed by the Governor, a forensic  
1113 psychiatrist with experience in the treatment of sexual offenders  
1114 appointed by the Governor and a person trained in the identification,  
1115 assessment and treatment of sexual offenders appointed by the

1116 Governor. The Commissioner of Public Safety, or a designee, shall  
1117 serve as chairperson of the board.

1118 Sec. 15. (*Effective July 1, 2008*) (a) There is established a Sex Offender  
1119 Registry Policy Advisory Committee which shall consist of the  
1120 Commissioner of Correction, the Commissioner of Mental Health and  
1121 Addiction Services, the Commissioner of Public Safety, the Chief  
1122 State's Attorney, the Chief Public Defender, the chairperson of the  
1123 Board of Pardons and Paroles, the executive director of the Court  
1124 Support Services Division within the judicial branch, the chairpersons  
1125 and ranking members of the joint standing committees of the General  
1126 Assembly having cognizance of matters relating to the judiciary and  
1127 public safety, or their designees, and three members appointed by the  
1128 Governor, one of whom shall be a victim advocate with experience  
1129 working with sexual assault victims and sexual offenders, one of  
1130 whom shall be a forensic psychiatrist with experience in the treatment  
1131 of sexual offenders and one of whom shall be a person trained in the  
1132 identification, assessment and treatment of sexual offenders. The  
1133 Commissioner of Public Safety, or a designee, shall serve as  
1134 chairperson of the board.

1135 (b) Not later than February 1, 2009, the committee shall submit a  
1136 report to the joint standing committee of the General Assembly having  
1137 cognizance of matters relating to the judiciary, in accordance with the  
1138 provisions of section 11-4a of the general statutes, setting forth its  
1139 findings and recommendations concerning the implementation of the  
1140 provisions of this act and its recommendations to improve the method  
1141 and content of registry information that is provided to the public.

1142 Sec. 16. (NEW) (*Effective October 1, 2008*) (a) A person is guilty of  
1143 aggravated public indecency when such person commits public  
1144 indecency, as provided in section 53a-186 of the general statutes, and a  
1145 victim of the offense is under eighteen years of age at the time of  
1146 offense.

1147 (b) Aggravated public indecency is a class A misdemeanor.

1148 Sec. 17. Section 53-21 of the 2008 supplement to the general statutes  
1149 is repealed and the following is substituted in lieu thereof (*Effective*  
1150 *October 1, 2008*):

1151 (a) Any person who (1) wilfully or unlawfully causes or permits any  
1152 child under the age of sixteen years to be placed in such a situation  
1153 that the life or limb of such child is endangered, the health of such  
1154 child is likely to be injured or the morals of such child are likely to be  
1155 impaired, or does any act likely to impair the health or morals of any  
1156 such child, or (2) [has contact with the intimate parts, as defined in  
1157 section 53a-65, of a child under the age of sixteen years or subjects a  
1158 child under sixteen years of age to contact with the intimate parts of  
1159 such person, in a sexual and indecent manner likely to impair the  
1160 health or morals of such child, or (3)] permanently transfers the legal  
1161 or physical custody of a child under the age of sixteen years to another  
1162 person for money or other valuable consideration or acquires or  
1163 receives the legal or physical custody of a child under the age of  
1164 sixteen years from another person upon payment of money or other  
1165 valuable consideration to such other person or a third person, except in  
1166 connection with an adoption proceeding that complies with the  
1167 provisions of chapter 803, shall be guilty of a class C felony. [for a  
1168 violation of subdivision (1) or (3) of this subsection and a class B felony  
1169 for a violation of subdivision (2) of this subsection, except that, if the  
1170 violation is of subdivision (2) of this subsection and the victim of the  
1171 offense is under thirteen years of age, such person shall be sentenced  
1172 to a term of imprisonment of which five years of the sentence imposed  
1173 may not be suspended or reduced by the court.]

1174 (b) The act of a parent or agent leaving an infant thirty days or  
1175 younger with a designated employee pursuant to section 17a-58 shall  
1176 not constitute a violation of this section.

1177 Sec. 18. (NEW) (*Effective October 1, 2008*) Any person who has  
1178 contact with the intimate parts, as defined in section 53a-65 of the  
1179 general statutes, of a child under thirteen years of age or subjects a  
1180 child under thirteen years of age to contact with the intimate parts of

1181 such person, in a sexual and indecent manner likely to impair the  
1182 health or morals of such child, shall be guilty of a class A felony.

1183 Sec. 19. (NEW) (*Effective October 1, 2008*) Any person who has  
1184 contact with the intimate parts, as defined in section 53a-65 of the  
1185 general statutes, of a child thirteen years of age or older but under  
1186 sixteen years of age or subjects a child thirteen years of age or older but  
1187 under sixteen years of age to contact with the intimate parts of such  
1188 person, in a sexual and indecent manner likely to impair the health or  
1189 morals of such child, shall be guilty of a class B felony.

1190 Sec. 20. Section 8-45a of the general statutes is repealed and the  
1191 following is substituted in lieu thereof (*Effective October 1, 2008*):

1192 A housing authority, as defined in subsection (b) of section 8-39, in  
1193 determining eligibility for the rental of public housing units may  
1194 establish criteria and consider relevant information concerning (1) an  
1195 applicant's or any proposed occupant's history of criminal activity  
1196 involving: (A) Crimes of physical violence to persons or property, (B)  
1197 crimes involving the illegal manufacture, sale, distribution or use of, or  
1198 possession with intent to manufacture, sell, use or distribute, a  
1199 controlled substance, as defined in section 21a-240, or (C) other  
1200 criminal acts which would adversely affect the health, safety or welfare  
1201 of other tenants, (2) an applicant's or any proposed occupant's abuse,  
1202 or pattern of abuse, of alcohol when the housing authority has  
1203 reasonable cause to believe that such applicant's or proposed  
1204 occupant's abuse, or pattern of abuse, of alcohol may interfere with the  
1205 health, safety or right to peaceful enjoyment of the premises by other  
1206 residents, and (3) an applicant or any proposed occupant who is  
1207 subject to a lifetime registration requirement under section [54-252] 4  
1208 of this act on account of being convicted or found not guilty by reason  
1209 of mental disease or defect of a [sexually violent offense] tier three  
1210 offense. In evaluating any such information, the housing authority  
1211 shall give consideration to the time, nature and extent of the  
1212 applicant's or proposed occupant's conduct and to factors which might  
1213 indicate a reasonable probability of favorable future conduct such as

1214 evidence of rehabilitation and evidence of the willingness of the  
1215 applicant, the applicant's family or the proposed occupant to  
1216 participate in social service or other appropriate counseling programs  
1217 and the availability of such programs.

1218 Sec. 21. Section 18-78b of the general statutes is repealed and the  
1219 following is substituted in lieu thereof (*Effective October 1, 2008*):

1220 There is established a Victim Services Unit within the Department of  
1221 Correction. The duties and responsibilities of the unit shall include, but  
1222 not be limited to: (1) Receiving notices pursuant to section 54-227, as  
1223 amended by this act, from inmates applying for release or sentence  
1224 reduction or review, persons applying for exemption from the  
1225 registration requirements of section [54-251] 2 or 3 of this act and  
1226 persons filing a petition for an order restricting the dissemination of  
1227 registration information or removing such restriction pursuant to  
1228 section 54-255, as amended by this act, (2) receiving requests for  
1229 notification from victims of crime or members of an inmate's  
1230 immediate family pursuant to section 54-228, as amended by this act,  
1231 and receiving notices of changes of address from victims pursuant to  
1232 said section, (3) receiving requests for notification from prosecuting  
1233 officials pursuant to section 54-229, and (4) notifying persons pursuant  
1234 to section 54-230a, as amended by this act, who have requested to be  
1235 notified pursuant to section 54-228, as amended by this act, or 54-229.

1236 Sec. 22. Subparagraph (G) of subdivision (2) of subsection (d) of  
1237 section 20-327b of the 2008 supplement to the general statutes is  
1238 repealed and the following is substituted in lieu thereof (*Effective*  
1239 *October 1, 2008*):

1240 (G) A statement that information concerning the residence address  
1241 of a person convicted of a crime may be available from law  
1242 enforcement agencies or the Department of Public Safety and that the  
1243 Department of Public Safety maintains a site on the Internet listing  
1244 information about the residence address of persons required to register  
1245 under section [54-251, 54-252] 2, 3 or 4 of this act, 54-253 of the 2008  
1246 supplement to the general statutes, as amended by this act, or 54-254 of

1247 the 2008 supplement to the general statutes, as amended by this act,  
1248 who have so registered.

1249 Sec. 23. Subsection (a) of section 53a-30 of the general statutes is  
1250 repealed and the following is substituted in lieu thereof (*Effective*  
1251 *October 1, 2008*):

1252 (a) When imposing sentence of probation or conditional discharge,  
1253 the court may, as a condition of the sentence, order that the defendant:  
1254 (1) Work faithfully at a suitable employment or faithfully pursue a  
1255 course of study or of vocational training that will equip the defendant  
1256 for suitable employment; (2) undergo medical or psychiatric treatment  
1257 and remain in a specified institution, when required for that purpose;  
1258 (3) support the defendant's dependents and meet other family  
1259 obligations; (4) make restitution of the fruits of the defendant's offense  
1260 or make restitution, in an amount the defendant can afford to pay or  
1261 provide in a suitable manner, for the loss or damage caused thereby  
1262 and the court may fix the amount thereof and the manner of  
1263 performance; (5) if a minor, (A) reside with the minor's parents or in a  
1264 suitable foster home, (B) attend school, and (C) contribute to the  
1265 minor's own support in any home or foster home; (6) post a bond or  
1266 other security for the performance of any or all conditions imposed; (7)  
1267 refrain from violating any criminal law of the United States, this state  
1268 or any other state; (8) if convicted of a misdemeanor or a felony, other  
1269 than a capital felony, a class A felony or a violation of section 21a-278  
1270 of the 2008 supplement to the general statutes, 21a-278a, 53a-55, 53a-56,  
1271 53a-56b, 53a-57, 53a-58 or 53a-70b or any offense for which there is a  
1272 mandatory minimum sentence which may not be suspended or  
1273 reduced by the court, and any sentence of imprisonment is suspended,  
1274 participate in an alternate incarceration program; (9) reside in a  
1275 residential community center or halfway house approved by the  
1276 Commissioner of Correction, and contribute to the cost incident to  
1277 such residence; (10) participate in a program of community service  
1278 labor in accordance with section 53a-39c; (11) participate in a program  
1279 of community service in accordance with section 51-181c; (12) if  
1280 convicted of a violation of subdivision (2) of subsection (a) of section

1281 53-21 of the 2008 supplement to the general statutes, as amended by  
1282 this act, section 53a-70, 53a-70a, 53a-70b, 53a-71 of the 2008 supplement  
1283 to the general statutes, 53a-72a or 53a-72b, undergo specialized sexual  
1284 offender treatment; (13) if convicted of a [criminal offense against a  
1285 victim who is a minor, a nonviolent sexual offense or a sexually violent  
1286 offense] tier one offense, tier two offense or tier three offense, as  
1287 defined in section 54-250, as amended by this act, or of a felony that the  
1288 court finds was committed for a sexual purpose, as provided in section  
1289 54-254 of the 2008 supplement to the general statutes, as amended by  
1290 this act, register such person's identifying factors, as defined in section  
1291 54-250, as amended by this act, with the Commissioner of Public Safety  
1292 when required pursuant to section [54-251, 54-252] 2, 3 or 4 of this act  
1293 or 54-253 of the 2008 supplement to the general statutes, as amended  
1294 by this act, as the case may be; (14) be subject to electronic monitoring,  
1295 which may include the use of a global positioning system; (15) if  
1296 convicted of a violation of section 46a-58 of the 2008 supplement to the  
1297 general statutes, 53-37a of the 2008 supplement to the general statutes,  
1298 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime  
1299 education program; (16) if convicted of a violation of section 53-247,  
1300 undergo psychiatric or psychological counseling or participate in an  
1301 animal cruelty prevention and education program provided such a  
1302 program exists and is available to the defendant; or (17) satisfy any  
1303 other conditions reasonably related to the defendant's rehabilitation.  
1304 The court shall cause a copy of any such order to be delivered to the  
1305 defendant and to the probation officer, if any.

1306 Sec. 24. Subsection (b) of section 54-227 of the general statutes is  
1307 repealed and the following is substituted in lieu thereof (*Effective*  
1308 *October 1, 2008*):

1309 (b) Any person who files an application with the court to be  
1310 exempted from the registration requirements of section [54-251] 2 or 3  
1311 of this act pursuant to subsection (b) or (c) of said [section] sections  
1312 and any person who files a petition with the court pursuant to section  
1313 54-255, as amended by this act, for an order restricting the  
1314 dissemination of the registration information or removing such

1315 restriction shall notify the Office of Victim Services and the Victim  
1316 Services Unit within the Department of Correction of the filing of such  
1317 application or petition on a form prescribed by the Office of the Chief  
1318 Court Administrator. Notwithstanding any provision of the general  
1319 statutes, no such application or petition shall be considered unless  
1320 such person has notified the Office of Victim Services and the Victim  
1321 Services Unit within the Department of Correction pursuant to this  
1322 subsection and provides proof of such notice as part of the application  
1323 or petition.

1324 Sec. 25. Subsection (b) of section 54-228 of the general statutes is  
1325 repealed and the following is substituted in lieu thereof (*Effective*  
1326 *October 1, 2008*):

1327 (b) Any victim of a [criminal offense against a victim who is a  
1328 minor, a nonviolent sexual offense or a sexually violent offense] tier  
1329 one offense, tier two offense or tier three offense, as those terms are  
1330 defined in section 54-250, as amended by this act, or a felony found by  
1331 the sentencing court to have been committed for a sexual purpose, as  
1332 provided in section 54-254 of the 2008 supplement to the general  
1333 statutes, as amended by this act, who desires to be notified whenever  
1334 the person who was convicted or found not guilty by reason of mental  
1335 disease or defect of such offense files an application with the court to  
1336 be exempted from the registration requirements of section [54-251] 2 or  
1337 3 of this act pursuant to subsection (b) or (c) of said [section] sections  
1338 or files a petition with the court pursuant to section 54-255, as  
1339 amended by this act, for an order restricting the dissemination of the  
1340 registration information, or removing such restriction, may complete  
1341 and file a request for notification with the Office of Victim Services or  
1342 the Victim Services Unit within the Department of Correction.

1343 Sec. 26. Subsection (b) of section 54-230 of the general statutes is  
1344 repealed and the following is substituted in lieu thereof (*Effective*  
1345 *October 1, 2008*):

1346 (b) Upon receipt of notice from a person pursuant to subsection (b)  
1347 of section 54-227, as amended by this act, the Office of Victim Services

1348 shall notify by certified mail all persons who have requested to be  
1349 notified pursuant to subsection (b) of section 54-228, as amended by  
1350 this act, whenever such person files an application with the court to be  
1351 exempted from the registration requirements of section [54-251] 2 or 3  
1352 of this act pursuant to [subsections] subsection (b) or (c) of said  
1353 [section] sections or files a petition with the court pursuant to section  
1354 54-255, as amended by this act, for an order restricting the  
1355 dissemination of the registration information, or removing such  
1356 restriction. Such notice shall be in writing and notify each person of the  
1357 nature of the exemption or of the restriction or removal of the  
1358 restriction being applied for, the address and telephone number of the  
1359 court to which the application or petition by the person was made, and  
1360 the date and place of the hearing or session, if any, scheduled on the  
1361 application or petition.

1362 Sec. 27. Subsection (b) of section 54-230a of the general statutes is  
1363 repealed and the following is substituted in lieu thereof (*Effective*  
1364 *October 1, 2008*):

1365 (b) Upon receipt of notice from a person pursuant to subsection (b)  
1366 of section 54-227, as amended by this act, the Victim Services Unit  
1367 within the Department of Correction shall notify by certified mail all  
1368 persons who have requested to be notified pursuant to subsection (b)  
1369 of section 54-228, as amended by this act, whenever such person files  
1370 an application with the court to be exempted from the registration  
1371 requirements of section [54-251] 2 or 3 of this act pursuant to  
1372 [subsections] subsection (b) or (c) of said [section] sections or files a  
1373 petition with the court pursuant to section 54-255, as amended by this  
1374 act, for an order restricting the dissemination of the registration  
1375 information, or removing such restriction. Such notice shall be in  
1376 writing and notify each person of the nature of the exemption or of the  
1377 restriction or the removal of the restriction being applied for, the  
1378 address and telephone number of the court to which the application or  
1379 petition by the person was made, and the date and place of the hearing  
1380 or session, if any, scheduled on the application or petition.

1381 Sec. 28. Subdivision (2) of subsection (a) of section 54-258 of the 2008  
1382 supplement to the general statutes is repealed and the following is  
1383 substituted in lieu thereof (*Effective October 1, 2008*):

1384 (2) Any state agency, the Judicial Department, any state police troop  
1385 or any local police department may, at its discretion, notify any  
1386 government agency, private organization or individual of registration  
1387 information when such agency, said department, such troop or such  
1388 local police department, as the case may be, believes such notification  
1389 is necessary to protect the public or any individual in any jurisdiction  
1390 from any person who is subject to registration under section [54-251,  
1391 54-252] 2, 3 or 4 of this act, 54-253 of the 2008 supplement to the  
1392 general statutes, as amended by this act, or 54-254 of the 2008  
1393 supplement to the general statutes, as amended by this act.

1394 Sec. 29. Section 54-260b of the 2008 supplement to the general  
1395 statutes is repealed and the following is substituted in lieu thereof  
1396 (*Effective October 1, 2008*):

1397 (a) For the purposes of this section:

1398 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)  
1399 age or date of birth, (D) electronic mail address, instant message  
1400 address or other similar Internet communication identifier, and (E)  
1401 subscriber number or identity, including any assigned Internet  
1402 protocol address;

1403 (2) "Electronic communication" means "electronic communication"  
1404 as defined in 18 USC 2510, as amended from time to time;

1405 (3) "Electronic communication service" means "electronic  
1406 communication service" as defined in 18 USC 2510, as amended from  
1407 time to time;

1408 (4) "Registrant" means a person required to register under section  
1409 [54-251, 54-252] 2, 3 or 4 of this act, 54-253 of the 2008 supplement to  
1410 the general statutes, as amended by this act, or 54-254 of the 2008  
1411 supplement to the general statutes, as amended by this act;

1412 (5) "Remote computing service" means "remote computing service"  
1413 as defined in section 18 USC 2711, as amended from time to time; and

1414 (6) "Wire communication" means "wire communication" as defined  
1415 in 18 USC 2510, as amended from time to time.

1416 (b) The Commissioner of Public Safety shall designate a sworn law  
1417 enforcement officer to serve as liaison between the Department of  
1418 Public Safety and providers of electronic communication services or  
1419 remote computing services to facilitate the exchange of non-  
1420 personally-identifiable information concerning registrants.

1421 (c) Whenever such designated law enforcement officer ascertains  
1422 from such exchange of non-personally-identifiable information that  
1423 there are subscribers, customers or users of such providers who are  
1424 registrants, such officer shall initiate a criminal investigation to  
1425 determine if such registrants are in violation of the registration  
1426 requirements of section [54-251, 54-252] 2, 3 or 4 of this act, 54-253 of  
1427 the 2008 supplement to the general statutes, as amended by this act, or  
1428 54-254 of the 2008 supplement to the general statutes, as amended by  
1429 this act, or of the terms and conditions of their parole or probation by  
1430 virtue of being subscribers, customers or users of such providers.

1431 (d) Such designated law enforcement officer may request an ex  
1432 parte order from a judge of the Superior Court to compel a provider of  
1433 electronic communication service or remote computing service to  
1434 disclose basic subscriber information pertaining to subscribers,  
1435 customers or users who have been identified by such provider to be  
1436 registrants. The judge shall grant such order if the law enforcement  
1437 officer offers specific and articulable facts showing that there are  
1438 reasonable grounds to believe that the basic subscriber information  
1439 sought is relevant and material to the ongoing criminal investigation.  
1440 The order shall state upon its face the case number assigned to such  
1441 investigation, the date and time of issuance and the name of the judge  
1442 authorizing the order. The law enforcement officer shall have any ex  
1443 parte order issued pursuant to this subsection signed by the  
1444 authorizing judge within forty-eight hours or not later than the next

1445 business day, whichever is earlier.

1446 (e) A provider of electronic communication service or remote  
1447 computing service shall disclose basic subscriber information to such  
1448 designated law enforcement officer when an order is issued pursuant  
1449 to subsection (d) of this section.

1450 (f) A provider of electronic communication service or remote  
1451 computing service that provides information in good faith pursuant to  
1452 an order issued pursuant to subsection (d) of this section shall be  
1453 afforded the legal protections provided under 18 USC 3124, as  
1454 amended from time to time, with regard to such actions.

1455 Sec. 30. Section 54-102g of the 2008 supplement to the general  
1456 statutes is repealed and the following is substituted in lieu thereof  
1457 (*Effective October 1, 2008*):

1458 (a) Any person who has been convicted of a [criminal offense  
1459 against a victim who is a minor, a nonviolent sexual offense or a  
1460 sexually violent offense] tier one offense, tier two offense or tier three  
1461 offense, as those terms are defined in section 54-250, as amended by  
1462 this act, or a felony, and has been sentenced on that conviction to the  
1463 custody of the Commissioner of Correction shall, prior to release from  
1464 custody and at such time as the commissioner may specify, submit to  
1465 the taking of a blood or other biological sample for DNA  
1466 (deoxyribonucleic acid) analysis to determine identification  
1467 characteristics specific to the person. If any person required to submit  
1468 to the taking of a blood or other biological sample pursuant to this  
1469 subsection refuses to do so, the Commissioner of Correction or the  
1470 commissioner's designee shall notify the Department of Public Safety  
1471 within thirty days of such refusal for the initiation of criminal  
1472 proceedings against such person.

1473 (b) Any person who is convicted of a [criminal offense against a  
1474 victim who is a minor, a nonviolent sexual offense or a sexually violent  
1475 offense] tier one offense, tier two offense or tier three offense, as those  
1476 terms are defined in section 54-250, as amended by this act, or a felony

1477 and is not sentenced to a term of confinement shall, as a condition of  
1478 such sentence and at such time as the sentencing court may specify,  
1479 submit to the taking of a blood or other biological sample for DNA  
1480 (deoxyribonucleic acid) analysis to determine identification  
1481 characteristics specific to the person.

1482 (c) Any person who has been found not guilty by reason of mental  
1483 disease or defect pursuant to section 53a-13 of a [criminal offense  
1484 against a victim who is a minor, a nonviolent sexual offense or a  
1485 sexually violent offense] tier one offense, tier two offense or tier three  
1486 offense, as those terms are defined in section 54-250, as amended by  
1487 this act, or a felony, and is in custody as a result of that finding, shall,  
1488 prior to discharge from custody in accordance with subsection (e) of  
1489 section 17a-582 of the 2008 supplement to the general statutes, section  
1490 17a-588 of the 2008 supplement to the general statutes or subsection (g)  
1491 of section 17a-593 of the 2008 supplement to the general statutes and at  
1492 such time as the Commissioner of Mental Health and Addiction  
1493 Services or the Commissioner of Developmental Services with whom  
1494 such person has been placed may specify, submit to the taking of a  
1495 blood or other biological sample for DNA (deoxyribonucleic acid)  
1496 analysis to determine identification characteristics specific to the  
1497 person.

1498 (d) Any person who has been convicted of a [criminal offense  
1499 against a victim who is a minor, a nonviolent sexual offense or a  
1500 sexually violent offense] tier one offense, tier two offense or tier three  
1501 offense, as those terms are defined in section 54-250, as amended by  
1502 this act, or a felony, and is serving a period of probation or parole, and  
1503 who has not submitted to the taking of a blood or other biological  
1504 sample pursuant to subsection (a), (b) or (c) of this section, shall, prior  
1505 to discharge from the custody of the Court Support Services Division  
1506 or the Department of Correction and at such time as said division or  
1507 department may specify, submit to the taking of a blood or other  
1508 biological sample for DNA (deoxyribonucleic acid) analysis to  
1509 determine identification characteristics specific to the person.

1510 (e) Any person who has been convicted or found not guilty by  
 1511 reason of mental disease or defect in any other state or jurisdiction of a  
 1512 felony or of any crime, the essential elements of which are  
 1513 substantially the same as a [criminal offense against a victim who is a  
 1514 minor, a nonviolent sexual offense or a sexually violent offense] tier  
 1515 one offense, tier two offense or tier three offense, as those terms are  
 1516 defined in section 54-250, as amended by this act, and is in the custody  
 1517 of the Commissioner of Correction, is under the supervision of the  
 1518 Judicial Department or the Board of Pardons and Paroles or is under  
 1519 the jurisdiction of the Psychiatric Security Review Board, shall, prior to  
 1520 discharge from such custody, supervision or jurisdiction submit to the  
 1521 taking of a blood or other biological sample for DNA  
 1522 (deoxyribonucleic acid) analysis to determine identification  
 1523 characteristics specific to the person.

1524 (f) The analysis shall be performed by the Division of Scientific  
 1525 Services within the Department of Public Safety. The identification  
 1526 characteristics of the profile resulting from the DNA analysis shall be  
 1527 stored and maintained by the division in a DNA data bank and shall  
 1528 be made available only as provided in section 54-102j.

1529 (g) Any person who refuses to submit to the taking of a blood or  
 1530 other biological sample pursuant to this section shall be guilty of a  
 1531 class A misdemeanor.

1532 Sec. 31. (*Effective October 1, 2008*) Sections 54-251 and 54-252 of the  
 1533 general statutes are repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	54-250
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	54-253
Sec. 6	<i>October 1, 2008</i>	54-254
Sec. 7	<i>October 1, 2008</i>	New section

Sec. 8	<i>October 1, 2008</i>	New section
Sec. 9	<i>October 1, 2008</i>	54-255
Sec. 10	<i>October 1, 2008</i>	54-256
Sec. 11	<i>October 1, 2008</i>	54-257
Sec. 12	<i>October 1, 2008</i>	54-258(a)(3)
Sec. 13	<i>October 1, 2008</i>	54-258(a)(6)
Sec. 14	<i>October 1, 2008</i>	54-259a(a)
Sec. 15	<i>July 1, 2008</i>	New section
Sec. 16	<i>October 1, 2008</i>	New section
Sec. 17	<i>October 1, 2008</i>	53-21
Sec. 18	<i>October 1, 2008</i>	New section
Sec. 19	<i>October 1, 2008</i>	New section
Sec. 20	<i>October 1, 2008</i>	8-45a
Sec. 21	<i>October 1, 2008</i>	18-78b
Sec. 22	<i>October 1, 2008</i>	20-327b(d)(2)(G)
Sec. 23	<i>October 1, 2008</i>	53a-30(a)
Sec. 24	<i>October 1, 2008</i>	54-227(b)
Sec. 25	<i>October 1, 2008</i>	54-228(b)
Sec. 26	<i>October 1, 2008</i>	54-230(b)
Sec. 27	<i>October 1, 2008</i>	54-230a(b)
Sec. 28	<i>October 1, 2008</i>	54-258(a)(2)
Sec. 29	<i>October 1, 2008</i>	54-260b
Sec. 30	<i>October 1, 2008</i>	54-102g
Sec. 31	<i>October 1, 2008</i>	Repealer section

***Statement of Legislative Commissioners:***

In subdivision (10) of section 1, the reference to "section 53a-186a" was deleted and the reference to "section 17" was replaced with "section 16 or 19", for accuracy.

***JUD***      *Joint Favorable Subst.-LCO*

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 09 \$	FY 10 \$
Public Safety, Dept.	GF - Cost	390,000	640,000
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	GF - Cost	92,700	176,200
Judicial Department - Court Support Services Division	GF - Cost	128,625	157,500
Department of Motor Vehicles	TF - Cost	200,000	Potential
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund; TF=Transportation Fund

### Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipal Police Departments	STATE MANDATE - Cost	Potential	Potential

### Explanation

Sections 2-4 of the bill require sex offenders to submit to the taking of a DNA sample and provide various personal information to the Division of State Police within the Department of Public Safety (DPS). Since it is the current practice of DPS to obtain a DNA sample from all registered sex offenders, this additional testing requirement would not result in any additional cost. However, it is anticipated that a

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. 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 fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

Processing Technician will need to be hired to collect, process, and store the additional personal information specified in the bill at a cost of \$59,600 (including salary and fringe benefits) in FY 09 and \$77,700 (including salary and fringe benefits) in FY 10.

These sections also require victim notification whenever any person applies to be exempt from sex offender registration requirements. Any cost to the Office of Victim Services and Victim Services Unit within the Department of Correction under these provisions would be minimal.

**Section 7** of the bill requires DPS to verify the address of each registrant via a nonforwardable verification form sent by first class mail, as well as to verify the physical location of each registrant by the same process. It is the current practice of DPS to verify sex offenders' addresses through this process and therefore this requirement will not result in any additional cost. DPS does not currently verify the physical location of each sex offender, however, and it is anticipated that this requirement will result in postage costs of \$6,500 in FY 09 and \$6,700 in FY 10.

Sex offenders would be required to report periodically to offices of the Court Support Services Division (CSSD) in order to prove that the registrant is physically in this state. The CSSD would require 3 additional probation officers to handle the workload increase associated with this provision: the FY 09 cost of these positions, including salaries, expenses, equipment and fringe benefits, is \$156,750; the FY 10 and annualized cost is \$244,500.

This section also requires sex offenders to obtain an identity card from the Department of Motor Vehicles containing a mark with a reference to the statute under which that offender is required to register. There is a one-time cost in FY 09 of \$200,000 to (1) reprogram the drivers' license system to include verification of sexual offender status, and to (2) make necessary form changes. This estimate is based on verification of application of new and/or renewal licenses and identification cards. Additional costs would be incurred, which are

anticipated to be significant (more than \$500,000), if all existing licenses and identification cards, approximately 1.5 million, must be cross checked for sexual offender status and recalled if the check returns positive.

**Section 8** makes it a class D felony for anyone to intentionally help a sex offender elude police during the investigation of a registration violation. To the extent that anyone is charged with this new crime, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

**Section 11** requires local police departments and state police troops having jurisdiction where a sex offender resides to develop policies and procedures to verify the accuracy of the information provided by the registrant. To the extent that sex offenders reside within the jurisdiction of local police departments, there is a potential cost to municipalities associated with overtime and staffing costs in developing and implementing these policies. It is anticipated that DPS will provide guidelines to municipal police departments in order to aid in the development of such policies.

It also requires DPS to develop and maintain software applications to implement the requirements of the bill and allow local jurisdictions to effectively and efficiently track and manage local sexual offender registry programs. The current sex offender registry software does not allow for this type of functionality. As such it will be necessary to replace the current system. It is anticipated that a temporary software program will be utilized in FY 09 at a cost of approximately \$125,000 to allow for the immediate implementation of the registration requirements. Beginning in FY 10, it is anticipated that a complete overhaul of the system over a two-year period will be necessary in

order to enable local jurisdictions to track and manage local sex offender registry programs. This would cost approximately \$478,250 in FY 10<sup>2</sup>.

sHB 5021, the budget bill, contains \$760,000 for upgrades to the sex offender registry unit.

**Section 16** increases the criminal penalty for any person convicted of public indecency provided the victim is under eighteen years of age.<sup>1</sup> In FY 07, there were 69 convictions under the public indecency statute; it is unknown how many of these offenses involved victims under eighteen years of age.

To the extent that enhancing the criminal penalty that may be imposed for certain offenders increases the likelihood that they would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

**Sections 18-19** increase the mandatory minimum prison sentence, from 5 to 10 years, for any person convicted of sexual contact with a victim under 13 years of age. There is a potential significant cost to the Department of Correction under this provision.

It is anticipated that two additional Troopers will be needed to enforce violations of the registration and in-person verification requirements, resulting in a cost of approximately \$260,000 (including salary and fringe benefits) in FY 09 and \$164,000 (including salary and fringe benefits) in FY 10. The starting salary for a Trooper (including meal money) is approximately \$51,607. Additionally, approximately

---

<sup>2</sup> This amount is based on an independent study estimating the full cost at \$956,500, to be implemented over a two-year period.

\$51,969 in supplies and law enforcement equipment is required for each new Trooper.

***The Out Years***

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

The cost of upgrading the sex offender registry software would result in a cost of \$478,250 to DPS in FY 11. It is estimated that there would be an annual maintenance cost of approximately \$95,650 in each fiscal year thereafter for the maintenance of the registry software.

**OLR Bill Analysis****sSB 35*****AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS.*****SUMMARY:**

This bill establishes a three-tiered sex offender classification system based on the severity of offenses. This system replaces the current one that categorizes offenses as (1) criminal offenses against a victim who is a minor, (2) nonviolent sexual offenses, or (3) violent sexual offenses.

The bill requires certain juveniles to register as sex offenders and broadens the crimes that subject offenders to registration to include aggravated public indecency, a new crime the bill establishes.

It lengthens the term of registration for first offenders currently categorized as nonviolent sex offenders and offenders of crimes against victims who are minors. Repeat offenders must continue to register for life.

The bill alters the registration requirements for both out-of-state registrants in Connecticut and sex offenders convicted or found not guilty by reason of mental disease or defect in this state. Generally, it (1) adds a pre-registration notice requirement to process for out-of-state registrants in Connecticut, (2) expands the information in-state offenders must report, (3) tightens reporting timelines, and (4) addresses reporting by transient offenders.

The bill requires (1) offenders to get a driver's license or identification card from the Department of Motor Vehicles (DMV), (2) DMV to mark the license or card so as to identify the owners as sex offenders, and (3) offenders to present the license or card upon a police officer's request.

It makes it a class D felony for anyone to intentionally help a person required to register as a sex offender elude police during the investigation of a registration violation.

The bill allows courts to treat sex offenders in a witness protection or relocation program differently from other offenders unless public safety dictates otherwise.

It adds to the responsibilities of agencies releasing offenders into the community and expands the Department of Public Safety's (DPS) responsibilities regarding sex offender notification.

The bill establishes a Sex Offender Registry Policy Advisory Committee, adds the attorney general to the Risk Assessment Board, and makes the DPS commissioner or his designee the board's chairperson (§ 14) (see BACKGROUND).

Lastly, the bill makes conforming changes by changing references to offenses against a minor, nonviolent sexual offenses, or sexually violent offenses to tier 1, 2, and 3 offenses, respectively.

EFFECTIVE DATE: October 1, 2008, except for the provision establishing the Sex Offender Registry Policy Advisory Committee, which is effective July 1, 2008.

## **§ 1 — REGISTRANTS**

Under current law, people must register as sexual offenders if they are convicted, or acquitted by reason of insanity, of four categories of crimes or predecessor crimes. The categories are: (1) criminal offenses against a victim who is a minor, (2) nonviolent sexual offenses, (3) violent sexual offenses, and (4) felonies committed for sexual purposes. People must also register if they attempt, conspire, or solicit others to commit these crimes. Registration is also required of people convicted in another jurisdiction of a crime that is substantially similar to one that requires registration in Connecticut.

The bill repeals the law on (1) criminal offenses against a victim who

is a minor, (2) nonviolent sexual offenses, and (3) violent sexual offenses, and instead establishes tiered offenses. Under the bill, Tier 1 offenses are similar, but not identical, to the current nonviolent offenses; Tier 2 offenses are similar to criminal offenses against a victim who is a minor; and Tier 3 to violent sexual offenses. The bill eliminates the registration requirement for violators of crimes that are predecessors to nonviolent sexual offenses.

The bill adds two new crimes to Tier 1 and one new crime to Tier 2. It reclassifies as Tier 3 certain crimes currently categorized as criminal offenses against a victim who is a minor. Tables 1-3 show the current crimes under each category and those under the tiers as specified in the bill.

**Table 1: Nonviolent Sexual Offenses (Tier 1)**

<i>Current Nonviolent Sexual Offenses</i>	<i>Tier 1 Offenses Under the Bill</i>
Fourth-degree sexual assault, which generally involves nonviolent sexual contact with specified vulnerable victims (CGS § 53a-73a)	Fourth-degree sexual assault, other than sexual contact with someone under age 15
Voyeurism committed with intent to arouse or satisfy the sexual desire of the actor or another person by knowingly filming, photographing, videotaping, or otherwise recording the image of another person (CGS § 53a-189a (a) (2))	Same
	Aggravated public indecency involving a victim under age 18 (§ 16 of the bill)
	Intimate contact with the intimate parts of a child ages 13 to 15 or subjecting the victim to contact with the actor's intimate parts in a sexual and indecent manner likely to impair the child's health or morals (§ 19 of the bill)

**Table 2: Criminal Offenses Against a Minor (Tier 2)**

<i>Current Criminal Offenses Against a Victim who is a Minor</i>	<i>Tier 2 Offenses Under the Bill</i>
Risk of injury to a minor involving contact with the intimate parts of someone under age 16 (CGS § 53-21(a)(2))	Intimate contact with the intimate parts of a child under age 13 or subjecting the victim to contact with the actor's intimate parts in a sexual and indecent manner likely to impair the child's health or morals (§ 18 of the bill)
First-degree sexual assault involving sexual intercourse with someone under age 13 (CGS § 53a-70(a)(2))	Same
<p>Second-degree sexual assault involving sexual intercourse with:</p> <p>(a) someone age 13 to 15;</p> <p>(b) someone under age 18 if the actor is the person's guardian;</p> <p>(c) a student under age 18 if the offender is a school employee;</p> <p>(d) someone under age 18 if the actor is a coach or instructor; and</p> <p>(e) someone under age 18 if the actor is age 20 or older and stands in a position of power, authority, or supervision over the person by virtue of the actor's professional, legal, occupational, or volunteer status (CGS § 53a-71)</p>	Same
Third-degree sexual assault involving a close relative (CGS § 53a-72a (a) (2))	Same
Promoting prostitution with someone under age 16 (first-degree) (CGS § 53a-86(a)(2))	N/A

Promoting prostitution with someone age 16 or 17 (second-degree) (CGS § 53a-87(a)(2))	N/A
Enticing someone under age 16 through interactive computer use (CGS § 53a-90a)	Same
Employing or promoting a minor in an obscene performance (CGS §§ 53a-196a, 53a-196b)	N/A
Importing or possessing child pornography (CGS §§ 53a-196c through -196f)	Possessing, but not importing, child pornography (CGS §§ 53a-196d through -196f)
First- or second-degree kidnapping, first- or second-degree unlawful restraint, or public indecency when the court finds that the victim is under age 18 (CGS §§ 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96, and 53a-186)	Similar, excludes public indecency (CGS § 53a-186) and adds second-degree sexual assault when the actor is a coach and the victim is a secondary school student receiving coaching instruction at school (CGS § 53a-71 (a) (9)(A))
	Fourth-degree sexual assault of a victim under age 18 (CGS § 53a-73a (a)(1)(A))

**Table 3: Sexually Violent Offenses (Tier 3)**

<i>Current Sexually Violent Offenses</i>	<i>Tier 3 Offenses Under the Bill</i>
First-degree sexual assault, other than the portion covered under crimes against a minor (CGS § 53a-70)	Same
First-degree aggravated sexual assault (CGS § 53a-70a)	Same
Sexual assault in a spousal or cohabiting relationship (CGS § 53a-70b)	Same
Second-degree sexual assault, other than the portion covered under crimes against minors (CGS § 53a-71)	Same

Third-degree sexual assault, other than the portion covered under crimes against minors (CGS § 53a-72a)	Same
Third-degree sexual assault with a firearm (CGS § 53a-72b)	Same
First-degree kidnapping with or without a firearm if the court finds that the offense was committed with the intent of sexually violating or abusing the victim (CGS § 53a-92-92a)	Same
	Promoting prostitution with someone under age 16 (first-degree) (CGS § 53a-86(a)(2))
	Promoting prostitution with someone age 16 or 17 (second-degree) (CGS § 53a-87(a)(2))
	Employing or promoting a minor in an obscene performance (CGS §§ 53a-196a, 53a-196b)
	Importing child pornography (CGS § 53a-196c)

### § 10(D) — JUVENILES TRIED AS ADULTS

The bill requires any juvenile at least age 14 to register as a sex offender if he or she is convicted or found not guilty by reason of mental disease or defect in adult court of first-degree aggravated sexual assault, first-degree sexual assault with force, first-degree sexual assault with a victim under age 13 and at least two years younger than the offender, or first-degree sexual assault with a mentally incapacitated person.

The juvenile must register in the same way that out-of-state registrants living, working, or going to school in this state must register. Apparently, this means that they must register (1) their

names, date of birth, residential address, state of registration, school or workplace, and vocation location, in writing, at least 48 hours before entering the state and (2) in compliance with the bill within three business days after starting work, school, or the vocation.

The bill allows the court to reduce the registration period to 25 years if the juvenile has (1) not been previously convicted of a felony, (2) not been convicted of another sexual offense, (3) successfully completed probation and parole, and (4) successfully completed an appropriate state-certified sexual offender treatment program (see COMMENT).

### **§ 16 — NEW CRIME — AGGRAVATED PUBLIC INDECENCY**

Under the bill, a person is guilty of aggravated public indecency if he or she (1) performs certain acts in any place where they could reasonably be expected to be viewed by others and (2) the acts are viewed by a person under age 18. The acts are sexual intercourse, lewd body exposure with intent to arouse or satisfy the actor's sexual desire, or lewd fondling or caressing the body of another person.

Aggravated public indecency is a class A misdemeanor, punishable by up to one year in prison, a \$2,000 fine, or both. It is classified as a tier 2 offense.

### **§§ 18 AND 19 — SEXUAL CONTACT CRIMES**

Under current law, anyone who has contact with the intimate parts of a child under age 16 or subjects the child to contact with the offender's intimate parts in a sexual and indecent manner likely to impair the child's health or morals is guilty of risk of injury to a minor. The crime is a class B felony, punishable by up to 20 years in prison, a \$15,000 fine, or both. However if the victim is under age 13, the crime carries a mandatory minimum five-year sentence.

The bill declassifies this conduct as risk of injury and instead creates two new crimes of sexual contact. One of the new crimes makes a person who engages in the conduct described above with a victim under age 13 guilty of a class A felony. A class A felony is punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both.

The other new crime makes a person who engages in the conduct described above with a victim ages 13 to 15 guilty of a class B felony, the same penalty imposed under current law.

### §§ 2-4 & 6 — REGISTRATION BY IN-STATE OFFENDERS

The bill increases the initial registration periods for offenders in the categories for nonviolent sexual offenders and criminal offenses against a victim who is a minor. Offenders with prior convictions continue to have to register for life. Table 4 shows the current registration periods and those under the bill. Judges continue to have discretion in setting registration periods for felonies committed for sexual purposes.

**Table 4: Duration of Registration**

<i>Current Law</i>	<i>The Bill</i>
Nonviolent sexual offenses: 10 years for a first conviction; Life for multiple convictions	Tier 1: 15 years, then life
Criminal offenses against a victim who is a minor: 10 years for a first conviction; Life for multiple convictions	Tier 2: 25 years, then life
Violent sexual offenses: Life	Tier 3: Life

The bill continues to require convicted offenders or people found not guilty by reason of mental disease or defect to register with the DPS commissioner within three days of their release into the community. Offenders in the Department of Correction's (DOC) custody must register before release, at a time set by the commissioner. The bill also continues to require courts to tell people if a guilty or no contest plea would subject them to registration.

The bill requires offenders required to register under current law to comply with the bill's registration requirements by the third business day after October 1, 2008 (see below). However, courts may limit the registration period to 10 years, rather than the 15 years under the bill, for people convicted of a criminal offense against a minor if they have:

1. not been convicted of any offense for which imprisonment for more than one year was imposed,
2. not been convicted of another sexual offense,
3. successfully completed any probation or parole, and
4. successfully completed an appropriate, state-certified sexual offender treatment program.

The bill requires sexual assault offenders who had been required to register under CGS § 54-102r, which was repealed in 1998, to comply with the bill's registration requirements by the third business day after October 1, 2008 (see COMMENT). However, people convicted, or found not guilty by reason of mental disease or defect, of a criminal offense against a minor must maintain their registration for 10 years, rather than the 15 or 25 years under the bill.

Like current law, offenders who violate the registration requirements are guilty of a class D felony, punishable by up to five years in prison, a \$5,000 fine, or both.

## **§§ 6 & 7 — SEX OFFENDER REGISTRATION REQUIREMENTS**

### ***Reporting Requirement***

By law, a convicted offender or person found not guilty by reason of mental disease or defect must register his or her name; identifying factors, including a photograph; criminal history record; and residence address, instant message address, or other similar Internet communication identifier with the DPS commissioner within three days of his or her release into the community. Additionally, sexually violent offenders must register documentation of any treatment they receive for mental abnormalities or personality disorders. Registered sex offenders must also notify the DPS commissioner, in writing and without undue delay, when they (1) change their name, address, instant message address, or other similar Internet communication identifier or (2) lose their job, are no longer enrolled in school, or leave their vocation.

Under the bill, anyone required to register as a Tier 1, 2, or 3 offender, out-of-state registrant, or felony offender for sexual purposes must provide certain information upon initial registration and maintain it by reporting changes to DPS. They must provide their:

1. name, including legal name changes, any name by which the person has been known, and nicknames;
2. pseudonyms, if any, including any designations or monikers used for self-identification in Internet communications or other postings;
3. residential address or, if incarcerated, the residential address where they will reside upon release from custody;
4. employer's name and address or, if incarcerated, the name and address of any employer upon release from custody;
5. employment, enrollment, or vocation at a youth camp, child day care center, public or private educational institution, including elementary, middle, high, regional vocational-technical, charter, secondary, trade, or professional school, institution, or institution of higher learning;
6. date of birth and a copy of their birth certificate;
7. Social Security number;
8. past or present alias names, dates of birth, or Social Security numbers, if any;
9. identifying factors such as fingerprints, palm prints, scars, marks or tattoos, photographs, and any other identifying characteristics;
10. criminal history record, including any out-of-state convictions;
11. telephone or cellular telephone number;

12. driver's license or state identification card;
13. date of conviction, including the name and address of the court and the offense triggering the registration;
14. probation or parole officer's name, office location, and telephone number;
15. travel and immigration documents, including passports, alien registration cards, and student or work visas;
16. professional licenses, if any;
17. e-mail or instant message address or other similar Internet communication identifier; and
18. license plate number and a description of any vehicles they own, operate, or use.

The bill eliminates the requirement for sexually violent offenders to register documentation of their mental health treatment.

### ***Reporting Changes***

Registrants must report changes to any of the above listed information. They must appear in person at DPS or any alternate location the department designates and report, in writing, changes, additions, or omissions to items one through five above. They must notify DPS, in writing, of changes to items six through 18; however, the bill does not impose a deadline by which offenders must do so.

***Name Changes.*** Registrants must report name changes, including new nicknames, within three business days of the change. Since a nickname change does not require any legal documentation, it is unclear when or how a person changes a nickname and thus when the three day window for reporting it starts or ends. Under current law, registrants must report legal name changes without undue delay.

The bill eliminates a requirement for DPS to revise registration

information whenever it receives notice from a court that has ordered an offender's name changed. However, the department retains the duty to develop a protocol for notifying other state agencies, the Judicial Department, and local police departments whenever a registrant changes his or her name and notifies the commissioner of the new name (§ 11 (c) and (d)).

**Address Changes.** The bill requires registrants to report residence address changes within three business days. If the new address is out-of-state, the person must also register with an appropriate agency in that jurisdiction. "Residence" means a place where a person is living or staying, including a temporary residence or lodging. It includes a (1) home or a place where a person habitually lives such as a homeless, emergency, or other shelter or (2) structure that can be located by a street address, including a house, apartment building, motel, hotel, homeless shelter, recreational or other vehicle or vessel, regardless of the length of stay.

Registrants with no residential address must report their transient status, including the specific location in the town or city where they claim to be transient, within three business days. They must sign a statement that, as a transient, they are not residing at a residence. A registrant who becomes transient must report it as a change of address. Offenders must describe their transient location with enough detail to allow law enforcement officials to reasonably locate and verify their presence there. If the locations are out-of-state, the registrant must register with an appropriate agency in that jurisdiction. "Transient locations" means locations where a transient registrant habitually lives, eats, works, frequents, engages in leisure activities, stations himself or herself during the day or sleeps at night within a specific town or city.

**Employment, Vocation, or School Changes.** Registrants must report changes in their places of employment, vocation, or school, including an address change, within three business days. Registrants who are employed, carry on a vocation, or are enrolled in school in

another jurisdiction must notify the DPS commissioner and register with an appropriate agency in that jurisdiction.

***Other Requirements (7 (j) and (k))***

When DPS asks, offenders required to register must allow their pictures to be retaken and report when and where DPS designates. The bill requires DPS to retake registrants' pictures at least annually rather than at least every five years (§ 11 (c)). The offenders must keep their registration current by complying with registry requirements. Any period of incarceration or noncompliance is excluded from a registrant's registry term (see COMMENT).

**§ 7 (F) AND (G) — ADDRESS VERIFICATION**

Currently, DPS verifies the reported residence of registered sex offenders by sending non-forwardable verification forms to their last known address every 90 days. Offenders must return the forms to DPS within 10 days. If they do not, DPS must notify the local law enforcement agency. That agency, in turn, must apply for an arrest warrant.

With some exceptions, the bill eliminates this address verification procedure and establishes a different one based, in part, on offenders' classifications and living situations. The nature of the exceptions is unclear.

The bill requires DPS to verify the address of sex offender registrants whose last reported address was in the state by mailing a form, by first class mail, to their last reported address. The form cannot be forwarded.

The bill requires offenders to verify their address every quarter after their initial registration date by (1) signing a statement on the form indicating that they continue to reside at their last reported address and (2) mailing the form within 10 days after the date it was originally mailed.

***Verification of Presence in the State***

The bill requires DPS to verify that registrants are physically present in the state by sending them a verification form that directs them to (1) take the form to a prescribed office of Judicial's Court Support Services Division within 10 days after the date the form was mailed, (2) have their picture taken, and (3) update and verify any information required under the law specifying the responsibilities of courts and other agencies in the registration process (see COMMENT).

If mail is not delivered to a registrant's address due to postal restrictions, the DPS commissioner may develop and implement procedures to verify the addresses. The bill does not define "postal restrictions" but presumably the procedures will cover address verifications when registrants are transients.

The forms must inform registrants that failing to return the form or report to the prescribed office or providing false information subjects them to imprisonment for up to five years, a \$5,000 fine, or both. The Court Support Services Division must electronically notify DPS when an offender fails to report in person to the division's prescribed office. DPS must notify the local police department or state police troop with jurisdiction over a registrant's last reported (1) address whenever the registrant fails to return the form or (2) transient location whenever the registrant fails to appear at a support services' prescribed location. Once notified, the police department or state police troop must apply for a warrant for the registrant's arrest. The bill does not require police notification or warrant application when offenders, other than transients, fail to appear at a support services location (§ 7 (i)).

In the absence of any requirement for DPS to notify the Court Support Services Division when offenders are required to appear, it is unclear how the division will know when an offender fails to appear.

Registrants must appear at the prescribed office of the Judicial Department's Court Support Services Division as follows after their initial registration date:

1. tier 1 offenders and out-of-state registrants, annually;

2. tier 2 offenders, every six months;
3. tier 3 offenders, every 90 days;
4. offenders who committed felonies for a sexual purpose, as directed by DPS; and
5. anyone required to register or who becomes a transient must, after reporting his or her transient status, appear in person between 10 and 15 days after their last reporting date and continue to do so until he or she is no longer transient (see COMMENT).

#### ***Failure to Report Changes (§ 7 (c))***

The bill requires DPS to notify the local police department or state police troop with “foreign jurisdiction” over a registrant’s last reported address whenever the registrant fails to maintain or notify DPS of changes to registration information. Once notified, the police department or state police troop must apply for a warrant for the registrant’s arrest. Violators are guilty of a class D felony (see COMMENT).

By law, local police have jurisdiction within their municipality and state police have jurisdiction throughout the state; thus, it is unclear what “foreign jurisdiction” means or if any police department or state police troop has it.

The bill provides that DPS is not required to update “such” information on any registrant whose last reported address was outside this state. The bill does not require the department to update any information; thus, it is not clear what this sentence means.

#### **§ 7 (D) AND (E) — DRIVER’S LICENSE**

The bill requires offenders required to register to get a driver’s license, renew an existing license, or get an identity card from DMV before registering and maintain it for the registration period (see COMMENT). The offender must tell the department that he or she is a

sex offender, provide the department with required information, and take a current picture for use (1) on the license or card and (2) by DPS in maintaining current registration information.

DMV must mark the front of the license or card with a reference to the statute the offender violated.

Sex offenders required to register must produce their license or identification card when requested to do so by a police officer engaged in the lawful performance of his or her duties. Offenders who do not have their licenses or cards must acknowledge their status as offenders. Registrants, but not offenders who fail to register, are subject to arrest if they do not comply with an officer's request or acknowledge their status. Violators are guilty of a class D felony.

#### **§ 5 — REGISTRATION BY OFFENDERS WITH OUT-OF-STATE CONVICTIONS**

The bill changes the registration and notification requirements for sex offenders convicted or acquitted by reason of insanity in other jurisdictions. The penalty for violations is the same as under existing law: a class D felony.

##### ***Out-of-State Offenders Residing in Connecticut***

Currently, people who reside in this state but are convicted or acquitted by reason of insanity in another jurisdiction of a crime that is substantially similar to one that requires registration in this state must (1) register here in the same way as offenders in this state and (2) update certain information included in the registry without undue delay.

The bill extends registration requirements, requires pre-registration notices for certain offenders, and establishes a new procedure for updating changes, including address verifications.

**Registration.** The bill extends the registration requirement to people adjudicated delinquent and those convicted or acquitted by reason of insanity in an Indian tribal court. It also specifies that the

requirement only applies to juvenile offenders subject to the Adam Walsh Child Protection and Safety Act of 2006 (see BACKGROUND).

The bill requires the offenders to register within three business days after residing in the state, rather than without undue delay as required under current law.

**Pre-Registration Notice.** The bill establishes pre-registration notice requirements for this population of offenders. They must give the DPS commissioner written notice of their name, date of birth, residential address, state of sex offender registration, and work or school location at least 48 hours before entering the state.

### ***Non-Resident Out-of-State Registrants***

Under current law, non-resident registrants working, carrying on a vocation, or attending school in Connecticut must register, without undue delay, after beginning their work, vocation, or education. They must register their names; identifying factors; criminal history record; Connecticut residential address, if any; residential address in their home jurisdiction; e-mail and instant message addresses; and other Internet identifiers. They must also register the locations they visit on a recurring basis.

The bill eliminates this registration requirement. Instead, it requires these registrants to pre-register the same information and in the same manner as out-of-state offenders living in Connecticut. And within three business days after starting work, school, or their vocation, these registrants must register with DPS and maintain the registration, in accordance with the bill's registration requirements while working, carrying on their vocation, or going to school or until released from registration requirements in their home jurisdiction. Within three business days, rather than without undue delay, they must notify the commissioner if they (1) stop working or going to school or (2) change their residential, e-mail, or instant message address or other Internet identifier.

### ***Visiting Registrants***

Currently, nonresident registrants traveling in this state on a recurring basis for fewer than five days must notify DPS of their temporary address here and a telephone number where they may be contacted.

The bill eliminates this requirement and instead requires out-of-state registrants entering and remaining in Connecticut for less than five days to notify DPS, at least 48 hours before entering the state, of:

1. their name and birth date;
2. their temporary address and locations they will visit while in the state;
3. the state or foreign country in which they are required to register;
4. the nature and length of their stay, including the date they plan to leave; and
5. a telephone number where they can be contacted.

The registration requirement appears to apply to out-of-state registrants passing through Connecticut with no intention of staying here.

Nonresident visitors for periods longer than five days must register, within three business days after the fifth day, in the same manner as out-of-state offenders living in Connecticut.

#### **§ 10 — REGISTRATION PROCESS FOR SEX OFFENDERS INCARCERATED OR ON PROBATION**

With one exception, current law requires courts, DOC, and the Psychiatric Security Review Board to make sexual offender registration a condition of release for inmates or probationers required to register. The exception is for offenders whose prison terms have expired unconditionally (i.e., they have served the full sentence).

If the offender is being unconditionally released, the releasing

agency provides him or her with a registration package. If the offender refuses to voluntarily submit to registration at the time of release, the releasing court or agency must provide the DPS commissioner with the offender's name, date of release into the community, anticipated residence address, criminal history record, and any other relevant information.

The releasing agency also must inform offenders of their legal obligations to register with the commissioner within three days of their release, and to comply with registration requirements for 10 years or life, depending on the offense. The agency must give the offender a written summary of registration requirements and keep a record of having done so.

The bill alters the process for offenders being unconditionally released from DOC's custody and establishes a new process for offenders on probation. It appears to require these offenders to complete the registration procedure for out-of-state registrants (see COMMENT).

### ***Unconditional Release***

The bill eliminates the exception for offenders being unconditionally released and appears to require releasing agencies to also make sexual offender registration a condition of release (see COMMENT). If the offender being unconditionally released refuses to register with DOC, the department must notify DPS of the release and the offender must be immediately placed under arrest upon release for a registration violation.

### ***Sex Offenders Released from Probation***

The bill establishes a separate procedure for sex offenders being released from probation, eliminating the requirement for these offenders to be treated in the same way as inmates in the custody of DOC or the Psychiatric Security Review Board.

The bill requires that courts, prior to releasing sex offenders required to register, order them to report to DPS, in person, within

three days following their release. The court must get the offender's address and complete a DPS form that includes a written summary of the offender's obligations to submit a DNA sample, if requested and register with DPS.

The court must give the offender a copy of the form, which the court must sign acknowledging that the offender's registration requirements were explained. The offender must sign the form acknowledging that he or she understands the registration requirements. If the offender refuses to sign the form or provide the information, the court must (1) order him or her to immediately register and (2) contact the DPS to complete the registration (see COMMENT). The offender must be immediately arrested for a registration violation if he or she refuses to complete the registration.

#### **§ 11 (B) — REGISTRATION SUSPENSION**

The bill expands DPS' authority to suspend sex offender registration to include cases where the registrant is medically incapacitated. The bill does not define "medically incapacitated."

The department may already suspend registration when an offender is incarcerated, civilly committed, or living out-of-state. DPS must reinstate registrants who become medically capable just as it must reinstate those who are released from incarceration or civil commitment or return to this state to live. By law, suspension does not affect the date the registration obligation expires.

#### **§ 8 — HELPING OFFENDERS VIOLATE REGISTRATION REQUIREMENTS**

The bill makes it a class D felony for anyone to intentionally help a person required to register elude the police during the investigation of a registration violation by:

1. withholding information from, or failing to notify, the police about the registrant's failure to comply with registration requirements and, if known, his or her whereabouts;

2. harboring, attempting to harbor, or helping another person harbor or attempt to harbor, the registrant;
3. concealing, attempting to conceal, or helping another person conceal or attempt to conceal, the registrant;
4. knowingly providing false information about the registrant;
5. obstructing or hindering the police investigating or enforcing the violation; or
6. falsely representing the registrant by signing address verification forms or other official registration documents.

To be subject to the penalty, the person has to have a reason for believing the person required to register is in violation of registration requirements. However, the person could be convicted of the crime only if he or she engaged in the conduct described above with respect to registrants; not people who are required to register but fail to do so.

### **§ 9 — DISSEMINATION OF INFORMATION**

By law, a person may be required to register but have dissemination of registration information limited to law enforcement officials if a court finds that public dissemination is not required for public safety. The court may grant this restriction for offenders who commit second-degree sexual assault in a spousal or cohabiting relationship. Similarly, if a court finds that public dissemination is not required for public safety, it may restrict registry dissemination for offenders who commit offenses against a minor, nonviolent sexual offenses, or sexually violent offenses, where the victim was a relative of the offender.

The bill also permits courts to (1) order DPS to limit the dissemination of registration information to law enforcement officials or (2) exempt from registration sex offenders otherwise required to register if the registrant or person required to register, as applicable, is in a witness protection or relocation program. The court must find that public dissemination or registration, as applicable, is not required

for public safety and that publication of the registration information would likely jeopardize the protected person's safety.

Just as under existing law, the court must remove the restriction on the dissemination or exemption from registration if it finds that public safety or a change in circumstances dictate it. The court must direct DPS to execute and secure the order and refrain from any further dissemination of covered information unless ordered by the court. The record of the court order and its activity on the order are sealed from the public.

## **§ 11 — INFORMATION SHARING**

Upon receipt of offender registration information, the law requires DPS to enter it into the registry and notify the local police department or state police barracks that has jurisdiction over the area where the registrant resides or plans to reside. If a registrant is a student or works at a trade or professional school or college in this state, DPS must notify law enforcement with jurisdiction over the school's location. DPS also notifies appropriate agencies in other states when notified that a Connecticut registrant has moved there. It also provides all registration and conviction data, photographs, and fingerprints to the FBI for inclusion in its national sex offender registry.

The bill expands the notification requirement to include law enforcement agencies with jurisdiction over any location where an offender (1) works or attends school, rather than just a trade or professional school or college or (2) plans to work.

The bill requires the local police department or state police troop to develop (1) policies and procedures to verify the accuracy of the information registrants provide and (2) uniform procedures for investigating registrants' continued compliance with registration requirements, including any registration violations. DPS must develop and maintain software applications that allow local jurisdictions to effectively and efficiently track and manage "local sexual offender registry programs." The sex offender registry is a state administered

central record system. The bill does not define “local sexual offender registry programs;” thus, it is unclear what these are or the authority for them.

### **§ 12 — Confidential Information**

By law, state agencies, the Judicial Department, state police troops, and local police departments cannot disclose the identity of any registrant’s crime victim or treatment information, except to government agencies for bona fide law enforcement or security purposes.

The bill expands the prohibition to include a registrant’s Social Security or telephone number, e-mail or instant message address, or other similar Internet communication identifier.

### **§ 15 — SEX OFFENDER REGISTRY POLICY ADVISORY COMMITTEE**

The bill establishes an 18-member Sex Offender Registry Policy Advisory Committee. By February 1, 2009, the committee must submit a report to the Judiciary Committee setting forth its (1) findings and recommendations on implementing the bill’s provisions and (2) recommendations to improve the method and content of registry information provided to the public.

The committee consists of:

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 Paroles;
5. Court Support Services Division’s executive director;
6. chairpersons and ranking members of the Judiciary and Public Safety committees or their designees; and

7. three gubernatorial appointees.

One each of the governor's appointees must be a (1) victim advocate with experience working with sexual assault victims and sexual offenders, (2) forensic psychiatrist with experience in the treatment of sexual offenders, and (3) person trained in the identification, assessment and treatment of sexual offenders. The DPS commissioner, or a designee, serves as chairperson of the board.

## **BACKGROUND**

### ***Adam Walsh Act***

This act took effect on July 27, 2006. It requires each jurisdiction to maintain a sex offender registry that conforms to its provisions. Among other things, the act divides sex offenders into three tiers and requires different registry periods for each tier.

Tier III sex offenders are convicted of an offense that is punishable by more than one year in prison and:

1. is comparable or more severe than one of the following federal crimes or conspiracy or attempt to commit one of them: aggravated sexual abuse, sexual abuse, or abusive sexual contact against a minor under age 13;
2. involves kidnapping a minor, unless the actor is a parent or guardian; or
3. occurs after the offender became a Tier II sex offender.

A Tier II sex offender is someone convicted of an offense punishable by more than one year in prison that:

1. is committed against a minor and is comparable or more severe than one of the following federal crimes or attempt or conspiracy to commit one of them: sex trafficking, coercion and enticement, transportation with intent to engage in criminal sexual activity, or abusive sexual contact;

2. involves using a minor in a sexual performance, soliciting a minor for prostitution, or producing or distributing child pornography; or
3. occurs after the offender became a Tier I sex offender.

A Tier I sex offender is someone convicted of a sex offense not included in the other tiers. The act defines a sex offense as (1) a crime involving a sexual act or sexual contact with another, (2) specified crimes against minors, (3) specified federal crimes and military crimes, and (4) attempt or conspiracy to commit one of them. Certain foreign crimes and certain crimes involving consensual sexual conduct are excluded but certain juvenile adjudications are included.

### ***Risk Assessment Board***

The legislature established the board in 2006 to develop a scale using various factors to determine a sex offender's likelihood of reoffending. In 2007, it required the board to make 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 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 Paroles;
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.

***Related Bill***

sHB 5033 prohibits courts from granting sex offenders' requests for name changes unless the offenders, among other things, notified DPS before applying for the change.

**COMMENTS*****Juvenile Offenders***

The bill (§ 10 (d)) allows the court to reduce the registration period to 25 years, which suggests that juveniles must maintain their registration for more than 25 years. However, the bill does not specify the period of registration. It requires juveniles to register under the statute that covers out-of-state registrants. Out-of-state registrants must maintain their registration until they are released from registration in the other jurisdiction.

***People Required to Register Under 54-102r***

CGS § 54-102r required sexual assault offenders to register for 10 years. Since the last possible registrants under that law will complete their registration by the bill's October 1, 2008 effective date, the legal effect of § 4 (b) is unclear.

***Calculating Registration Terms***

Under § 7 (k) any period of incarceration or noncompliance is excluded from a registrant's registry term. However, by law, unchanged by the bill, suspension due to incarceration does not affect the date an offender's registration obligation expires (see § 11 (b)).

***Information Verification***

§ 7 (g) requires sex offenders who are released from custody to verify information required under CGS § 54-256. That section of the statutes instructs agencies and courts on registration processes they

---

must follow before releasing offenders into the community.

### ***Address Verification***

The schedule for sex offenders to verify their addresses in person by reporting to the Judicial Department's Court Support Services Division is contradictory. § 7 (h) (1) - (3) requires them to appear based on their classification but § 7 (h) (5) requires them to all report at least every 15 days.

### ***Penalty for Failing to Register Information in § 7 (b)***

The bill makes offenders guilty of a class D felony if they do not maintain the information required under § 7 (b). However, unlike changes to other information such as name and address that must be reported within three business days, the bill does not specify a deadline by which offenders must report changes to this information.

### ***Registration as a Condition of Release***

By requiring offenders to complete the registration process the DPS commissioner establishes under CGS § 54-253, the bill (§ 10) appears to require offenders who are convicted or acquitted by reasons of insanity in Connecticut to register in the same manner as in-state and out-of-state offenders.

### ***Driver's License Requirement***

§ 7 (d) requires sex offenders to get a driver's license, renew an existing license, or get an identity card from DMV before registering. However, §§ 2 and 3 require offenders in the DOC commissioner's custody to register before they are released. Since incarcerated inmates would be unable to comply with the licensure or identification requirement, it is unclear how they would be able to register.

### ***Unconditionally Released Offenders***

§ 10 requires agencies to place conditions on sex offenders being "unconditionally" released into the community. Since inmates released unconditionally have served their full sentence, it is unclear how a releasing agency can place conditions on them.

**Registration Violation**

Under §§ 2-4, sex offenders required to register have three days following their release to register with DPS. However, under § 10, sex offenders being released from probation must be immediately arrested if they fail to register after a court orders immediate registration.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (03/24/2008)