



STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONER

*John A. Danaher III*  
Commissioner

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Chief of Staff

March 20, 2008

Rep. Michael P. Lawlor, Co-Chairman  
Sen. Andrew J. McDonald, Co-Chairman  
Judiciary Committee  
Legislative Office Building  
Hartford, CT 06106

**SB 35 – AN ACT CONCERNING REGISTRATION OF SEXUAL OFFENDERS**

***THE DEPARTMENT OF PUBLIC SAFETY SUPPORTS THIS BILL***

On July 27, 2006, President George W. Bush signed the Adam Walsh Child Protection and Safety Act into law. The Walsh Act significantly improves and upgrades the federal sex offender registration platform that was established under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act which was passed as part of the Federal Violent Crime Control and Law Enforcement Act of 1994.

The Walsh Act seeks to establish a more uniform platform for sex offender registration amongst state registry systems. The inconsistencies between state registry systems have caused holes in the system of moving registrants from state to state. It can be nearly impossible to keep track of a registrant who moves from state to state because of these inconsistencies. The requirements under the Walsh Act that will impact Connecticut include:

- The development of a three tier registration system based solely on the offense that an individual is convicted of.
- A change in the length of registry terms in Connecticut from current ten years and lifetime to fifteen years, twenty five years and life.
- Required in-person verification of a registrant within the appropriate jurisdiction.

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- Registration of certain juveniles, fourteen years and older, who commit crimes equivalent to Sexual assault 1<sup>st</sup> degree and Aggravated Sexual Assault in the 1<sup>st</sup> degree.
- Additional reporting requirements such as the reporting of a registrant's employer, vehicles that a registrant owns or operates and professional licenses they hold.

Connecticut's current registry system, established under P.A. 98-111, is also an offense based registration system, requiring registration based on the result of a specific conviction or finding of not guilty by reason of mental disease or defect. The transition from the system developed under P.A. 98-111 to the Walsh Act requirements will be far less difficult for Connecticut than for states that have adopted risk assessment based systems.

This proposed bill includes additional provisions above and beyond those required under the Walsh Act. These provisions address critical issues, ignored by the federal government, that have been recognized by every state registry throughout the country. These issues have a significant impact on the operation of the registries and more importantly on the safety of the citizen they serve. These issues include transient or homeless registrants and the movement of registrants from state to state. This proposal also seeks the development of a Sex Offender Registry advisory committee and establishment of compliant registry terms

### Transient Registrants

The State of Connecticut has just over 4,800 registered sex offenders who are living, working or attending school in the state. One of the largest growing populations within this group is registrants who do not have a stable or consistent residence. The Sex Offender Registry Unit is currently tracking just over one hundred registrants who are claiming to be homeless. Current Connecticut registry laws make no provisions for homeless registrants to stay in compliance, as a homeless registrant can not be mailed a 90 day address verification letter nor does the registrant have any obligation to maintain any form of ongoing communication with the registry unit.

This proposal seeks to provide a transient registrant with the statutory means to maintain compliance with their registration requirements. Transient registrants would be required to report to the Department of Public Safety that they are transient within three days of becoming transient. Transient registrants would then be required to report in person to a location designated by the Department of Public Safety on a date that is not less than ten days and not more than fifteen days from the date of reporting their transient status and to continue to report in this manner until such registrant is no longer transient.

### State to State Movement of Sex Offenders

In principal, the movement of a registered sex offender from one state to another should be straight forward. A registrant notifies his current state registry that he is moving to another state, the current state notifies the new state, and the registrant registers upon arrival in the new state. The problem is that this entire process is based on the honesty and compliance of the registered sex offender.

This proposal seeks to require proactive reporting of out of state registrants entering Connecticut by requiring them to report forty eight hours prior to entering, living, working or attending school in the state.

Members of the Department of Public Safety Sex Offender Registry Unit receive numerous calls every week that result in investigations of registered sex offenders that have entered our state without registering. These are very difficult investigations as many of these individuals are living "under the radar" without signing leases, collecting reported wages or providing any other visible means that would identify the length of time they have been in the state. When asked, many of the subjects of these investigations will tell law enforcement that they have only been in the state for a few days as they are fully aware of the current requirement to register without undue delay or within five business days.

### Sex Offender Registry Policy Advisory Committee

This proposal seeks to develop a Sex Offender Registry Policy Advisory Committee. In 2006 a working group from Connecticut law enforcement and criminal justice agencies met at the Department of Justice National Symposium on Sex Offender Registry Management and Accountability. The working group very quickly realized the benefits of bringing together representation for all of the agencies that play roles in the management, registration and supervision of sexual offenders. This proposal seeks to continue the energy of the initial working group as it applies to the implementation of this proposed legislation. The establishment of the committee would also make available to the state an ongoing resource to provide guidance on public policy issues relative to the registration of sexual offenders.

### Compliant Registry Terms

A current Connecticut registrant with a ten year registration could easily reduce that registry term down to only a few years if the registrant is returned to the Department of Correction or becomes non-compliant. This proposal would establish a registry term that would only account for compliant time when the registrant is actually in the community.

### Simplification of the Structure of the Registry Statutes

This proposal also reorganizes the registry statutes to allow for all of the registry requirements to be under one statute. This reorganization will provide for less confusion for law enforcement and the courts in charging for violations and provide for far less complicated changes as new registry statutes are enacted.

### Aiding a Registrant in violation of Registry Requirements

Section 8 of this proposal makes clear the position of the state in matters related to aiding a registered sex offender in the violation of registry requirements. The proposal provides a strong tool for law enforcement in dealing with the ongoing issue of violations of registry statutes and those who aid registered sex offenders in these violations.

The bill addresses issues ranging from falsely signing address verification letters to harboring registered sex offenders who are being sought for by law enforcement for a felony registry violation. Connecticut currently has over 420 registrants who have failed to verify their addresses and an additional 20 individuals who are required to register and who have not.

### CT SOMA

Section 11 of the proposal addresses a long standing deficiency in the current registry system, the verification of information provided by registrants. The proposal seeks to allow local police departments to establish policies and procedures to verify the accuracy of information provided by registrants. The Department of Public Safety would support these local agencies with a software application called CTSOMA, Connecticut Sex Offender Management Application. The application would provide local agencies direct access into the registry database, provide a local department with the ability to view a current list of registrants in their jurisdiction, identify those registrants who are in violation of their registry requirements and allow the local department to receive investigative reports, track the progress of arrest warrant applications and aid in the tracking of transient registrants.

### Technical Revisions

The Department of Public Safety would like to recommend the following technical revisions to this bill:

1. Section 1, subsection 10. Remove “a violation of section 17 of this act” from the definition of a Tier one offense as Risk of Injury C.G.S. 53-21(a)(1) is not a register-able offense.

2. Section 1, subsection 10. Remove "53a-186a" and replace it with "section 16 of this act", 53a-186a Aggravated Public Indecency is proposed in Section 16.
3. Section 1, subsection 11. Remove "section 18 of this act" and replace it with "section 19 of this act." Section 18 is Illegal sexual contact of children under thirteen years of age and section 19 is Illegal sexual contact with children thirteen to fifteen years of age.
4. Section 1 subsection 12. Remove "section 19 of this act" and replace it with "section 18 of this act".
5. Section 1 subsection 11. Remove "subdivision (2) of subsection (a) of section 53a-70" and replace it in Section 12 by eliminating "except subdivision (2) of subsection (a) of said section" after "a violation of section 53a-70". This would make all violations of Sexual assault first degree a Tier three offense. Section 53a-70(a)(2) is already a lifetime registration under C.G.S. Sec. 54-251.
6. Section 1 subsection 12. Adding "a violation of section 53a-71 as specified in subsection 11 of this section, subdivision (2) of subsection (a) of section 53a-72a, subparagraph (a) of subdivision (1) of subsection (a) of section 53a-73a if the victim is under thirteen years of age at the time of the offense"
7. Section 7 subsection(b). Add "within three business days" after the colon and just before subdivision (1).

### Summary

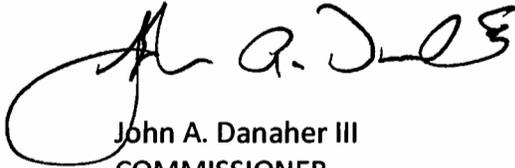
The men and women of the Department of Public Safety Sex Offender Registry Unit are tireless advocates for the Connecticut Sex Offender Registry laws, providing information to the public on over 4,800 registrants with over 9,400,000 hits to the registry website in 2007.

Providing the public with the most accurate information on registered sex offenders in the community is not a charge that the department takes lightly. We continue to look at innovative means to accomplish our statutory mission.

State Troopers assigned to the Sex Offender Registry Unit have been working hand in hand with local law enforcement agencies to enforce registry laws for noncompliant registrants. In 2007 the Sex Offender Registry Unit completed 356 investigative reports that have saved local officers hundreds of hours that would have been spent determining registrant classifications and documenting violations. The success of this program, which was begun in 2003, is clearly evident in the dockets of courts throughout the state showing a dramatic increase in the number of arrests and convictions since the program was started.

The department recognizes that there are many areas of the current sex offender registry statutes that are in need of improvement and despite our greatest efforts these issues need to be resolved with a more comprehensive statutory scheme. We believe that this bill provides those needed improvements while bringing Connecticut into substantial compliance with the Adam Walsh Child Protection and Safety Act.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Danaher III". The signature is fluid and cursive, with a large loop at the beginning and a distinct "E" at the end.

John A. Danaher III  
COMMISSIONER  
Department of Public Safety