



State of Connecticut

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TESTIMONY OF CHRISTINE RAPILLO EXECUTIVE ASSISTANT PUBLIC DEFENDER OFFICE OF THE CHIEF PUBLIC DEFENDER

S.B. 35 AN ACT CONCERNING THE REGISTRATION OF SEX OFFENDERS. COMMITTEE ON THE JUDICIARY MARCH 20, 2008

The Office of the Chief Public Defender opposes S.B. 35, An Act Concerning Sex Offenders. This Agency is specifically concerned with Section 5 which will require children convicted of delinquency offenses in juvenile court to register as sex offenders. The proposed changes in the language are unnecessary, as Connecticut law already requires sex offender registration for the target offender group. The federal Adam Walsh Act cited in Section 5 of S.B. 35 encourages states to require registration for children over the age of fourteen who are convicted of aggravated sexual offenses. Connecticut's juvenile transfer laws requires that children over age fourteen who are charged with this type of crime be transferred to adult court. They cannot under our law, be prosecuted as delinquents. They must be prosecuted as adults and thus are subject to adult registration laws if convicted.

Connecticut General Statute Section 46b-127 mandates that all A and B felonies be transferred. This includes aggravated sexual assault as anticipated by the Adam Walsh Act. C.G.S. 46b-127 also allows a prosecutor to transfer any felony case to adult court, at his or her complete discretion. This law means that almost every sexually related offense can be prosecuted in adult court for all children 14 and older. Because of this, Connecticut does not require juveniles convicted as sex offenders in juvenile court to register. This is an appropriate policy for this state. Juvenile court allows for the treatment and rehabilitation of children with problem sexual behavior. Children accused of sexual offenses have a variety of issues. Often they are diagnosed as "sexually reactive", which involves sexual

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acting out behavior stemming from trauma, abandonment or exposure to sexual situations at an early age. If these children receive treatment, the issues resolve and do not cause further problems. Many of the children we represent in juvenile court have been victims of sexual assaults themselves and have never received appropriate treatment and counseling. It is appropriate to maintain these children in the therapeutic jurisdiction of the juvenile court and to keep their convictions confidential.

The current proposal to include convicted delinquents required to register in any state would penalize the children of Connecticut who are not transferred and who we send out of state for services. Connecticut currently has no inpatient sex offender programs that are appropriate for children under the age of 18. Every Connecticut child who requires inpatient treatment goes out of state. This proposal could cause 14 and 15 year olds, who the state does not transfer but who go to treatment programs out of state, to register when they return. This is contrary to the state's policy to provide confidentiality to the children who we maintain in the juvenile court. Current law protects society from dangerous predators and gives prosecutors discretion to allow treatment for children who will benefit from it. The proposed language is not necessary and the Office of the Chief public Defender urges the Committee to reject this proposal.