



## State of Connecticut

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TESTIMONY OF CHRISTINE RAPILLO  
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**RAISED BILL NO. 6384,**  
**AN ACT CONCERNING THE REGISTRATION OF SEX OFFENDERS**

The Office of the Chief Public Defender opposes passage of Raised Bill 6384, **An Act Concerning Sex Offender Registration**. This bill tries to bring Connecticut into compliance with the federal Adam Walsh Child Protection and Safety Act, PL 109-248. This bill is unnecessary and could dramatically change the way children charged with sex offenses in *juvenile* court are treated. Current laws relating to sex offender registration and the mandatory transfer of cases out of the juvenile court should be sufficient for compliance with the Adam Walsh Act. Requiring juvenile registration undermines the essential rehabilitative purpose of the juvenile court and will discourage young people with emerging issues from seeking the treatment and services available in the delinquency system. The social cost of such a policy is high, creating a whole group of young people who, despite being the most amenable to treatment, will be doomed to a life of stigma and economic dependence. The direct financial costs of expanded registration are also daunting, as the federal law requires retro active application of this requirement.

Section 1 of the Adam Walsh Act, known as the Sex Offender Registration and Notification Act (SORNA) includes a requirement that juveniles convicted as delinquent must register as sex offenders. Connecticut's current statutory scheme for dealing with juveniles charged with serious sex offenses should bring the state into compliance with SORNA without adopting specific juvenile registration requirements. SORNA clearly requires that juveniles prosecuted as adults must register according to the state's adult requirements. Connecticut law treats all juveniles transferred to the criminal docket as adults and C.G.S. §54-250(1), defines conviction for registration as "a judgment of the Superior Court... after upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment". There is no exception for juveniles who are prosecuted as adults.

Testimony of Christine Rapillo, Executive Assistant Public Defender, Office of Chief Public Defender  
R. B. 6384, An Act Concerning the Registration of Sex Offenders

SORNA only requires registration for a delinquency adjudication “only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of Title 18, United States Code), or was an attempt or conspiracy to commit such an offense.” See SORNA Sec. 118(8). The SORNA guidelines published by the United States Department of Justice give this description of aggravated sexual abuse:

“Considering the relevant aspects of the federal ‘aggravated sexual abuse’ offense referenced in section 111(8), it suffices for substantial implementation if a jurisdiction applies SORNA’s requirements to juveniles at least 14 years old at the time of the offense who are adjudicated delinquent for committing (or attempting or conspiring to commit) offenses under laws that cover:

- o engaging in a sexual act with another by force or the threat of serious violence;
- o or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.”

This is the statutory equivalent to C.G.S. §53a-70 through 71, all of which deal with aggravated sexual assault or sexual assault on a minor. All of these crimes are classified as Class A or B felonies. C.G.S. §46b-127 requires that all Class A and B felonies be transferred from the juvenile court to the adult criminal docket if the accused is 14 years of age or older. The law requires that all children or youth charged with this type of crime be automatically sent to the adult court. C.G.S. §46b-127 even prohibits arguments of counsel in the pro forma transfer hearing in juvenile court. Since Connecticut law does not allow for delinquency adjudication in these cases, it is unnecessary to legislate that juveniles could be forced to register.

Sex offender registration for juveniles defeats the rehabilitative purpose of the juvenile court. Connecticut has never required juveniles adjudicated of sexual offenses to appear on the registry. Both the Judicial Branch and CSSD provide secure and community based treatment for offenders remaining in the juvenile court. This treatment is age appropriate and shown to have the best chance at preventing reoffending. The juvenile justice system uses the transfer laws for the most serious offenders and offenses. If a sexual assault case stays in juvenile court, it is only because a prosecutor has decided it is appropriate. This high amount of discretion provides significant protection to the public and allows for more rehabilitative treatment when appropriate. Adopting the Adam Walsh Act provisions leaves Connecticut subject to future changes in the federal law that may conflict with the state’s long standing policy not to make juvenile delinquency convictions eligible for sex offender registration. Registration for juvenile delinquents is bad public policy, as it leaves the offender with no chance for successful reintegration into the community which is the overarching goal of our juvenile justice system. Requiring registration for children adversely affects their ability to go to school, work, or even live with their families, all factors proven to help decrease recidivism in youth. Public safety is protected by Connecticut’s stringent transfer laws and registration of juvenile offenders is not necessary.

In addition, full implementation of the Adam Walsh Act and the SORNA requirements in Connecticut will be very expensive. Failing to comply with these laws will result in a penalty equal to 10% of the state’s

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R. B. 6384, An Act Concerning the Registration of Sex Offenders**

total Byrne Grant money from the federal government. Many states, including Texas, Ohio, and New York are struggling with whether to meet the terms of SORNA because they realize that implementation will cost significantly more than the money to be lost in penalties. Attached to this testimony is a chart prepared by the Justice Policy Institute. The chart shows the estimated cost for compliance with SORNA and the amount of BYRNE grant funding lost by failing to comply. Connecticut's estimated cost for implementation in 2009 is \$5,680,602. The estimated penalty for noncompliance is \$218,900.

Connecticut does not need to implement this costly federal mandate. Our current laws on both juvenile and adult sex offenders are sufficient to ensure public safety. The Office of the Chief Public Defender strongly urges this committee to reject Raised Bill 6386.