



STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONER

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March 16, 2009

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

**HB 6384 AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS**

***The Department of Public Safety supports this bill.***

The Department of Public Safety would like to thank Governor Rell for her proposal regarding significant improvements to the sex offender registry. This bill seeks to implement into Connecticut law the provisions of the Sex Offender Registration and Notification Act (SORNA), which is title I of the federal Adam Walsh Child Protection and Safety Act (Pub L. 109-248). SORNA establishes a comprehensive set of new minimum standards for sex offender registration and notification in the United States. These standards would allow states and other jurisdictions to close statutory gaps that were established by the states under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act (42 U.S.C 14071) in 1994. These gaps provided registered sex offenders the legal opportunity to avoid registration by merely crossing state lines or to go unnoticed in a community by having address verification letters returned by friends or family at addresses where they did not live.

Section 124 of SORNA sets a time frame for state implementation, with a deadline of July 27, 2009. The U.S. Department of Justice may authorize up to two one-year extensions for a state to implement the SORNA requirements. Failure to comply with the implementation of the act would result in a 10% reduction of federal justice assistance funding under 42 U.S.C. 3750 *et seq.* also known as the Byrne Justice Assistance Grant program. On January 14, 2009, the Department of Public Safety submitted a letter requesting a one-year extension as outlined in Section 124 to the Director of the USDOJ SMART Office, which oversees them implementation of SORNA. The SMART Office has since requested additional documentation detailing the specific efforts made by the state toward substantial implementation of the act that they will use in determining if an extension will be authorized for the State of Connecticut.

That documentation will include a copy of this proposed bill. Passage of this bill into law will help bring Connecticut into substantial compliance with SORNA. The Department of Public Safety has simultaneously taken significant steps to improve the information technology needs of the Sex Offender Registry. The department is completing a selection process for a system that will provide a state of the art, Walsh compliant, registry database system that will include capabilities such as email notifications to schools, civic organizations and individuals when a registered sex offender moves into their community. These database improvements, matched with the provisions of this bill, will bring the state into substantial compliance with the SORNA requirements.

The requirements of SORNA include the development of a three tier registration system based solely on the offense that an individual has been convicted of. This offense based system actually mirrors Connecticut's current offense based registration system, the constitutionality of which was upheld by the United States Supreme Court in 2003. The U.S. Attorney General, in the Final SORNA Guidelines issued in June of 2008, was very clear that states could not substitute other approaches to registration such as systems based on "risk assessment".

In prior written and verbal testimony to this committee, this agency has opposed the use of risk assessment tools for the purpose of sex offender registration and community notification. The agency remains opposed to the use of these tools as risk assessments are an unreliable indicator of the future likelihood of a specific sex offender to re-offend. There may be a day when the science of risk assessment makes significant strides, but that day has not come. Members of the public are placed at great risk as a result of relying on predictions of future behavior that may not be accurate. Additionally, states using risk assessment systems experience significant fiscal impact, have unresolved backlogs, and problems maintaining adequate and qualified staffs. No cost is greater to a community than the loss of a child that is viciously raped and murdered at the hands of a sexual offender whose risk of re-offending the state deemed to be "sufficiently minimal".

Connecticut's sex offender registry system has been extremely successful, as evidenced by the 800,000 to 1,000,000 hits to the SOR website each month. Passage of this bill will help make the state compliant with federal law preserve federal funding and make the existing system even better. The specific ways in which this bill accomplishes that are as follows:

#### Statutory Changes Meeting the Requirements of the Walsh Act

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

### Transient Registrants

The State of Connecticut has just over 5,046 registered sex offenders that 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 one hundred twenty-three 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 cannot be mailed a 90 day address verification letters 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, and do so 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 shall 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 straightforward. 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 the state that they will be entering, living, working or attending school in the state.

Members of the Department of Public Safety Sex Offender Registry Unit receive numerous calls, each 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, they are collecting wages under the table or they are not 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" which suggests that 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 would establish a Sex Offender Registry Policy Advisory Committee that would replace the current Risk Assessment Board. 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 were to be returned to the Department of Correction or become 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 addressing violations and will make future required statutory revisions procedurally simpler. Currently, as a public act adds a new requirement to the registry statutes, that new requirement must be added to sections 54-251, 54-252, 54-253 and 54-254.

### Aiding a Registrant in violation of Registry Requirements

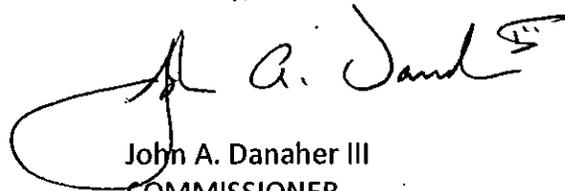
Under Section 8 this proposal seeks to make clear the serious and unquestionable position of the state in matters related to aiding a registered sex offender in the violation of registry requirements. From falsely signing address verification letters to harboring a registered sex offender that is being sought by law enforcement for a felony registry violation, the proposal provides a strong tool for law enforcement in dealing with the ongoing issue of violations of registry statutes and those that aid registered sex offenders in these violations. Connecticut currently has over 400 registrants that have failed to verify their address.

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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 its 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.

This is an excellent bill that addresses many critical issues and I urge your support.

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 small flourish at the end.

John A. Danaher III  
COMMISSIONER  
Department of Public Safety

