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GOVERNOR

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

Testimony of Governor M. Jodi Rell

Presented to the
Judiciary Committee
March 22, 2010

Regarding SB 33,
AAC the Registration of Sexual Offenders

Chairpersons McDonald and Lawlor, Ranking Members Kissel and O'Neill, and distinguished members of the Judiciary Committee:

Thank you for the opportunity to provide testimony on SB 33, An Act Concerning the Registration of Sexual Offenders.

In a letter dated October 17, 2009 John Walsh sought my support in seeing that the Adam Walsh Child Protection and Safety Act becomes law in Connecticut. In the letter Mr. Walsh recognized that the enactment of this federal law, which was named for his son, was just the first step to repair a dysfunctional patchwork of state sex offender registries. Mr. Walsh explained that the lack of consistency in state registry laws has been taken advantage of by those sexual offenders who have chosen to disappear and that state action is vital to repair this system. I agree with Mr. Walsh that state action is vital and as a result have submitted this bill in order to provide the implementation of the provisions of the Sex Offender Registration and Notification Act.

Connecticut was granted a one year extension from the original deadline of July 27, 2009 to implement the Sex Offender Registration and Notification Act (SORNA) which is title I of the Walsh Act. Since that time the Department of Public Safety has replaced a ten year old registry database system and sex offender registry website with systems that offer the state the database and website functionality to become substantially compliant with SORNA. The statutory authority to turn on that functionality to become substantially compliant with SORNA is contained within this bill.

Connecticut's current offense based system is nearly in line with the federal SORNA requirements. Further, many of the SORNA provisions that other states contend are stumbling blocks to SORNA implementation have already been addressed in Connecticut law. A major issue for many states is the registration of offenders ages fourteen or older for offenses comparable to or more severe than the federal offense of aggravated sexual abuse as described in section 2241 of title 18 of the United States Code. Connecticut General Statute 46b-127 currently requires the automatic transfer from the docket for juvenile matters to the regular criminal docket of the Superior Court the case of any child charged with the commission of a capital felony, a class A or B felony provided such offense was committed after such child attained the age of fourteen years. Upon conviction under the regular criminal docket, sex offender registration under C.G.S. 54-252 is currently required.

The SORNA requirement for jurisdictions to conduct in-person verifications of their registered sex offenders every ninety days, every six months to once yearly depending on the registrant's assigned tier designation has also been a source of frustration for many states. Connecticut has established a system of in-person verification utilizing probation officers, who are already in place, and accounting for these contacts on the new registry database system. This method of accountability of registrants is far more thorough than the current method of verification which is conducted by the exchange and mailing of a letter.

In January of this year my office was contacted by the U.S. Department of Justice SMART Office, which is charged with administering the Sex Offender Registration and Notification Act. SMART Officer Director Linda Baldwin advised the state that the deadline of our one year extension is July 26, 2010 and that Connecticut can apply for one additional one-year extension which would end on July 26, 2011. The Department of Public Safety has applied for this extension and we are awaiting a reply from the SMART Office. Failure of a state to substantially implement the SORNA requirements by their deadline will result in the annual withholding of 10 percent of the funds that would otherwise be allocated for that fiscal year to the state under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act.

This bill makes public safety sense and it makes fiscal sense. Thank you for your time and consideration.