



OLR RESEARCH REPORT

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RESTRICTING ACTIVITIES OF ACCUSED AND CONVICTED SEX OFFENDERS

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You asked us to compare statutes regulating the activities of people accused of committing sexually-based offenses with those that apply to convicted sex offenders.

SUMMARY

We found no statutory authorization for courts to specifically restrict the activities of accused or convicted sex offenders other than requiring the latter to comply with the sexual offender registration law. But the law generally permits judges to impose non-financial orders on those they release pending trial or under court supervision. Judges make these decisions on a case-by-case basis, reports Deborah Fuller, the Judicial Branch's director of external affairs. Probation officers may impose other conditions on offenders they supervise, also on a case-by-case basis.

ACCUSED SEX OFFENDERS: CONDITIONS OF RELEASE

When an arrested person is charged with a sexual offense, the court has inherent authority to order him or her to comply with non-financial conditions of release. Among other things, these are intended to reasonably ensure that the release will not endanger any person's safety.

By law, judges must take into account the nature and circumstances of the offense, number and seriousness of pending charges, and weight of the evidence against the accused. They must also consider the arrested person's:

1. criminal record;
2. record of appearing in court after being released on bail;
3. family ties;
4. work record, financial resources, character, and mental condition;
5. history of violence;
6. convictions for similar offenses while released on bond; and
7. likelihood of committing another crime while released, as determined by the person's expressed intentions ([CGS § 54-64b\(2\)](#)).

Statutorily authorized non-financial release conditions that are particularly germane to accused sex offenders include (1) supervision by a designated person or organization; (2) restrictions on travel, residence, and associates; (3) prohibitions against engaging in activities like using or possessing a dangerous weapon, intoxicant, or controlled substance; (4) electronic monitoring; and (5) compliance with other conditions reasonably necessary to avoid endangering another person's safety ([CGS § 54-64a\(c\)](#)).

Violators are subject to court sanctions, including stricter release conditions; return to pretrial detention; prosecution; and in some cases, if the accused is ultimately convicted, enhanced penalties under the persistent offender statute ([CGS §§ 54-64a](#) and [53a-40\(b\)](#)).

CONVICTED SEX OFFENDERS: REGISTRATION AND PROBATION CONDITIONS

The sex offender registration law requires convicted sex offenders to keep the Department of Emergency Services and Public Protection (formerly the Department of Public Safety) closely apprised of their whereabouts, including where they live, work, go to school, and travel. Those who fail to register or report changes as required by law commit a class D felony, punishable by imprisonment for up to 5 years, fines of up to \$5,000, or both ([CGS § 54-250, et seq.](#)).

The registration law does not otherwise restrict a convicted sex offender's activities or travel. However, judges routinely impose release conditions on sex offenders, and probation officers may impose others. Taken in combination, these include those described above and (1) participating in sex offender treatment; (2) not living or traveling within a specified distance from schools, day care centers, parks, and other areas where children congregate; (3) keeping in touch with their probation officer and getting permission before relocating, changing jobs, traveling out-of-state, or making other changes in personal circumstances; and (4) submitting to unannounced searches and random drug testing.

Violators of the above conditions are subject to stricter probation conditions or extended probation periods; prosecution; and probation revocation, which results in incarceration for some or all of their remaining sentences ([CGS § 53a-32](#)).

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