



General Assembly

January Session, 2013

Raised Bill No. 1152

LCO No. 4900



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING PETITION FOR RELEASE FROM THE
REQUIREMENT TO REGISTER AS A SEXUAL OFFENDER FOR LIFE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) Any person who is
2 required to maintain registration as a sexual offender for life pursuant
3 to section 54-251 or 54-252 of the general statutes, as amended by this
4 act, and who has complied with the registration requirements of
5 chapter 969 of the general statutes for a period of ten years or more
6 may petition the court to be released from such registration
7 requirements in accordance with this section.

8 (b) Any person who files such a petition under this section shall,
9 pursuant to subsection (b) of section 54-227 of the general statutes, as
10 amended by this act, notify the Office of Victim Services and the
11 Victim Services Unit within the Department of Correction of the filing
12 of such petition. The Office of Victim Services or the Victim Services
13 Unit within the Department of Correction, or both, shall, pursuant to
14 section 54-230 or 54-230a of the general statutes, as amended by this
15 act, notify any victim who has requested notification pursuant to

16 subsection (b) of section 54-228 of the general statutes, as amended by
17 this act, of the filing of such petition. Prior to granting or denying such
18 petition, the court shall consider any information or statements
19 provided by the victim, and may order the petitioner to submit to a
20 risk assessment or other evaluation as the court deems appropriate.

21 (c) The court may order that such person not be subject to the
22 registration requirements of chapter 969 of the general statutes if the
23 court finds that such person has fully complied with the terms of such
24 person's release, has not committed a subsequent criminal offense
25 against a victim who is a minor, nonviolent sexual offense or sexually
26 violent offense, and does not present a risk to public safety.

27 (d) Any person whose petition is denied under this section may
28 submit a new petition under this section no earlier than five years after
29 the date of such denial or any decision on an appeal therefrom,
30 whichever is later.

31 Sec. 2. Section 54-250 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2013*):

33 For the purposes of sections 54-102g and 54-250 to 54-258a,
34 inclusive, and section 1 of this act:

35 (1) "Conviction" means a judgment entered by a court upon a plea of
36 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
37 court notwithstanding any pending appeal or habeas corpus
38 proceeding arising from such judgment.

39 (2) "Criminal offense against a victim who is a minor" means (A) a
40 violation of subdivision (2) of section 53-21 of the general statutes in
41 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
42 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
43 subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of
44 subsection (a) of section 53a-71, subdivision (2) of subsection (a) of
45 section 53a-72a, subdivision (2) of subsection (a) of section 53a-86,

46 subdivision (2) of subsection (a) of section 53a-87, section 53a-90a,
47 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a
48 violation of subparagraph (A) of subdivision (9) of subsection (a) of
49 section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96
50 or 53a-186, provided the court makes a finding that, at the time of the
51 offense, the victim was under eighteen years of age, (C) a violation of
52 any of the offenses specified in subparagraph (A) or (B) of this
53 subdivision for which a person is criminally liable under section 53a-8,
54 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any
55 offense specified in subparagraph (A), (B) or (C) of this subdivision the
56 essential elements of which are substantially the same as said offense.

57 (3) "Identifying factors" means fingerprints, a photographic image,
58 and a description of any other identifying characteristics as may be
59 required by the Commissioner of Emergency Services and Public
60 Protection. The commissioner shall also require a sample of the
61 registrant's blood or other biological sample be taken for DNA
62 (deoxyribonucleic acid) analysis, unless such sample has been
63 previously obtained in accordance with section 54-102g.

64 (4) "Mental abnormality" means a congenital or acquired condition
65 of a person that affects the emotional or volitional capacity of the
66 person in a manner that predisposes that person to the commission of
67 criminal sexual acts to a degree that makes the person a menace to the
68 health and safety of other persons.

69 (5) "Nonviolent sexual offense" means (A) a violation of section 53a-
70 73a or subdivision (2) of subsection (a) of section 53a-189a, or (B) a
71 violation of any of the offenses specified in subparagraph (A) of this
72 subdivision for which a person is criminally liable under section 53a-8,
73 53a-48 or 53a-49.

74 (6) "Not guilty by reason of mental disease or defect" means a
75 finding by a court or jury of not guilty by reason of mental disease or
76 defect pursuant to section 53a-13 notwithstanding any pending appeal

77 or habeas corpus proceeding arising from such finding.

78 (7) "Personality disorder" means a condition as defined in the most
79 recent edition of the Diagnostic and Statistical Manual of Mental
80 Disorders, published by the American Psychiatric Association.

81 (8) "Registrant" means a person required to register under section
82 54-251, as amended by this act, 54-252, as amended by this act, 54-253
83 or 54-254.

84 (9) "Registry" means a central record system in this state, any other
85 state or the federal government that receives, maintains and
86 disseminates information on persons convicted or found not guilty by
87 reason of mental disease or defect of criminal offenses against victims
88 who are minors, nonviolent sexual offenses, sexually violent offenses
89 and felonies found by the sentencing court to have been committed for
90 a sexual purpose.

91 (10) "Release into the community" means, with respect to a
92 conviction or a finding of not guilty by reason of mental disease or
93 defect of a criminal offense against a victim who is a minor, a
94 nonviolent sexual offense, a sexually violent offense or a felony found
95 by the sentencing court to have been committed for a sexual purpose,
96 (A) any release by a court after such conviction or finding of not guilty
97 by reason of mental disease or defect, a sentence of probation or any
98 other sentence under section 53a-28 that does not result in the
99 offender's immediate placement in the custody of the Commissioner of
100 Correction; (B) release from a correctional facility at the discretion of
101 the Board of Pardons and Paroles, by the Department of Correction to
102 a program authorized by section 18-100c or upon completion of the
103 maximum term or terms of the offender's sentence or sentences, or to
104 the supervision of the Court Support Services Division in accordance
105 with the terms of the offender's sentence; or (C) release from a hospital
106 for mental illness or a facility for persons with intellectual disability by
107 the Psychiatric Security Review Board on conditional release pursuant

108 to section 17a-588 or upon termination of commitment to the
109 Psychiatric Security Review Board.

110 (11) "Sexually violent offense" means (A) a violation of section
111 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
112 53a-70b, 53a-71, except subdivision (1), (4), (8) or (10) or subparagraph
113 (B) of subdivision (9) of subsection (a) of said section or subparagraph
114 (A) of subdivision (9) of subsection (a) of said section if the court
115 makes a finding that, at the time of the offense, the victim was under
116 eighteen years of age, 53a-72a, except subdivision (2) of subsection (a)
117 of said section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the
118 court makes a finding that the offense was committed with intent to
119 sexually violate or abuse the victim, (B) a violation of any of the
120 offenses specified in subparagraph (A) of this subdivision for which a
121 person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (C)
122 a violation of any predecessor statute to any of the offenses specified in
123 subparagraph (A) or (B) of this subdivision the essential elements of
124 which are substantially the same as said offense.

125 (12) "Sexual purpose" means that a purpose of the defendant in
126 committing the felony was to engage in sexual contact or sexual
127 intercourse with another person without that person's consent. A
128 sexual purpose need not be the sole purpose of the commission of the
129 felony. The sexual purpose may arise at any time in the course of the
130 commission of the felony.

131 (13) "Employed" or "carries on a vocation" means employment that
132 is full-time or part-time for more than fourteen days, or for a total
133 period of time of more than thirty days during any calendar year,
134 whether financially compensated, volunteered or for the purpose of
135 government or educational benefit.

136 (14) "Student" means a person who is enrolled on a full-time or part-
137 time basis, in any public or private educational institution, including
138 any secondary school, trade or professional institution or institution of

139 higher learning.

140 Sec. 3. Subsection (a) of section 54-251 of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective*
142 *October 1, 2013*):

143 (a) Any person who has been convicted or found not guilty by
144 reason of mental disease or defect of a criminal offense against a victim
145 who is a minor or a nonviolent sexual offense, and is released into the
146 community on or after October 1, 1998, shall, within three days
147 following such release or, if such person is in the custody of the
148 Commissioner of Correction, at such time prior to release as the
149 commissioner shall direct, and whether or not such person's place of
150 residence is in this state, register such person's name, identifying
151 factors, criminal history record, residence address and electronic mail
152 address, instant message address or other similar Internet
153 communication identifier, if any, with the Commissioner of Emergency
154 Services and Public Protection, on such forms and in such locations as
155 the commissioner shall direct, and shall maintain such registration for
156 ten years, except that any person who has one or more prior
157 convictions of any such offense or who is convicted of a violation of
158 subdivision (2) of subsection (a) of section 53a-70 shall maintain such
159 registration for life unless such person is released from such
160 registration requirement pursuant to section 2 of this act. Prior to
161 accepting a plea of guilty or nolo contendere from a person with
162 respect to a criminal offense against a victim who is a minor or a
163 nonviolent sexual offense, the court shall (1) inform the person that the
164 entry of a finding of guilty after acceptance of the plea will subject the
165 person to the registration requirements of this section, and (2)
166 determine that the person fully understands the consequences of the
167 plea. If any person who is subject to registration under this section
168 changes such person's name, such person shall, without undue delay,
169 notify the Commissioner of Emergency Services and Public Protection
170 in writing of the new name. If any person who is subject to registration
171 under this section changes such person's address, such person shall,

172 without undue delay, notify the Commissioner of Emergency Services
173 and Public Protection in writing of the new address and, if the new
174 address is in another state, such person shall also register with an
175 appropriate agency in that state, provided that state has a registration
176 requirement for such offenders. If any person who is subject to
177 registration under this section establishes or changes an electronic mail
178 address, instant message address or other similar Internet
179 communication identifier, such person shall, without undue delay,
180 notify the Commissioner of Emergency Services and Public Protection
181 in writing of such identifier. If any person who is subject to registration
182 under this section is employed at, carries on a vocation at or is a
183 student at a trade or professional institution or institution of higher
184 learning in this state, such person shall, without undue delay, notify
185 the Commissioner of Emergency Services and Public Protection of
186 such status and of any change in such status. If any person who is
187 subject to registration under this section is employed in another state,
188 carries on a vocation in another state or is a student in another state,
189 such person shall, without undue delay, notify the Commissioner of
190 Emergency Services and Public Protection and shall also register with
191 an appropriate agency in that state, provided that state has a
192 registration requirement for such offenders. During such period of
193 registration, each registrant shall complete and return forms mailed to
194 such registrant to verify such registrant's residence address and shall
195 submit to the retaking of a photographic image upon request of the
196 Commissioner of Emergency Services and Public Protection.

197 Sec. 4. Subsection (a) of section 54-252 of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective*
199 *October 1, 2013*):

200 (a) Any person who has been convicted or found not guilty by
201 reason of mental disease or defect of a sexually violent offense, and (1)
202 is released into the community on or after October 1, 1988, and prior to
203 October 1, 1998, and resides in this state, shall, on October 1, 1998, or
204 within three days of residing in this state, whichever is later, or (2) is

205 released into the community on or after October 1, 1998, shall, within
206 three days following such release or, if such person is in the custody of
207 the Commissioner of Correction, at such time prior to release as the
208 commissioner shall direct, register such person's name, identifying
209 factors and criminal history record, documentation of any treatment
210 received by such person for mental abnormality or personality
211 disorder, and such person's residence address and electronic mail
212 address, instant message address or other similar Internet
213 communication identifier, if any, with the Commissioner of Emergency
214 Services and Public Protection on such forms and in such locations as
215 said commissioner shall direct, and shall maintain such registration for
216 life unless such person is released from such registration requirement
217 pursuant to section 2 of this act. Prior to accepting a plea of guilty or
218 nolo contendere from a person with respect to a sexually violent
219 offense, the court shall (A) inform the person that the entry of a finding
220 of guilty after acceptance of the plea will subject the person to the
221 registration requirements of this section, and (B) determine that the
222 person fully understands the consequences of the plea. If any person
223 who is subject to registration under this section changes such person's
224 name, such person shall, without undue delay, notify the
225 Commissioner of Emergency Services and Public Protection in writing
226 of the new name. If any person who is subject to registration under this
227 section changes such person's address, such person shall, without
228 undue delay, notify the Commissioner of Emergency Services and
229 Public Protection in writing of the new address and, if the new address
230 is in another state, such person shall also register with an appropriate
231 agency in that state, provided that state has a registration requirement
232 for such offenders. If any person who is subject to registration under
233 this section establishes or changes an electronic mail address, instant
234 message address or other similar Internet communication identifier,
235 such person shall, without undue delay, notify the Commissioner of
236 Emergency Services and Public Protection in writing of such identifier.
237 If any person who is subject to registration under this section is
238 employed at, carries on a vocation at or is a student at a trade or

239 professional institution or institution of higher learning in this state,
240 such person shall, without undue delay, notify the Commissioner of
241 Emergency Services and Public Protection of such status and of any
242 change in such status. If any person who is subject to registration
243 under this section is employed in another state, carries on a vocation in
244 another state or is a student in another state, such person shall, without
245 undue delay, notify the Commissioner of Emergency Services and
246 Public Protection and shall also register with an appropriate agency in
247 that state, provided that state has a registration requirement for such
248 offenders. During such period of registration, each registrant shall
249 complete and return forms mailed to such registrant to verify such
250 registrant's residence address and shall submit to the retaking of a
251 photographic image upon request of the Commissioner of Emergency
252 Services and Public Protection.

253 Sec. 5. Subsection (b) of section 54-227 of the general statutes is
254 repealed and the following is substituted in lieu thereof (*Effective*
255 *October 1, 2013*):

256 (b) Any person who files an application with the court to be
257 exempted from the registration requirements of section 54-251
258 pursuant to subsection (b) or (c) of said section, [and] any person who
259 files a petition with the court pursuant to section 54-255 for an order
260 restricting the dissemination of the registration information or
261 removing such restriction, or any person who files a petition with the
262 court to be released from the registration requirements of section 54-
263 251, as amended by this act, or 54-252, as amended by this act,
264 pursuant to section 1 of this act, shall notify the Office of Victim
265 Services and the Victim Services Unit within the Department of
266 Correction of the filing of such application or petition on a form
267 prescribed by the Office of the Chief Court Administrator.
268 Notwithstanding any provision of the general statutes, no such
269 application or petition shall be considered unless such person has
270 notified the Office of Victim Services and the Victim Services Unit
271 within the Department of Correction pursuant to this subsection and

272 provides proof of such notice as part of the application or petition.

273 Sec. 6. Subsection (b) of section 54-228 of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective*
275 *October 1, 2013*):

276 (b) Any victim of a criminal offense against a victim who is a minor,
277 a nonviolent sexual offense or a sexually violent offense, as those terms
278 are defined in section 54-250, as amended by this act, or a felony found
279 by the sentencing court to have been committed for a sexual purpose,
280 as provided in section 54-254, who desires to be notified whenever the
281 person who was convicted or found not guilty by reason of mental
282 disease or defect of such offense files an application with the court to
283 be exempted from the registration requirements of section 54-251
284 pursuant to subsection (b) or (c) of said section, [or] files a petition
285 with the court pursuant to section 54-255 for an order restricting the
286 dissemination of the registration information, or removing such
287 restriction, or files a petition with the court to be released from the
288 registration requirements of section 54-251, as amended by this act, or
289 54-252, as amended by this act, pursuant to section 1 of this act, may
290 complete and file a request for notification with the Office of Victim
291 Services or the Victim Services Unit within the Department of
292 Correction.

293 Sec. 7. Subsection (b) of section 54-230 of the general statutes is
294 repealed and the following is substituted in lieu thereof (*Effective*
295 *October 1, 2013*):

296 (b) Upon receipt of notice from a person pursuant to subsection (b)
297 of section 54-227, as amended by this act, the Office of Victim Services
298 shall notify by certified mail all persons who have requested to be
299 notified pursuant to subsection (b) of section 54-228, as amended by
300 this act, whenever such person files an application with the court to be
301 exempted from the registration requirements of section 54-251
302 pursuant to subsections (b) or (c) of said section, [or] files a petition

303 with the court pursuant to section 54-255 for an order restricting the
304 dissemination of the registration information, or removing such
305 restriction, or files a petition with the court to be released from the
306 registration requirements of section 54-251, as amended by this act, or
307 54-252, as amended by this act, pursuant to section 1 of this act. Such
308 notice shall be in writing and notify each person of the nature of the
309 exemption, [or of the] restriction or removal of the restriction, or
310 release from registration requirement being applied for, the address
311 and telephone number of the court to which the application or petition
312 by the person was made, and the date and place of the hearing or
313 session, if any, scheduled on the application or petition.

314 Sec. 8. Subsection (b) of section 54-230a of the general statutes is
315 repealed and the following is substituted in lieu thereof (*Effective*
316 *October 1, 2013*):

317 (b) Upon receipt of notice from a person pursuant to subsection (b)
318 of section 54-227, as amended by this act, the Victim Services Unit
319 within the Department of Correction shall notify by certified mail all
320 persons who have requested to be notified pursuant to subsection (b)
321 of section 54-228, as amended by this act, whenever such person files
322 an application with the court to be exempted from the registration
323 requirements of section 54-251 pursuant to subsections (b) or (c) of said
324 section, [or] files a petition with the court pursuant to section 54-255
325 for an order restricting the dissemination of the registration
326 information, or removing such restriction, or files a petition with the
327 court to be released from the registration requirements of section 54-
328 251, as amended by this act, or 54-252, as amended by this act,
329 pursuant to section 1 of this act. Such notice shall be in writing and
330 notify each person of the nature of the exemption or of the restriction
331 or the removal of the restriction being applied for, the address and
332 telephone number of the court to which the application or petition by
333 the person was made, and the date and place of the hearing or session,
334 if any, scheduled on the application or petition.

335 Sec. 9. Section 18-78b of the general statutes is repealed and the
 336 following is substituted in lieu thereof (*Effective October 1, 2013*):

337 There is established a Victim Services Unit within the Department of
 338 Correction. The duties and responsibilities of the unit shall include, but
 339 not be limited to: (1) Receiving notices pursuant to section 54-227, as
 340 amended by this act, from inmates applying for release or sentence
 341 reduction or review, persons applying for exemption from the
 342 registration requirements of section 54-251, as amended by this act,
 343 [and] persons filing a petition for an order restricting the
 344 dissemination of registration information or removing such restriction
 345 pursuant to section 54-255, and persons filing a petition with the court
 346 to be released from the registration requirements of section 54-251, as
 347 amended by this act, or 54-252, as amended by this act, pursuant to
 348 section 1 of this act, (2) receiving requests for notification from victims
 349 of crime or members of an inmate's immediate family pursuant to
 350 section 54-228, as amended by this act, and receiving notices of
 351 changes of address from victims pursuant to said section, (3) receiving
 352 requests for notification from prosecuting officials pursuant to section
 353 54-229, and (4) notifying persons pursuant to section 54-230a, as
 354 amended by this act, who have requested to be notified pursuant to
 355 section 54-228, as amended by this act, or 54-229.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	54-250
Sec. 3	<i>October 1, 2013</i>	54-251(a)
Sec. 4	<i>October 1, 2013</i>	54-252(a)
Sec. 5	<i>October 1, 2013</i>	54-227(b)
Sec. 6	<i>October 1, 2013</i>	54-228(b)
Sec. 7	<i>October 1, 2013</i>	54-230(b)
Sec. 8	<i>October 1, 2013</i>	54-230a(b)
Sec. 9	<i>October 1, 2013</i>	18-78b

Statement of Purpose:

To allow a person who is subject to registration as a sexual offender for life to apply to the Superior Court for release from such registration requirement after such person has been on the registry for ten years or more.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]