

CCDLA
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March 12, 2014

The Honorable Eric D. Coleman
The Honorable Gerald M. Fox.
Chairmen
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

**Re: R.B. 5449AN ACT CONCERNING RESIDENCY RESTRICTIONS
FOR REGISTERED SEXUAL OFFENDERS**

Chairman Coleman, Chairman Fox, and Distinguished Members of the Judiciary Committee:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice.

By way of this testimony, CCDLA opposes the passage of Raised Bill No. 5449 which seeks to impose significant residency restrictions on persons who are required to register as sex offenders under section 54-251, 54-252, 54-253 or 54-254 of the general statutes. Under this proposal such persons would be prohibited from residing within 1,000 feet of any real property that contains a public or private elementary or secondary school or any facility where child day care services are provided.

I. Raised Bill No. 5449 Impedes the Fair and Equal Administration of
Justice Through an Overly Broad Discriminatory Residency Restriction.

Raised Bill No. 5449 seeks to impose a residency restriction on virtually all persons who are required to register under 54-251, 54-252, 54-253 or 54-254 of the general statutes regardless of the specific facts of the underlying offense for which they've been convicted. In particular, 54-251 provides for registration of persons who have been convicted of any crime involving a minor or any non-violent sexual offense. Under this bill's current language, a parent, grandparent or other relative who is required to register under 54-251 of the general statutes as a result of a domestic violence conviction involving a minor family member would be unable to live within

1,000 feet of a school or a building that houses a child day care facility. Clearly, the language of this bill casts a wide net and the unintended consequence will be the dislocation or break up of families when the registrant poses no actual or potential threat to children at nearby schools or daycare facilities. This bill unfairly targets individuals who are required to register pursuant to 54-251 but whose criminal convictions involve neither violent nor predatory behavior. CCDLA opposes the broad language of Raised Bill No. 5449 because it seeks to apply residency restrictions to those who pose no risk to children.

II. Children Will Be Better Protected With Geographical Restrictions Tailored According to Individual Risk Assessment Data.

Although Raised Bill No. 5449 mirrors the language of legislation adopted in certain other states including Alabama, Missouri, Kentucky, Georgia, Tennessee, Ohio, Michigan, and Florida, a number of other jurisdictions have passed better residency restrictions that are based upon individual risk assessment data rather than general conviction or registry status. For example, in Washington, a sex offender convicted of a serious offense with a high risk assessment (Levels II or III) can't reside within 880 feet of any school or daycare center. In California, violent sexual predators and serious paroled sex offenders can't live within one-quarter of a mile of a school and high-risk paroled sex offenders cannot reside within one-half mile of a school, day care center, or where children congregate. In Oregon, the Department of Corrections determines where and how close a sex offender can live to a school or day care center based on a decision matrix. In Texas, the state Parole Board determines residency restrictions for paroled sex offenders. Other states such as Louisiana, Indiana, and Arkansas only apply residency restrictions to sexually violent predators and serious paroled sex offenders.

The current language of Raised Bill No. 5449 imposes a uniform residency restriction upon all offenders who are required to register under 54-251, 54-252, 54-253 and 54-254 without regard for their personal risk assessments. This approach is unfair because it lumps together the most dangerous sexually violent predators with innocuous low risk offenders. By doing so, this bill punishes those who pose no danger to their community's children.

III. Residency Restrictions Unfairly Impact Urban Dwellers

This bill's 1,000 foot residency restriction will impact urban dwellers more negatively than suburban and rural residents by virtue of the compressed zoning in urban settings. Unlike their suburban and rural counterparts, urban registrants are highly constrained by the nature of the urban landscape. The proposed 1,000 foot restriction significantly reduces, if not totally abolishes, available housing options for any urban registrant. If passed, many more offenders will be forced to move from their current housing and many more will become homeless. The unintended consequence of this bill will be to cause hardship to offenders and their families as they are forced out of housing and into shelters or the street. CCDLA also notes that, as with the other statutory schemes that seek to establish "protected geographical zones" with enhanced penalties, this proposal disproportionately impacts our urban black and Hispanic populations. There may be no housing options left for any sex offenders within any Connecticut city under this proposal.

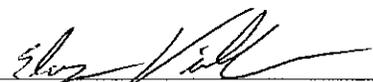
IV. Sex Offender Residency Restrictions Increase Risks to Children in the Community

While CCDLA acknowledges society's duty to protect children from sex offenders who live in the community, Raised Bill No. 5449 will not serve that purpose. If anything, this proposed legislation will have the opposite effect of diminishing the ability of law enforcement to efficiently and effectively supervise violent and predatory sex offenders. If this bill is passed, many offenders will become homeless, transient and unable to comply with their state registry requirements. Homeless transient offenders require the expenditure of more law enforcement resources for tracking and supervision purposes. Additionally, more judicial resources will be needed to handle the constant flow of sex offender registry violation cases that will result from the increased number of transient offenders unable to comply with the state registry requirements.

V. CONCLUSION

Raised Bill No. 5449, if passed, does not make Connecticut a safer place for children. CCDLA opposes the broad language of Raised Bill No. 5449 because it will impose residency restrictions on all offenders including those who pose no risk to children; it does not provide for individual risk assessments to determine residency restrictions; it will disproportionately impact urban dwellers; and it will increase risks to children by increasing the number of offenders who are homeless, transient and unable to comply with state registry requirements. For these reasons, CCDLA OPPOSES THE PASSAGE OF RAISED BILL NO. 5449. CCDLA respectfully suggests further legislative research concerning the effectiveness and impact of residency restrictions based upon sex offender registration.

Respectfully submitted,
CCDLA

By, 
Elisa L. Villa, Vice President