



General Assembly

February Session, 2016

Raised Bill No. 473

LCO No. 3295



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING A 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, 2016*) (a) Any person who (1)
2 is required to maintain registration as a sexual offender for life
3 pursuant to section 54-251 of the general statutes, as amended by this
4 act, due to a single conviction for a violation of (A) subdivision (2) of
5 subsection (a) of section 53a-70 of the general statutes, as amended by
6 this act, in effect prior to October 1, 2016, provided such person was
7 not more than eight years older than the victim at the time of the
8 offense, or (B) subparagraph (A) of subdivision (2) of subsection (a) of
9 section 53a-70 of the general statutes, as amended by this act, (2) was
10 not otherwise convicted of or found not guilty by reason of mental
11 disease or defect of a criminal offense against a victim who is a minor
12 or a nonviolent sexual offense, and (3) has complied with the
13 registration requirements of chapter 969 of the general statutes for a
14 period of ten years or more, may petition the court to be released from
15 such registration requirements in accordance with this section.

16 (b) Any person who files such a petition under this section shall,
17 pursuant to subsection (b) of section 54-227 of the general statutes, as
18 amended by this act, notify the Office of Victim Services and the
19 Victim Services Unit within the Department of Correction of the filing
20 of such petition. The Office of Victim Services or the Victim Services
21 Unit within the Department of Correction, or both, shall, pursuant to
22 section 54-230 or 54-230a of the general statutes, as amended by this
23 act, notify any victim who has requested notification pursuant to
24 subsection (b) of section 54-228 of the general statutes, as amended by
25 this act, of the filing of such petition. Prior to granting or denying such
26 petition, the court shall consider any information or statements
27 provided by the victim, and may order the petitioner to submit to a
28 risk assessment or other evaluation as the court deems appropriate.

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

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

39 Sec. 2. Subsection (a) of section 53a-70 of the 2016 supplement to the
40 general statutes is repealed and the following is substituted in lieu
41 thereof (*Effective October 1, 2016*):

42 (a) A person is guilty of sexual assault in the first degree when such
43 person (1) compels another person to engage in sexual intercourse by
44 the use of force against such other person or a third person, or by the
45 threat of use of force against such other person or against a third
46 person which reasonably causes such person to fear physical injury to

47 such person or a third person, or (2) engages in sexual intercourse with
48 another person and such other person is under thirteen years of age
49 and the actor is (A) more than two years older than such person, but
50 not more than eight years older than such person, or (B) more than
51 eight years older than such person, or (3) commits sexual assault in the
52 second degree as provided in section 53a-71 and in the commission of
53 such offense is aided by two or more other persons actually present, or
54 (4) engages in sexual intercourse with another person and such other
55 person is mentally incapacitated to the extent that such other person is
56 unable to consent to such sexual intercourse.

57 Sec. 3. Section 54-250 of the 2016 supplement to the general statutes
58 is repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2016*):

60 For the purposes of this section, sections 54-102g and ~~[54-250]~~ 54-251
61 to 54-258a, inclusive, as amended by this act, and section 1 of this act:

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

66 (2) "Criminal offense against a victim who is a minor" means (A) a
67 violation of subdivision (2) of section 53-21 of the general statutes in
68 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
69 section 53-21, subdivision (2) of subsection (a) of section 53a-70, as
70 amended by this act, subdivision (1), (4), (8) or (10) or subparagraph
71 (B) of subdivision (9) of subsection (a) of section 53a-71, subdivision (2)
72 of subsection (a) of section 53a-72a, subdivision (2) of subsection (a) of
73 section 53a-86, subdivision (2) of subsection (a) of section 53a-87,
74 section 53a-90a, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or
75 53a-196f, (B) a violation of subparagraph (A) of subdivision (9) of
76 subsection (a) of section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-
77 94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that,

78 at the time of the offense, the victim was under eighteen years of age,
79 (C) a violation of any of the offenses specified in subparagraph (A) or
80 (B) of this subdivision for which a person is criminally liable under
81 section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor
82 statute to any offense specified in subparagraph (A), (B) or (C) of this
83 subdivision the essential elements of which are substantially the same
84 as said offense.

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

92 (4) "Mental abnormality" means a congenital or acquired condition
93 of a person that affects the emotional or volitional capacity of the
94 person in a manner that predisposes that person to the commission of
95 criminal sexual acts to a degree that makes the person a menace to the
96 health and safety of other persons.

97 (5) "Nonviolent sexual offense" means (A) a violation of section 53a-
98 73a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, or
99 (B) a violation of any of the offenses specified in subparagraph (A) of
100 this subdivision for which a person is criminally liable under section
101 53a-8, 53a-48 or 53a-49.

102 (6) "Not guilty by reason of mental disease or defect" means a
103 finding by a court or jury of not guilty by reason of mental disease or
104 defect pursuant to section 53a-13 notwithstanding any pending appeal
105 or habeas corpus proceeding arising from such finding.

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

109 (8) "Registrant" means a person required to register under section
110 54-251, as amended by this act, 54-252, 54-253 or 54-254.

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

118 (10) "Release into the community" means, with respect to a
119 conviction or a finding of not guilty by reason of mental disease or
120 defect of a criminal offense against a victim who is a minor, a
121 nonviolent sexual offense, a sexually violent offense or a felony found
122 by the sentencing court to have been committed for a sexual purpose,
123 (A) any release by a court after such conviction or finding of not guilty
124 by reason of mental disease or defect, a sentence of probation or any
125 other sentence under section 53a-28 that does not result in the
126 offender's immediate placement in the custody of the Commissioner of
127 Correction; (B) release from a correctional facility at the discretion of
128 the Board of Pardons and Paroles, by the Department of Correction to
129 a program authorized by section 18-100c or upon completion of the
130 maximum term or terms of the offender's sentence or sentences, or to
131 the supervision of the Court Support Services Division in accordance
132 with the terms of the offender's sentence; or (C) temporary leave to an
133 approved residence by the Psychiatric Security Review Board pursuant
134 to section 17a-587, conditional release from a hospital for mental illness
135 or a facility for persons with intellectual disability by the Psychiatric
136 Security Review Board pursuant to section 17a-588, or release upon
137 termination of commitment to the Psychiatric Security Review Board.

138 (11) "Sexually violent offense" means (A) a violation of section 53a-
139 70, as amended by this act, except subdivision (2) of subsection (a) of
140 said section, 53a-70a, 53a-70b, 53a-71, except subdivision (1), (4), (8) or

141 (10) or subparagraph (B) of subdivision (9) of subsection (a) of said
142 section or subparagraph (A) of subdivision (9) of subsection (a) of said
143 section if the court makes a finding that, at the time of the offense, the
144 victim was under eighteen years of age, 53a-72a, except subdivision (2)
145 of subsection (a) of said section, or 53a-72b, or of section 53a-92 or 53a-
146 92a, provided the court makes a finding that the offense was
147 committed with intent to sexually violate or abuse the victim, (B) a
148 violation of any of the offenses specified in subparagraph (A) of this
149 subdivision for which a person is criminally liable under section 53a-8,
150 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of
151 the offenses specified in subparagraph (A) or (B) of this subdivision
152 the essential elements of which are substantially the same as said
153 offense.

154 (12) "Sexual purpose" means that a purpose of the defendant in
155 committing the felony was to engage in sexual contact or sexual
156 intercourse with another person without that person's consent. A
157 sexual purpose need not be the sole purpose of the commission of the
158 felony. The sexual purpose may arise at any time in the course of the
159 commission of the felony.

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

165 (14) "Student" means a person who is enrolled on a full-time or part-
166 time basis, in any public or private educational institution, including
167 any secondary school, trade or professional institution or institution of
168 higher learning.

169 Sec. 4. Subsection (a) of section 54-251 of the 2016 supplement to the
170 general statutes is repealed and the following is substituted in lieu
171 thereof (*Effective October 1, 2016*):

172 (a) Any person who has been convicted or found not guilty by
173 reason of mental disease or defect of a criminal offense against a victim
174 who is a minor or a nonviolent sexual offense, and is released into the
175 community on or after October 1, 1998, shall, within three days
176 following such release or, if such person is in the custody of the
177 Commissioner of Correction, at such time prior to release as the
178 commissioner shall direct, and whether or not such person's place of
179 residence is in this state, register such person's name, identifying
180 factors, criminal history record, residence address and electronic mail
181 address, instant message address or other similar Internet
182 communication identifier, if any, with the Commissioner of Emergency
183 Services and Public Protection, on such forms and in such locations as
184 the commissioner shall direct, and shall maintain such registration for
185 ten years from the date of such person's release into the community,
186 except that any person [who] shall maintain such registration for life, if
187 such person (1) has one or more prior convictions of any such offense,
188 including offenses described in subdivision (2) of this subsection, or
189 [who] (2) is convicted of a violation of subdivision (2) of subsection (a)
190 of section 53a-70, as amended by this act, [shall maintain such
191 registration for life] unless such person is (A) convicted of a violation
192 of (i) said subdivision (2) in effect prior to October 1, 2016, and such
193 person was not more than eight years older than the victim at the time
194 of the offense, or (ii) subparagraph (A) of subdivision (2) of subsection
195 (a) of section 53a-70, as amended by this act, and (B) released from
196 such registration requirement pursuant to section 1 of this act. Prior to
197 accepting a plea of guilty or nolo contendere from a person with
198 respect to a criminal offense against a victim who is a minor or a
199 nonviolent sexual offense, the court shall [(1)] (I) inform the person
200 that the entry of a finding of guilty after acceptance of the plea will
201 subject the person to the registration requirements of this section, and
202 [(2)] (II) determine that the person fully understands the consequences
203 of the plea. If any person who is subject to registration under this
204 section changes such person's name, such person shall, without undue
205 delay, notify the Commissioner of Emergency Services and Public

206 Protection in writing of the new name. If any person who is subject to
207 registration under this section changes such person's address, such
208 person shall, without undue delay, notify the Commissioner of
209 Emergency Services and Public Protection in writing of the new
210 address and, if the new address is in another state, such person shall
211 also register with an appropriate agency in that state, provided that
212 state has a registration requirement for such offenders. If any person
213 who is subject to registration under this section establishes or changes
214 an electronic mail address, instant message address or other similar
215 Internet communication identifier, such person shall, without undue
216 delay, notify the Commissioner of Emergency Services and Public
217 Protection in writing of such identifier. If any person who is subject to
218 registration under this section is employed at, carries on a vocation at
219 or is a student at a trade or professional institution or institution of
220 higher learning in this state, such person shall, without undue delay,
221 notify the Commissioner of Emergency Services and Public Protection
222 of such status and of any change in such status. If any person who is
223 subject to registration under this section is employed in another state,
224 carries on a vocation in another state or is a student in another state,
225 such person shall, without undue delay, notify the Commissioner of
226 Emergency Services and Public Protection and shall also register with
227 an appropriate agency in that state, provided that state has a
228 registration requirement for such offenders. During such period of
229 registration, each registrant shall complete and return forms mailed to
230 such registrant to verify such registrant's residence address and shall
231 submit to the retaking of a photographic image upon request of the
232 Commissioner of Emergency Services and Public Protection.

233 Sec. 5. Subsection (b) of section 54-227 of the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective*
235 *October 1, 2016*):

236 (b) Any person who files an application with the court to be
237 exempted from the registration requirements of section 54-251, as
238 amended by this act, pursuant to subsection (b) or (c) of said section

239 [and] or files a petition with the court pursuant to section 1 of this act
240 to be released from such registration requirements or any person who
241 files a petition with the court pursuant to section 54-255 for an order
242 restricting the dissemination of the registration information or
243 removing such restriction shall notify the Office of Victim Services and
244 the Victim Services Unit within the Department of Correction of the
245 filing of such application or petition on a form prescribed by the Office
246 of the Chief Court Administrator. Notwithstanding any provision of
247 the general statutes, no such application or petition shall be considered
248 unless such person has notified the Office of Victim Services and the
249 Victim Services Unit within the Department of Correction pursuant to
250 this subsection and provides proof of such notice as part of the
251 application or petition.

252 Sec. 6. Subsection (b) of section 54-228 of the general statutes is
253 repealed and the following is substituted in lieu thereof (*Effective*
254 *October 1, 2016*):

255 (b) Any victim of a criminal offense against a victim who is a minor,
256 a nonviolent sexual offense or a sexually violent offense, as those terms
257 are defined in section 54-250, as amended by this act, or a felony found
258 by the sentencing court to have been committed for a sexual purpose,
259 as provided in section 54-254, who desires to be notified whenever the
260 person who was convicted or found not guilty by reason of mental
261 disease or defect of such offense files an application with the court to
262 be exempted from the registration requirements of section 54-251, as
263 amended by this act, pursuant to subsection (b) or (c) of said section or
264 files a petition with the court pursuant to section 1 of this act to be
265 released from such registration requirements or files a petition with the
266 court pursuant to section 54-255 for an order restricting the
267 dissemination of the registration information, or removing such
268 restriction, may complete and file a request for notification with the
269 Office of Victim Services or the Victim Services Unit within the
270 Department of Correction.

271 Sec. 7. Subsection (b) of section 54-230 of the general statutes is
272 repealed and the following is substituted in lieu thereof (*Effective*
273 *October 1, 2016*):

274 (b) Upon receipt of notice from a person pursuant to subsection (b)
275 of section 54-227, as amended by this act, the Office of Victim Services
276 shall notify by certified mail all persons who have requested to be
277 notified pursuant to subsection (b) of section 54-228, as amended by
278 this act, whenever such person files an application with the court to be
279 exempted from the registration requirements of section 54-251, as
280 amended by this act, pursuant to subsections (b) or (c) of said section
281 or files a petition with the court pursuant to section 1 of this act to be
282 released from such registration requirements or files a petition with the
283 court pursuant to section 54-255 for an order restricting the
284 dissemination of the registration information, or removing such
285 restriction. Such notice shall be in writing and notify each person of the
286 nature of the exemption, [or of] the restriction or removal of the
287 restriction being applied for, or the release from the registration
288 requirement being petitioned for, the address and telephone number
289 of the court to which the application or petition by the person was
290 made, and the date and place of the hearing or session, if any,
291 scheduled on the application or petition.

292 Sec. 8. Subsection (b) of section 54-230a of the general statutes is
293 repealed and the following is substituted in lieu thereof (*Effective*
294 *October 1, 2016*):

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

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

312 Sec. 9. Section 18-78b of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective October 1, 2016*):

314 There is established a Victim Services Unit within the Department of
315 Correction. The duties and responsibilities of the unit shall include, but
316 not be limited to: (1) Receiving notices pursuant to section 54-227, as
317 amended by this act, from inmates applying for release or sentence
318 reduction or review, persons applying for exemption from the
319 registration requirements of section 54-251, as amended by this act, or
320 a petition with the court pursuant to section 1 of this act to be released
321 from such registration requirements and persons filing a petition for
322 an order restricting the dissemination of registration information or
323 removing such restriction pursuant to section 54-255, (2) receiving
324 requests for notification from victims of crime or members of an
325 inmate's immediate family pursuant to section 54-228, as amended by
326 this act, and receiving notices of changes of address from victims
327 pursuant to said section, (3) receiving requests for notification from
328 prosecuting officials pursuant to section 54-229, and (4) notifying
329 persons pursuant to section 54-230a, as amended by this act, who have
330 requested to be notified pursuant to section 54-228, as amended by this
331 act, or 54-229.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	53a-70(a)
Sec. 3	<i>October 1, 2016</i>	54-250
Sec. 4	<i>October 1, 2016</i>	54-251(a)
Sec. 5	<i>October 1, 2016</i>	54-227(b)
Sec. 6	<i>October 1, 2016</i>	54-228(b)
Sec. 7	<i>October 1, 2016</i>	54-230(b)
Sec. 8	<i>October 1, 2016</i>	54-230a(b)
Sec. 9	<i>October 1, 2016</i>	18-78b

Statement of Purpose:

To allow certain persons subject to lifetime registration as a sexual offender to apply for release from such registration requirement after such person has complied with registration requirements for ten or more years.

[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.]