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**Testimony Opposing House Bill No. 5529,  
An Act Concerning Sexual Offender Registration Laws,  
Residency Restrictions For Registered Sexual Offenders  
and Supporting Senate Bill 473, An Act Concerning A  
Petition For Release From The Requirement To Register  
As A Sex Offender For Life**

March 23, 2016

Senator Coleman, Representative Tong and distinguished members of the Judiciary Committee, my name is David McGuire. I am the Legislative and Policy Director of the American Civil Liberties Union of Connecticut, and I am here to testify in opposition to House Bill 5529, An Act Concerning Sexual Offender Registration Laws, Residency Restrictions For Registered Sexual Offenders and in support of Senate Bill 473, An Act Concerning A Petition For Release From The Requirement To Register As A Sex Offender For Life

The goals of both of these well-intentioned bills are to enhance community safety. Careful research and analysis have clearly established that sex offender residency restrictions have no deterrent effect at all.<sup>1</sup> In fact, they create circumstances that can put the public in general and children in particular at greater risk. Despite the good intentions behind it, House Bill 5529 results could be tragically counterproductive.

There are currently more than 5,600 people on the Connecticut sex offender registry, however, there is no meaningful way to identify which registrants pose a real risk to the community. This bill would create a tiered offense-based registry, which is not a smart approach. Many states, including Massachusetts and Vermont, have transitioned from offense-based to risk-based assessment systems. Risk-based assessment increases public safety by focusing criminal justice resources on truly dangerous offenders. We therefore suggest that the legislature adopt a tiered registry based on individualized risk assessments. By updating our registry in this manner, we will truly meet the registry's public safety goal of enhancing community safety by identifying people who pose a significant risk of committing future sex-related crimes.

A truly troubling component of this House Bill 5529 is its proposed creation of extensive banishment zones, particularly in densely populated cities, where any person on the sex offender registry would be forbidden to live. This would punish people whose offenses had nothing to do with children and force them into homelessness. It would also damage family and social ties that have proven to be effective in preventing ex-offenders from repeating their crimes. We have only to look at those states and municipalities that have adopted sex offender residency restrictions to see that they are not a solution

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<sup>1</sup> <http://www.ovsom.texas.gov/docs/When-Evidence-is-Ignored-Residential-Restrictions.pdf>

but a quagmire.

In 2007, after residency restrictions took effect in Miami, more than 100 former sex offenders set up a shantytown under a causeway, drawing international attention. Officials evicted them in 2010, and since then, groups of transient former offenders have shifted locations among the few areas in Miami where they are legally allowed to live.<sup>2</sup> Many former offenders, facing a choice between homelessness and compliance with the law, have gone underground. In fact, one year after Iowa passed residency restrictions, the number of former sex offenders in the state who failed to register had more than doubled.<sup>3</sup> In 2006, the Iowa County Attorneys Association estimated that the state has lost track of half of its registered sex offenders.<sup>4</sup>

In 2011, the California Sex Offender Management Board, which is composed largely of law enforcement officials, implored the state to reconsider sex offender residency restrictions. Its report concluded: "[T]he reality reflected by the high and still escalating rate of homelessness among registered sex offenders in California is the single greatest obstacle to the effective management of sex offenders in California. The Board believes that the rise in homelessness among sex offenders needs attention because it is so closely associated with an increased level of threat to community safety."<sup>5</sup>

It is important to know that as of January 2012, about half of the Connecticut's registered sex offenders were under supervision of the state's probation or parole agencies, subject to any rules or restrictions deemed appropriate to their offenses as part of their sentences and rehabilitation. According to the Court Support Services Division, "probation officers must investigate and pre-approve sex offenders' residences and proposed relocations."<sup>5</sup> Those who remain registered but are no longer under individual supervision are still publicly identified to their neighbors and to the police.

It is also important to know that the people listed on Connecticut's sex offender registry are not all rapists and child molesters. They include men who had consensual sex with a younger girlfriend when they were both teenagers, as well as people convicted of public indecency and public urination. Do we want to subject a kid who foolishly streaked across his college campus on a dare to what literally amounts to social banishment and forced homelessness?

Furthermore, contrary to public perception, recidivism is much lower among sex offenders than among people convicted of other kinds of crimes. A study by the state Office of Policy and Management found that only 2.7 percent of the people who were released from Connecticut prisons in 2005 after serving at least a year for a sex offense were convicted of a new sex offense within the next five years.<sup>6</sup> This is consistent with national analyses by the U.S. Department of Justice that have found a far lower rate of recidivism for sex offenses than for other types of crimes.<sup>7</sup>

For these reasons we support Senate Bill 473, An Act Concerning A Petition For Release From The Requirement To Register As A Sex Offender For Life. This bill will permit registrants who pose little threat to the public to petition to be released from the registration requirement after an offender has complied with registration requirements for ten or more years. Creating a process for registrants to petition to get

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<sup>2</sup> [http://www.floridaactioncommittee.org/PR7\\_30\(2\).htm](http://www.floridaactioncommittee.org/PR7_30(2).htm)

<sup>3</sup> Des Moines Register, New Data Shows Twice As Many Sex Offenders Missing

<sup>4</sup> <http://www.hrw.org/sites/default/files/reports/us0907webwcover.pdf>

<sup>5</sup> <http://www.cga.ct.gov/2012/rpt/2012-R-0300.htm>

<sup>6</sup> [http://www.ct.gov/bopp/lib/bopp/sex\\_offender\\_recidivism\\_2012\\_final.pdf](http://www.ct.gov/bopp/lib/bopp/sex_offender_recidivism_2012_final.pdf)

<sup>7</sup> <http://bjs.ojp.usdoj.gov/content/pub/pdf/rsorp94.pdf>

off the registry promotes fairness and public safety by encouraging rehabilitation and reform. Purging low risk registrants from the registry will allow public safety officials to divert scarce resources to high risk offenders, making our communities safer.

I urge you to consider the evidence when evaluating these bills. If you want to protect the public and take the path most likely to keep sex offenders from offending again, we urge you to reject House Bill 5529 and pass Senate Bill 473.