

## Legislative Changes to Sex Offender Registration Laws, 2008-2017

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### Issue

Summarize legislative changes to Connecticut's sex offender registration laws and related issues over the last 10 years.

### Summary

Under Connecticut's sex offender registration laws, certain offenders must register with the Department of Emergency Services and Public Protection (DESPP) for a specified period following their release into the community. From 2008 through 2017, the legislature passed various acts affecting sex offender registration and related issues, such as:

1. requiring notice to the applicable town and school superintendent before sex offenders are released into that community,
2. expanding the types of voyeurism which subject an offender to sex offender registration, and
3. requiring the Sentencing Commission to conduct a comprehensive study on sex offender issues.

This report provides brief summaries of such acts. Not all provisions of the acts are included; complete summaries are available on the bill status pages linked below. For a list of crimes requiring sex offender registration under Connecticut law and the required registration periods, see [OLR Report 2016-R-0098](#).

# Changes to Sex Offender Registration and Related Laws, 2008 to 2017

## *Circumstances of Registration*

*Registration Requirement During Temporary Leave.* [PA 13-73](#) required persons found not guilty of crimes due to mental disease or defect who were granted temporary leave by the Psychiatric Security Review Board to register as sex offenders if the crime for which they were acquitted requires sex offender registration.

*Start of Registration Period.* [PA 15-211](#) (§§ 5-7) specified that the 10-year registration period for certain sex offenders begins when the offender is released into the community.

*Voyeurism.* [PA 15-213](#) expanded the crime of voyeurism to cover additional types of conduct beyond what was then included within the voyeurism statute. As was already the case for certain other types of voyeurism, the act designated committing these types of voyeurism as nonviolent sexual offenses subject to 10-year sex offender registration and allowed the court to exempt an offender from registering if such registration is not required for public safety.

## *DNA Testing*

*DNA Testing Upon Arrest for Certain Crimes.* [PA 11-207](#) required people arrested for any of 39 serious felony offenses (including certain sexual assault crimes) to provide a DNA sample before they are released from custody if the arrestee was previously convicted of a felony and has not already provided a DNA sample. The act eliminated the requirement for convicted felons and offenders subject to sex offender registration to provide a sample before they are (1) released from custody or commitment or (2) sentenced without confinement, as applicable, if they already provided a sample at the time of their arrest for such a felony.

*Other Changes.* [PA 11-144](#) made other changes concerning the collection of DNA samples. For example, the act:

1. made it a class D felony for sex offenders and other felons to willfully fail to appear at the scheduled time and place to submit a sample as required (it was already a class D felony to fail to submit a sample as required); and
2. authorized the Department of Correction (DOC) to use reasonable force to obtain samples from sex offenders and other felons in its custody.

## ***Notices to Towns and Schools***

*Release into Community.* [PA 09-199](#) required the Department of Public Safety (now DESPP) to notify the superintendent of schools in the community where a registered sex offender (registrant) lives or plans to live whenever the registrant is released into the community.

[PA 14-192](#) and [PA 14-213](#) required DESPP to notify the municipality's chief executive officer when a registrant is released into the community and resides or plans to reside in the municipality.

*Subsequent Address Change.* [PA 14-213](#) also required DESPP to notify the municipality's chief executive officer and superintendent of the school district where the registrant resides or plans to reside when a registrant notifies DESPP of an address change.

## ***Studies***

*Senior Safety Zones Task Force.* [SA 14-20](#) created a task force to study the establishment of senior safety zones to protect seniors from interaction with registered sex offenders. The act required the task force to study, among other things, (1) best practices for protecting seniors from such interaction in their homes and at senior centers and long-term nursing facilities and (2) legal considerations related to identifying sex offenders and preventing them from entering public facilities where seniors live or congregate. The task force report is available [here](#).

*Sentencing Commission Study.* [SA 15-2](#) required the Sentencing Commission to study a number of issues regarding sex offenders, such as sentencing, risk assessment and management, registry requirements, information available to the public and law enforcement about sex offenders, ways to reduce recidivism, housing opportunities and obstacles for these offenders, and victim and survivor needs and services.

The act required the commission to submit an interim report to the Judiciary Committee by February 1, 2016 and a final report by December 15, 2017. The interim report is available [here](#). More information on the study is available on the Sentencing Commission's [website](#).

## ***Miscellaneous***

*Criminal Justice Policy Advisory Commission (CJPAC) Responsibilities.* [PA 08-1, January Special Session](#) (§ 38) increased CJPAC's duties to include, among other things, identifying institution- and community-based programs and services that effectively address offenders' needs and reduce recidivism, including sex offender programs and services.

*Name Changes.* [PA 08-54](#) prohibited courts from issuing orders or otherwise allowing persons required to register as sex offenders to change their names unless the person (1) provides prior notice to the public safety commissioner before applying to court and (2) includes in the application a sworn statement that the change is not being sought to avoid the legal consequences of a criminal conviction, including sex offender registration.

The act allowed the commissioner to challenge the application. The court may deny the application if it finds, by a preponderance of the evidence, that the applicant is seeking the name change to avoid the legal consequences of a criminal conviction.

*Repeal of Risk Assessment Board.* [PA 13-299](#) (§ 95) repealed the Sex Offender Risk Assessment Board. The board was established in 2006 to develop a scale using various factors to determine a sex offender's likelihood of reoffending, which was due October 1, 2007.

*Sex Offenders in Homeless Shelters.* [PA 09-7, Sept. Special Session](#) (§ 118) required state-funded homeless shelters that house registered sex offenders to verify that offenders are residing there upon the request of law enforcement officers. The act required shelter operating policies to establish a procedure for releasing this information to these officers. Lastly, it prohibited shelters serving homeless families from providing residence to sex offenders.

*State-Contracted Beds.* [PA 08-1, January Special Session](#) (§§ 19 & 20) required both DOC and the Judicial Branch's Court Support Services Division (CSSD) to each contract for 12 staff-secure beds for sex offenders returning to the community.

[PA 10-112](#) required (1) people and entities responding to requests for proposals for such sites to identify and provide descriptions of at least five proposed sites and (2) DOC and CSSD to establish proposal evaluation criteria.

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