
OLR Bill Analysis

sSB 523

AN ACT CONCERNING AN ANIMAL ABUSE REGISTRY.

SUMMARY

This bill establishes a central record system (i.e., a registry) of individuals convicted or found not guilty by reason of mental disease or defect of certain animal abuse crimes, which the Department of Emergency Services and Public Protection (DESPP) must create and maintain by January 1, 2019.

The bill requires the following registrant information to be included in the registry: name, home and electronic mail addresses, identifying characteristics, criminal history, and a photograph and fingerprints. The bill establishes a process for updating registration information, including requiring criminally convicted registrants to annually appear before law enforcement to verify and update it.

Under the bill, first-time animal abusers must maintain their registration for two years and those who commit subsequent offenses must maintain it for five years.

The bill makes failing to register, annually appear in person to verify and update registration information, or provide timely notice of a change in name or address, a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

The bill makes registry information public records and disclosable under the Freedom of Information Act. DESPP must make registry information publicly available through a secure website.

EFFECTIVE DATE: January 1, 2019 (see COMMENT)

ANIMAL ABUSE REGISTRY

Who Must Register

The bill requires individuals convicted or found not guilty by reason of mental disease or defect of animal cruelty (see BACKGROUND) or engaging in sexual contact with an animal to register certain identifying information with DESPP beginning January 1, 2019.

Under the bill, a “convicted” individual is someone with a judgement entered against them in a Connecticut court either by a guilty plea, plea of nolo contendere, or a finding of guilt by a jury. To be “not guilty by reason of mental disease or defect,” a court or jury must find that the defendant, when he or she committed the crime, lacked substantial capacity to either (1) appreciate the wrongfulness of the conduct or (2) control his or her conduct (CGS § 53a-13). These statuses apply regardless of a pending appeal or habeas corpus proceeding.

When to Register

For those who are released into the community, they must register with DESPP within 14 days after their release. For those in the Department of Correction’s (DOC) custody, they must do so whenever the DOC commissioner requires it before their release. The requirement applies regardless of whether the individual’s residence is in Connecticut.

Under the bill, “released into the community” includes (1) release by a court after a conviction, finding of not guilty by reason of mental disease or defect, a probation sentence, or other sentence that does not involve DOC custody; (2) release from a correctional facility or to a community correction program (e.g., halfway house, group home); or (3) temporary leave to a Psychiatric Security Review Board-approved residence, conditional release from a hospital for mental illness or facility for persons with intellectual disability, or a release upon a termination of commitment.

Registration Content

The bill requires that registration occur on forms developed by DESSP and at locations DESPP designates. The bill requires DESPP to

develop forms for agencies and individuals to report registration information, including address changes (see below). It must do so in cooperation with the Office of the Chief Court Administrator, DOC, and the Psychiatric Security Review Board.

The bill requires registrants to provide the following information as part of their signed and dated registration:

1. name, including an offender's aliases and other legal names used;
2. identifying information, including a physical description, as the DESPP commissioner may require;
3. current residence and email addresses;
4. conviction date (it is unclear whether this also means the date by which a registrant was found not guilty by mental disease or defect, see below);
5. description of offense involved and criminal history record; and
6. date in which the offender was released from prison, if they were sentenced to prison and part of the term was not suspended.

The bill requires the registrant to appear in person for registration, at which DESPP must photograph the registrant and arrange for a complete set of fingerprints to be taken. The photograph and fingerprints must be included in the registry. The bill also requires DESPP to include in the registry the most recent photograph taken of the registrant, whether it was taken by DESPP, DOC, a law enforcement agency, or the Judicial Branch's Court Support Services Division.

The bill authorizes DESPP to require a registrant to provide documentation to verify registration information.

It is unclear whether all of the registration content requirements

apply to both those who were convicted or who were found not guilty by reason of mental disease or defect, as both must register under the bill. The bill, however, often refers to “offender” when establishing the registration requirements which, under the bill, includes only those who have been convicted of a covered animal abuse crime. For those found not guilty by mental disease or defect, the bill only explicitly requires that they provide their name, home and email addresses, criminal history record, and identifying characteristics the DESPP commissioner requires.

Disseminating Registry Information

Under the bill, when DESPP receives registration information, it must enter it into the registry and notify the state or local police, as applicable, with jurisdiction over where the registrant lives or plans to live. If a registrant changes his or her address (see below), DESPP must similarly record the information and notify the police where he or she previously lived and now resides.

The bill requires the DESPP commissioner to make each registrant’s name and home address available through the state’s on-line law enforcement communication teleprocessing system, which it maintains (see BACKGROUND). If a registrant reports an out-of-state residence, the bill authorizes DESPP to notify the state police of the state where the registrant lives or, if known, that state’s agency that maintains registry information.

The bill also requires the commissioner to develop a protocol for notifying other state agencies, the Judicial Department, and local police departments when a registrant changes his or her name.

Updating Registration Information

Registrant’s Responsibilities. Under the bill, an offender registrant (i.e., convicted of one of the covered animal abuse crimes) must, each year within 20 days after the anniversary date of his or her initial registration, appear in person at the police authority with jurisdiction where he or she lives to verify and update the registration. DESPP must notify the registrant about this requirement (see below).

This requirement does not apply to people who are found not guilty by reason of mental disease or defect.

The police may defer the requirement to personally appear to a later date for good cause. The requirement lasts until an offender no longer needs to be registered (for two or five years, see SUMMARY).

The bill also requires registrants who change their name or address, within five business days after the change, to provide written notice to the DESPP commissioner of the new name or address. Registrants must complete and return any forms mailed to them to verify their home address and, if the commissioner requests it, have their photograph retaken.

DESPP's Responsibilities. The bill requires DESPP, at least 30 days before an offender registrant's anniversary date of his or her initial registration, to notify the registrant by mail of the requirement for him or her to personally appear to verify and update their information (see above). The notice must also be sent to the police with jurisdiction where the registrant lives.

If the DESPP commissioner receives notice from a superior or probate court that it ordered a person's name change, the bill requires DESPP to find out if that person is a registrant and, if so, update his or her registration information to reflect the change (see below).

Police Responsibilities. The bill requires the police with jurisdiction where a registrant lives, within 30 days after the offender registrant's anniversary date, to notify the DESPP commissioner if the registrant personally appeared to verify and update his or her registration information or if the police deferred the requirement. If the police deferred it, they must provide the new date for the registrant's personal appearance and describe the reason for the deferral. The commissioner must provide the form for the notice.

Court Involvement. By law, the superior and probate courts generally have concurrent jurisdiction to grant name changes.

The bill applies the same procedure for changing a registrant's name as that under existing law for changing the name of someone who is required to register with DESPP as a sexual offender or an offender convicted of committing a crime with a deadly weapon.

As such, under the bill, a registrant must, before filing an application for a name change with the superior or probate court, notify the DESPP commissioner on a form she prescribes of the requested name and provide a sworn statement that the purpose of the change is not to avoid legal consequences of a criminal conviction.

If the court orders a name change for a registrant, it must notify the DESPP commissioner of the order.

MISCELLANEOUS PROVISIONS

Pleas of Guilty or Nolo Contendere

The bill requires the court, before accepting a guilty plea or a plea of nolo contendere for an animal abuse crime covered by the bill, to (1) inform the person that accepting the plea will require him or her to be registered and (2) find that he or she fully understands what that means.

Suspending Registration

The bill authorizes DESPP to suspend a person's registration during the time a person is incarcerated, under civil commitment, or living out-of-state. DESPP may, during the suspension, withdraw the registration information from access to law enforcement. When the registrant is released from incarceration or civil commitment or moves back to Connecticut, the bill requires DESPP to reinstate his or her registration and redistribute the registration information.

The bill provides that suspending a registration does not affect the date on which the registrant's registration obligations end.

BACKGROUND

Animal Cruelty Law

The following are violations of the state's animal cruelty statute:

1. overdriving, overloading, overworking, torturing, depriving of necessary sustenance, mutilating, cruelly beating or killing, unjustifiably injuring any animal;
2. failing to give an impounded or confined animal proper care, including wholesome air, food, and water, or neglecting to cage or restrain the animal to prevent it from injuring itself or another animal;
3. unjustifiably administering a poisonous or noxious drug or substance to a domestic animal or exposing the animal to the drug or substance so that it will be taken by the animal;
4. inflicting cruelty upon an animal in custody or failing to provide it with proper food, drink, or weather protection, or abandoning it, or having it carried in a cruel way;
5. maliciously and intentionally maiming, mutilating, torturing, wounding, or killing an animal;
6. engaging in certain activities related to animal fighting for amusement or profit, including knowingly owning or training the animal, allowing a fight to occur on premises, acting as a judge or spectator, and betting on the fight's outcome; or
7. intentionally injuring or killing any animal under a peace officer's supervision or a dog that is part of a volunteer search and rescue team while performing its duties (CGS § 53-247).

***Connecticut Online Law Enforcement Communications
Teleprocessing (COLLECT) System***

The state's COLLECT system is a statewide electronic system used by state and federal law enforcement and criminal justice agencies to access certain information such as criminal history and motor vehicle data from the United States and Canada.

COMMENT

Effective Date

The bill requires DESPP to establish and maintain the registry by January 1, 2019. As part of creating the registry, DESPP must develop the forms for use when reporting information and do so in cooperation with certain other state agencies. The bill, however, does not take effect until January 1, 2019.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 2 (04/04/2018)