



Legislative Testimony
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**Written Testimony Supporting, with Amendment,
House Bill 5578, An Act Concerning the Recommendations
of the Connecticut Sentencing Commission with Respect
to the Sexual Offender Registry**

Senator Doyle, Senator Kissel, Representative Tong, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 5578, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry if it includes one proposed amendment.

As a member of the Connecticut Sentencing Commission's Special Committee on Sex Offenders, I believe the Commission's recommendations included in House Bill 5578 will make the sexual offender registry more effective and fair. However, this bill has a serious constitutional vulnerability. The proposal would deny thousands of registrants who are currently on the public registry the ability to petition off of the registries due to the date of their conviction. Basing whether someone can petition off the registries on the date of their conviction is arbitrary. This inequity will make the state vulnerable to equal protection challenges. Due to this serious flaw, ACLU-CT cannot support the bill without an amendment allowing everyone on the registries the opportunity to petition off of them.

Should this flaw be resolved, the ACLU-CT would support the bill, because many of its provisions would increase public safety and create more fairness. For example, establishing a non-public registry in addition to the public registry would mean that many people on the public registry will be able to move onto the non-public registry. We have learned from the sex offender registries that already exist in Connecticut and many other states that they can constitute an additional extrajudicial form of punishment and that they can lead to

retaliation against former offenders who are trying to rehabilitate themselves. Criminal convictions are public records that can easily be consulted for a background check when truly necessary. But the casual ease of consulting a public registry can bring unnecessary public exposure and retribution against those who have already paid their debt to society and are trying to rebuild their lives. We therefore support the creation of a non-public registry.

Allowing people the opportunity to petition off the registries would have a similar positive effect. The proposal would help people to reintegrate into society and find stable living conditions, which are directly related to rates of recidivism and the public's safety. The majority of states allow people the opportunity to be removed from sexual offender registries. Connecticut should follow suit and allow people the opportunity to petition off of the registries.

House Bill 5578 would require the state to base its decision about which registry is appropriate for a person on an evaluation of the person's risk of reoffending, rather than on the crime of which the state convicted them. This is a more fair, just, and effective way of determining who should be on a public registry.

We urge the committee to amend the bill to allow all people the opportunity to petition off of the registries and to support the bill.