



STATE OF CONNECTICUT  
**SENTENCING COMMISSION**

***Testimony of Alex Tsarkov and Honorable Judge Robert Devlin, Jr. before the Judiciary Committee on HB 5578, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry***

Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas, and members of the Judiciary Committee. For the record, my name is Alex Tsarkov and I am the Executive Director of the Connecticut Sentencing Commission. With me is Judge Robert Devlin, Jr., a superior court judge and chair of the Sentencing Commission. We are here to testify in favor of HB 5578, *An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry*.

We would first like to give you some brief background about the Sentencing Commission. We are a permanent commission created seven years ago, consisting of all the stakeholders in Connecticut's criminal justice system. Our membership includes four judges; the Chief State's Attorney; the Chief Public Defender; the Victim Advocate; the commissioners of Correction, Emergency Services and Public Protection, and Mental Health and Addiction Services; community activists interested in the criminal justice system; the chair of the Board of Pardons and Paroles; municipal police chiefs; the undersecretary of the Office of Policy and Management's Criminal Justice Policy and Planning Division; as well as others vitally engaged in the criminal justice system. We have adopted a policy of striving for consensus in our recommendations to the legislature and the governor. Our work is informed by all the major system stakeholders of the criminal justice system and aims to adhere to the best legal and evidence based research and practices.

HB 5578 is a product of the Sentencing Commission study per *Special Act 15-2*. That legislation required the Commission to examine sex offender sentencing, registration and management system in the state and make policy recommendations to the Governor and General Assembly. This proposal is based on some of the Commission's recommendations and is the result of two years of rigorous study and discussions with multiple stakeholders – academics, practitioners, as well as state and national experts on this subject matter.

The legislation both strengthens and focuses the Connecticut sex offender registry. The key aspect of the proposal is a move from a conviction-based registry to a risk-based registry focused on the risk, needs and responsivity model supported by research and evidence-based practices.

Under current law, the crime that the offender was convicted of determines the requirement to register and the length of time the person must be on the registry. This proposal makes no changes to the categories of sex offenders who must register with the Department of Emergency Services and Public Protection (DESPP) and the crimes that require registration. However, the length of time on the registry and whether it is a public registry or a law enforcement agency-only registry will be determined by evaluating the registrant's risk of reoffending. The Sexual Offender Registration Board consisting of subject matter experts will be responsible for making these classifications of risk based on actuarial risk assessment instruments, the nature and circumstances of the offense, any aggravating or mitigating factors, and the impact to the victim, and public safety in the community.

The current registry has no reward for a registrant's appropriate behavior and no sanction for a registrant's inappropriate behavior, other than a failure to report a change of address, which is a class D felony. Proposed changes to the registry are based on the recognition that placement on a public registry can impede the registrant's successful reentry into society by making it more difficult to find housing or employment. This proposal will penalize registrant's inappropriate behavior and reward appropriate behavior. All registrants will have an opportunity to petition to shorten their registration period or apply for removal from the public registry. In order to do so, registrants will have to show, by their conduct, that they have reduced their risk to the community. This proposal will eventually result in fewer offenders on the public sex offender registry; those higher-risk offenders who warrant the focused attention of probation and parole officers, law enforcement agencies, and the public.

Connecticut is one of the very few jurisdictions that currently does not give individuals the opportunity to be removed from the registry. The provision of the proposal, which would be prospective only, establishes a process to petition the superior court for removal from the registry. However, some individuals who were retroactively placed on the registry at the time the registry went into effect (i.e., offenders who were convicted prior to January 1, 1998, without knowledge that they would be subject to registration requirements) would be eligible to petition the court for removal.

Under the new system, some registrants will be on the registry for shorter periods than under the current system, and others may be on for longer periods. However, that determination will be based on the registrant's risk to the community. The registrants will have an opportunity to lower their risk profile by participating in programming for behavioral health, vocational training, and other services designed to enhance community reintegration and by avoiding re-arrests for any new criminal activity.

The proposal would allow for more focused monitoring and management of individuals who have engaged in sexual violence, and at the same time provide mechanisms for individuals who have rehabilitated themselves to more fully reintegrate into their communities.

We would like to note that the proposal that came out from the Commission did not place the Sexual Offender Registration Board within the Board of Pardons and Paroles. While that option was discussed, it was not endorsed by the Board of Pardons and Paroles.

We would urge the Judiciary Committee to review the Commission's full report on Sex Offender Sentencing, Registration, and Management System. The report not only contains a wealth of information on the state's and other jurisdictions' approach to management and registry of offenders, but also other important recommendations. We hope the Committee and state agencies implement those recommendations as we move forward.

The Commission has two suggestions for changes to the raised bill.

- Add a provision to section 2 of the bill that establishes the Sexual Offender Registration Board that specifies four years as the length of members' terms.
- Make a technical change in line 932 of the bill substituting "record, as defined in section 1-200" for "document" to make it clear that the information on the law enforcement agency registry is not subject to public disclosure under the state's Freedom of Information Act.

We ask the Committee to recognize an extraordinary broad coalition of stakeholders, state and national experts who have spent many hours coming to a consensus on the proposal. We thank the Committee for raising this important legislation and urge the Committee's JOINT FAVORABLE SUBSTITUTE Report.

