

Testimony of Thomas Ullmann 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 Thomas Ullmann, I am the Connecticut Criminal Defense Lawyer's Association appointed member of the Connecticut Sentencing Commission, and former Public Defender for the New Haven Judicial District, having recently retired after 43 years of state service. I am 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*.

Special Act 15-2 mandated the Sentencing Commission to examine the sex offender sentencing, registration and management system as conducted within our state and to make policy recommendations to the General Assembly and Governor. As a result of this task the Commission created a Special Committee on Sex Offenders. That committee determined to focus upon three specific subject matter areas and created three subcommittees that spent the better part of two years researching and studying these matters. The subcommittees were comprised of Commission members as well as professionals and citizens interested in this subject matter.

I, along with Brian Austin, Executive Assistant State's Attorney for the Chief State's Attorney's Office co-chaired the sentencing subcommittee. While numerous relevant subjects came up during the course of our work the main focus centered on the removal mechanism of the sex offender registry.

As it currently exists it is nearly impossible for someone who has been placed on the sex offender registry to be removed from the public registry. The current registry has approximately 5,300 people registered. It is a one size fits all registry that does not highlight those individuals who are considered high risk offenders. Those individuals who are considered low risk, who have completed their sentences, probation and/or parole, favorably completed sex offender treatment, have committed no additional offenses, let alone sex offenses have no way of coming off a 10 year or life time registry commitment. This is counterproductive to public safety and in fact increases the risks of reoffending due to the inability to get or maintain education, training, employment, and/or housing.

The current registry includes some 800 people who were grandfathered in when the registry was first enacted and approximately 2,200 who have lifetime registry requirements since then. The list of public lifetime registrants grows each year with no ability for removal. Some of the grandfathered registrants committed their offenses in the 1980's, were placed on the registry long after their convictions occurred and after their sentences were completed, are now in their 60's, are not a threat to anyone and can not get off the registry. Some can't get into much needed public housing and some face being removed from their housing.

The proposal sets up a mechanism for removal that is more reasonable and focuses upon public safety by looking at risk factors. Looking forward the proposal sets up a sex offender registry based upon a risk assessment following conviction for a sex offense. Those assessed as low risk would be placed on a police registry for 10 years with the ability to seek removal after 5 years. Those categorized as a moderate risk would be referred to the Risk Assessment Board to determine whether they should be

placed on the public registry or police registry for 20 years. Each category would provide the ability for the registrant to move to a less onerous status after demonstrating rehabilitation taking into account a variety of factors.

Specific procedures addressed the two groups of retroactive registrants. Those who were lifetime registrants that were grandfathered in several ways would have the ability to petition the court for removal. The court could order an assessment of some kind, waive it for good cause, and thereafter remove the person from the public registry, place the person on the police registry or keep them on the public registry.

For the second group of retroactive registrants, those individuals who have been sentenced subsequent to the registry enactment of 1998, and therefore knew what they were getting into, those lifetime registrants would be able to request the Risk Assessment Board for transfer to the police registry. The Board would then make this decision based on risk and needs factors. These individuals would only be able to move from the public registry to the police registry but would be unable to be totally removed from all registration responsibility.

It should also be pointed out that any person who petitions to be removed from registry must go through the courts and that victim notification and participation, if desired, is required.

The work of our subcommittee encompassed approximately two years of monthly meetings, presentations by experts in the field, data research, and public comment periods at almost every meeting. There was representation of all interested parties and compromises made in order to reach consensus agreements on these sensitive subject matters.

In the end it was felt by all that moving forward this proposal best meets the needs of enhancing public safety. As currently constructed and applied the registry fails to identify those that the community should be most concerned with: the high risk sexual offender. To continue to lump in the low risk offenders and in particular those who have long been rehabilitated and pose no risk to the community is counterproductive and fails smart on crime criminal justice policy objectives.

I thank the Committee for raising this important legislation and strongly urge the passage of the Committee's JOINT FAVORABLE SUBSTITUTE Report.