

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 18-156—sSB 523 (VETOED)

Judiciary Committee

AN ACT CONCERNING AN ANIMAL ABUSE REGISTRY

SUMMARY: This act requires the Department of Emergency Services and Public Protection (DESPP) to create and maintain a central record system (i.e., registry) of individuals convicted or found not guilty by reason of mental disease or defect of certain animal abuse crimes. DESPP must do so by January 1, 2019, within available appropriations.

The act requires certain identifying information to be included in the registry, including the registrant's name; home and electronic mail addresses; criminal history; and physical characteristics. It 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 act, first-time animal abusers must maintain their registration for two years and for five years for each subsequent offense. The act 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 (see Table on Penalties).

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

EFFECTIVE DATE: January 1, 2019

ANIMAL ABUSE REGISTRY

Who Must Register

The act requires individuals to register certain identifying information with DESPP beginning January 1, 2019, if they are convicted or found not guilty by reason of mental disease or defect of (1) animal cruelty (see BACKGROUND) or (2) engaging in sexual contact with an animal.

Under the act, a "convicted" individual is someone with a judgment entered against him or her in a Connecticut court either by a guilty plea, plea of nolo contendere, or a finding of guilt by the court or a jury. "Not guilty by reason of mental disease or defect" is a finding by a court or jury 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

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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 act, "released into the community" means a (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 act requires individuals to register at locations DESPP designates. DESPP must develop registration 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. DESPP must also include in the registry the most recent photograph of the registrant taken by DESPP, DOC, a law enforcement agency, or the Judicial Branch's Court Support Services Division.

The act requires offender registrants (i.e., those convicted of one of the covered animal abuse crimes) to provide more information in the registry than those who must register because of being found not guilty by reason of mental disease or defect. Under the act, all registrants must provide their:

1. name;
2. residential and electronic mail addresses;
3. criminal history record; and
4. identifying factors, which under the act include fingerprints, a photograph, or a description of any other identifying characteristic the DESPP commissioner requires.

An offender must also provide, as part of his or her signed and dated registration, the following information:

1. aliases and other names by which he or she has been legally known;
2. description of and conviction date for the offense; and
3. date he or she was released from prison, if sentenced to prison and part of the term was not suspended.

Offender registrants must register in person, at which time DESPP must photograph them and arrange for a complete set of fingerprints to be taken. The photograph and fingerprints must be included in the registry. DESPP may require an offender to provide documentation to verify registration information.

Disseminating Registry Information

Under the act, when DESPP receives registration information, it must enter it into the registry and notify the state or local police, as applicable, with jurisdiction

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over where the registrant lives or plans to live. If a registrant changes his or her address, DESPP must similarly record the information and notify the police where he or she previously lived and now resides.

The act requires the DESPP commissioner to make each registrant's name and home address available through the state's online law enforcement communication teleprocessing system, which it maintains. If a registrant reports an out-of-state residence, the act 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 act 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 act, an offender registrant 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).

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 (i.e., for two or five years; see SUMMARY).

The act 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 information. 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 act requires DESPP, at least 30 days before the anniversary date of an offender registrant's initial registration, to notify the registrant and the police with jurisdiction where he or she lives by mail of the requirement for him or her to personally appear to verify and update the information.

If the DESPP commissioner receives notice from a superior or probate court that it ordered a person's name change, the act 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 act 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 act applies the same procedure for changing a registrant's name as that under existing law for changing the name

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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 act, a registrant must, before filing an application for a name change with the 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.

And if the court orders a name change for a registrant, it or the clerk, as applicable, must (1) check the registry and (2) notify the DESPP commissioner of the order.

MISCELLANEOUS PROVISIONS

Pleas of Guilty or Nolo Contendere

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

Suspending Registration

The act authorizes DESPP to suspend a person's registration during the time he or she 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 act requires DESPP to reinstate the registration and redistribute the registration information.

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

BACKGROUND

Animal Cruelty Law

Violations of the state's animal cruelty statute include, among other things:

1. overdriving, overloading, overworking, torturing, depriving of necessary sustenance, mutilating, cruelly beating or killing, or unjustifiably injuring any animal;
2. failing to give an impounded or confined animal proper care, including wholesome air; food; water; or weather protection; or neglecting to cage or restrain the animal to prevent injury; and
3. engaging in activities related to animal fighting for amusement or profit, including knowingly owning or training the animal; allowing a fight to occur on premises; and betting on the fight's outcome (CGS § 53-247).