



General Assembly

February Session, 2018

Raised Bill No. 523

LCO No. 2978



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING AN ANIMAL ABUSE REGISTRY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2018*) (a) For the purposes of
2 this section and sections 2 and 3 of this act and sections 45a-99 of the
3 general statutes, as amended by this act, and 52-11 of the general
4 statutes, as amended by this act:

5 (1) "Commissioner" means the Commissioner of Emergency Services
6 and Public Protection;

7 (2) "Convicted" means that a person has a judgment entered in this
8 state against such person by a court upon a plea of guilty, a plea of
9 nolo contendere or a finding of guilty by a jury or the court
10 notwithstanding any pending appeal or habeas corpus proceeding
11 arising from such judgment;

12 (3) "Department" means the Department of Emergency Services and
13 Public Protection;

14 (4) "Identifying factors" means fingerprints, a photographic image

15 and a description of any other identifying characteristics as may be
16 required by the commissioner;

17 (5) "Not guilty by reason of mental disease or defect" means a
18 finding by a court or jury of not guilty by reason of mental disease or
19 defect pursuant to section 53a-13 of the general statutes
20 notwithstanding any pending appeal or habeas corpus proceeding
21 arising from such finding;

22 (6) "Offender convicted of committing a crime involving animal
23 abuse" or "offender" means a person who has been convicted of a
24 violation of section 53-247 of the general statutes;

25 (7) "Registrant" means a person required to register under this
26 section;

27 (8) "Registry" means a central record system in this state that is
28 established pursuant to this section and receives, maintains and
29 disseminates to the public information on persons convicted or found
30 not guilty by reason of mental disease or defect of a violation of section
31 53-247 of the general statutes; and

32 (9) "Release into the community" means, with respect to a conviction
33 or a finding of not guilty by reason of mental disease or defect of an
34 offense committed with a deadly weapon, (A) any release by a court
35 after such conviction or finding of not guilty by reason of mental
36 disease or defect, a sentence of probation or any other sentence under
37 section 53a-28 of the general statutes that does not result in the
38 offender's immediate placement in the custody of the Commissioner of
39 Correction; (B) release from a correctional facility at the discretion of
40 the Board of Pardons and Paroles, by the Department of Correction to
41 a program authorized by section 18-100c of the general statutes or
42 upon completion of the maximum term or terms of the offender's
43 sentence or sentences, or to the supervision of the Court Support
44 Services Division in accordance with the terms of the offender's
45 sentence; or (C) temporary leave to an approved residence by the
46 Psychiatric Security Review Board pursuant to section 17a-587 of the

47 general statutes, conditional release from a hospital for mental illness
48 or a facility for persons with intellectual disability by the Psychiatric
49 Security Review Board pursuant to section 17a-588 of the general
50 statutes or release upon termination of commitment to the Psychiatric
51 Security Review Board.

52 (b) The department shall, not later than January 1, 2019, establish
53 and maintain a registry of all persons required to register under this
54 section as offenders convicted of committing a crime involving animal
55 abuse. The department shall, in cooperation with the Office of the
56 Chief Court Administrator, the Department of Correction and the
57 Psychiatric Security Review Board, develop appropriate forms for use
58 by agencies and individuals to report registration information,
59 including changes of address. Upon receipt of registration information,
60 the department shall enter the information into the registry and notify
61 the local police department or state police troop having jurisdiction
62 where the registrant resides or plans to reside. Upon receiving
63 notification pursuant to section 2 of this act that a registrant has
64 changed his or her address, the department shall enter the information
65 into the registry and notify the local police departments or state police
66 troops having jurisdiction where the registrant previously resided and
67 the jurisdiction where the registrant has relocated. The Commissioner
68 of Emergency Services and Public Protection shall also ensure that the
69 name and residence address of each registrant is available through the
70 Connecticut on-line law enforcement communication teleprocessing
71 system maintained by the department. If a registrant reports a
72 residence in another state, the department may notify the state police
73 agency of that state or such other agency in that state that maintains
74 registry information, if known.

75 (c) The department may suspend the registration of any person
76 registered under section 2 of this act while such person is incarcerated,
77 under civil commitment or residing outside this state. During the
78 period that such registration is under suspension, the department may
79 withdraw the registration information from access to law enforcement
80 agencies. Upon the release of the registrant from incarceration or civil

81 commitment or resumption of residency in this state by the registrant,
82 the department shall reinstate the registration and redistribute the
83 registration information in accordance with subsection (b) of this
84 section. Suspension of registration shall not affect the date of
85 expiration of the registration obligation of the registrant under section
86 2 of this act.

87 (d) The department shall include in the registry the most recent
88 photographic image of each registrant taken by the department, the
89 Department of Correction, a law enforcement agency or the Court
90 Support Services Division of the Judicial Department.

91 (e) Whenever the commissioner receives notice from a superior
92 court pursuant to section 52-11 of the general statutes, as amended by
93 this act, or a probate court pursuant to section 45a-99 of the general
94 statutes, as amended by this act, that such court has ordered the
95 change of name of a person, and the department determines that such
96 person is listed in the registry, the department shall revise such
97 person's registration information accordingly.

98 (f) The commissioner shall develop a protocol for the notification of
99 other state agencies, the Judicial Department and local police
100 departments whenever a person listed in the registry changes such
101 person's name and notifies the commissioner of the new name
102 pursuant to section 2 of this act or whenever the commissioner
103 determines pursuant to subsection (e) of this section that a person
104 listed in the registry has changed such person's name.

105 (g) The information in the registry shall be a public record for the
106 purposes of section 1-200 of the general statutes and the department
107 shall make such information accessible to the public through a secure
108 Internet web site.

109 Sec. 2. (NEW) (*Effective October 1, 2018*) (a) (1) Any person who has
110 been convicted or found not guilty by reason of mental disease or
111 defect of a violation of section 53-247 of the general statutes and is
112 released into the community on or after January 1, 2019, shall, within

113 fourteen calendar days following such release or, if such person is in
114 the custody of the Commissioner of Correction, at such time prior to
115 release as the Commissioner of Correction shall direct, and whether or
116 not such person's place of residence is in this state, register such
117 person's name, identifying factors, criminal history record, residence
118 address and electronic mail address with the Commissioner of
119 Emergency Services and Public Protection, on such forms and in such
120 locations as said commissioner shall direct, and shall maintain such
121 registration for two years in the case of a first offense and for five years
122 in the case of any subsequent offense.

123 (2) Prior to accepting a plea of guilty or nolo contendere from a
124 person with respect to a violation of section 53-247 of the general
125 statutes, the court shall (A) inform the person that the entry of a
126 finding of guilty after acceptance of the plea will subject the person to
127 the registration requirements of this section, and (B) determine that the
128 person fully understands the consequences of the plea.

129 (3) If any person who is subject to registration under this section
130 changes such person's name, such person shall, without undue delay,
131 notify the commissioner, in writing, of the new name. If any person
132 who is subject to registration under this section changes such person's
133 address, such person shall, without undue delay, notify the
134 commissioner, in writing, of the new address. During such period of
135 registration, each registrant shall complete and return any forms
136 mailed to such registrant to verify such registrant's residence address
137 and shall submit to the retaking of a photographic image upon request
138 of the commissioner.

139 (b) Any offender convicted of a violation of section 53-247 of the
140 general statutes who is required to register under this section shall, not
141 later than twenty calendar days after each anniversary date of such
142 initial registration, until the date such registration requirement expires
143 under subdivision (1) of subsection (a) of this section, personally
144 appear at the local police department or state police troop having
145 jurisdiction where the registrant resides to verify and update, as

146 appropriate, the contents of his or her registration. The local police
147 department or state police troop, as the case may be, may defer such
148 requirement to personally appear at a later date for good cause shown.
149 Not later than thirty calendar days prior to such anniversary date, the
150 department shall mail written notice of the personal appearance
151 requirement of this subsection to the registrant and the local police
152 department or state police troop having jurisdiction where the
153 registrant resides. Not later than thirty calendar days after the
154 anniversary date of each registrant, the local police department or state
155 police troop having jurisdiction where the registrant resides shall
156 notify the commissioner, on such form as the commissioner may
157 prescribe, (1) whether the registrant complied with the personal
158 appearance requirement of this subsection or whether such personal
159 appearance requirement was deferred to a later date for good cause
160 shown, and (2) if the personal appearance requirement was deferred to
161 a later date for good cause shown, the local police department or state
162 police troop shall indicate the later date established for such personal
163 appearance and describe the good cause shown.

164 (c) Any person who is subject to registration under this section who
165 violates any provisions of subsection (a) or (b) of this section, and any
166 person who is subject to registration under this section who fails to
167 notify the commissioner of a change of name or address not later than
168 five business days after such change of name or address shall be guilty
169 of a class D felony.

170 Sec. 3. (NEW) (*Effective October 1, 2018*) (a) The registration
171 information for each registrant shall include:

172 (1) The offender's name, including any other name by which the
173 offender has been legally known, and any aliases used by the offender;

174 (2) Identifying information, including a physical description of the
175 offender;

176 (3) The current residence address of the offender;

177 (4) The date of conviction of the offense;

178 (5) A description of the offense; and

179 (6) If the offender was sentenced to a term of incarceration for such
180 offense, a portion of which was not suspended, the date the offender
181 was released from such incarceration.

182 (b) The offender shall sign and date the registration.

183 (c) At the time that the offender appears for the purpose of
184 registering, the department shall photograph the offender and arrange
185 for the fingerprinting of the offender and include such photograph and
186 a complete set of fingerprints in the registry.

187 (d) The department may require the offender to provide
188 documentation to verify the contents of his or her registration.

189 Sec. 4. Section 45a-99 of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective October 1, 2018*):

191 (a) The courts of probate shall have concurrent jurisdiction with the
192 Superior Court, as provided in section 52-11, as amended by this act, to
193 grant a change of name, except a change of name granted in
194 accordance with subsection (a) of section 46b-63, except that no court
195 of probate may issue an order or otherwise allow for the change of
196 name of a person who is required to register with the Commissioner of
197 Emergency Services and Public Protection as a sexual offender or as an
198 offender convicted of committing a crime with a deadly weapon or as
199 an offender convicted of committing a crime involving animal abuse
200 unless such person complies with the requirements of subdivision (1)
201 of subsection (b) of this section.

202 (b) (1) Any person who is required to register with the
203 Commissioner of Emergency Services and Public Protection as a sexual
204 offender or as an offender convicted of committing a crime with a
205 deadly weapon or as an offender convicted of committing a crime
206 involving animal abuse who files an application with the Court of

207 Probate for a change of name shall (A) prior to filing such application,
208 notify the Commissioner of Emergency Services and Public Protection,
209 on such form as the commissioner may prescribe, that the person
210 intends to file an application for a change of name, indicating the
211 change of name sought, and (B) include with such application a sworn
212 statement that such change of name is not being sought for the
213 purpose of avoiding the legal consequences of a criminal conviction,
214 including, but not limited to, a criminal conviction that requires such
215 person to register as a sexual offender or as an offender convicted of
216 committing a crime with a deadly weapon or as an offender convicted
217 of committing a crime involving animal abuse.

218 (2) The Commissioner of Emergency Services and Public Protection
219 shall have standing to challenge such person's application for a change
220 of name in the court of probate where such change of name is sought.
221 [The] A commissioner [shall] may challenge the change of name
222 through the Attorney General. The court of probate may deny such
223 person's application for a change of name if the court finds, by a
224 preponderance of the evidence, that the person is applying for such
225 change of name for the purpose of avoiding the legal consequences of
226 a criminal conviction.

227 (c) Whenever the court, pursuant to this section, orders a change of
228 name of a person, the court shall notify the Commissioner of
229 Emergency Services and Public Protection of the issuance of such order
230 if the court finds that such person is listed in the registry established
231 and maintained pursuant to section 54-257 or in the registry
232 established and maintained pursuant to section 54-280 or in the
233 registry established pursuant to section 1 of this act.

234 Sec. 5. Section 52-11 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective October 1, 2018*):

236 (a) The superior court in each judicial district shall have jurisdiction
237 of complaints praying for a change of name, brought by any person
238 residing in the judicial district, and may change the name of the

239 complainant, who shall thereafter be known by the name prescribed by
240 said court in its decree, except that no superior court may issue an
241 order or otherwise allow for the change of name of a person who is
242 required to register with the Commissioner of Emergency Services and
243 Public Protection as a sexual offender or as an offender convicted of
244 committing a crime with a deadly weapon or as an offender convicted
245 of committing a crime involving animal abuse unless such person
246 complies with the requirements of subdivision (1) of subsection (b) of
247 this section.

248 (b) (1) Any person who is required to register with the
249 Commissioner of Emergency Services and Public Protection as a sexual
250 offender or as an offender convicted of committing a crime with a
251 deadly weapon or as an offender convicted of committing a crime
252 involving animal abuse who files an application with the Superior
253 Court for a change of name shall (A) prior to filing such application,
254 notify the Commissioner of Emergency Services and Public Protection,
255 on such form as the commissioner may prescribe, that the person
256 intends to file an application for a change of name, indicating the
257 change of name sought, and (B) include with such application a sworn
258 statement that such change of name is not being sought for the
259 purpose of avoiding the legal consequences of a criminal conviction,
260 including, but not limited to, a criminal conviction that requires such
261 person to register as a sexual offender or as an offender convicted of
262 committing a crime with a deadly weapon or as an offender convicted
263 of committing a crime involving animal abuse.

264 (2) The Commissioner of Emergency Services and Public Protection
265 shall have standing to challenge such person's application for a change
266 of name in the superior court where such change of name is sought.
267 The commissioner shall challenge the change of name through the
268 Attorney General. The superior court may deny such person's
269 application for a change of name if the court finds, by a preponderance
270 of the evidence, that the person is applying for such change of name
271 for the purpose of avoiding the legal consequences of a criminal
272 conviction.

273 (c) Whenever the court, pursuant to this section, orders a change of
274 name of a person, the clerk of the court shall notify the Commissioner
275 of Emergency Services and Public Protection of the issuance of such
276 order if the clerk finds that such person is listed in the registry
277 established and maintained pursuant to section 54-257 or in the
278 registry established and maintained pursuant to section 54-280 or in
279 the registry established pursuant to section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section
Sec. 2	<i>October 1, 2018</i>	New section
Sec. 3	<i>October 1, 2018</i>	New section
Sec. 4	<i>October 1, 2018</i>	45a-99
Sec. 5	<i>October 1, 2018</i>	52-11

Statement of Purpose:

To establish an animal abuse registry.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]