



Substitute Senate Bill No. 523

Public Act No. 18-156

AN ACT CONCERNING AN ANIMAL ABUSE REGISTRY.

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

Section 1. (NEW) (*Effective January 1, 2019*) (a) For the purposes of this section, sections 2 and 3 of this act and sections 45a-99 of the general statutes, as amended by this act, and 52-11 of the general statutes, as amended by this act:

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

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

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

(4) "Identifying factor" means fingerprints, a photographic image or a description of any other identifying characteristic as may be required by the commissioner;

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

(6) "Offender convicted of committing a crime involving animal abuse" or "offender" means a person who has been convicted of a violation of (A) any provision of section 53-247 of the general statutes, or (B) subdivision (3) of subsection (a) of section 53a-73a of the general statutes for engaging in sexual contact with an animal;

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

(8) "Registry" means a central record system in this state that is established pursuant to this section and receives, maintains and disseminates to the public information on persons convicted or found not guilty by reason of mental disease or defect of a violation of (A) any provision of section 53-247 of the general statutes, or (B) subdivision (3) of subsection (a) of section 53a-73a of the general statutes for engaging in sexual contact with an animal; and

(9) "Release into the community" means, with respect to a conviction or a finding of not guilty by reason of mental disease or defect of a violation of (A) any provision of section 53-247 of the general statutes, or (B) subdivision (3) of subsection (a) of section 53a-73a of the general statutes for engaging in sexual contact with an animal, (i) any release by a court after such conviction or finding of not guilty by reason of mental disease or defect, a sentence of probation or any other sentence under section 53a-28 of the general statutes or subdivision (3) of subsection (a) of section 53a-73a of the general statutes for engaging in sexual contact with an animal that does not result in the offender's immediate placement in the custody of the Commissioner of

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Correction; (ii) release from a correctional facility at the discretion of the Board of Pardons and Paroles, by the Department of Correction to a program authorized by section 18-100c of the general statutes or upon completion of the maximum term or terms of the offender's sentence or sentences, or to the supervision of the Court Support Services Division of the Judicial Branch in accordance with the terms of the offender's sentence; or (iii) temporary leave to an approved residence by the Psychiatric Security Review Board pursuant to section 17a-587 of the general statutes, conditional release from a hospital for mental illness or a facility for persons with intellectual disability by the Psychiatric Security Review Board pursuant to section 17a-588 of the general statutes or release upon termination of commitment to the Psychiatric Security Review Board.

(b) The department shall, not later than January 1, 2019, and within available appropriations, establish and maintain a registry of all persons required to register under this section as offenders convicted of committing a crime involving animal abuse. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. Upon receiving notification pursuant to section 2 of this act that a registrant has changed his or her address, the department shall enter the information into the registry and notify the local police departments or state police troops having jurisdiction where the registrant previously resided and the jurisdiction where the registrant has relocated. The Commissioner of Emergency Services and Public Protection shall also ensure that the name and residence address of each registrant is available through the Connecticut on-line

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law enforcement communication teleprocessing system maintained by the department. If a registrant reports a residence in another state, the department may notify the state police agency of that state or such other agency in that state that maintains registry information, if known.

(c) The department may suspend the registration of any person registered under section 2 of this act while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department may withdraw the registration information from access to law enforcement agencies. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration and redistribute the registration information in accordance with subsection (b) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 2 of this act.

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

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

(f) The commissioner shall develop a protocol for the notification of other state agencies, the Judicial Department and local police

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departments whenever a person listed in the registry changes such person's name and notifies the commissioner of the new name pursuant to section 2 of this act or whenever the commissioner determines pursuant to subsection (e) of this section that a person listed in the registry has changed such person's name.

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

Sec. 2. (NEW) (*Effective January 1, 2019*) (a) (1) Any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of (A) any provision of section 53-247 of the general statutes, or (B) subdivision (3) of subsection (a) of section 53a-73a of the general statutes for engaging in sexual contact with an animal and is released into the community on or after January 1, 2019, shall, within fourteen calendar days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the Commissioner of Correction shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as said commissioner shall direct, and shall maintain such registration for two years in the case of a first offense and for five years in the case of any subsequent offense.

(2) Prior to accepting a plea of guilty or nolo contendere from a person with respect to a violation of (A) any provision of section 53-247 of the general statutes, or (B) subdivision (3) of subsection (a) of section 53a-73a of the general statutes for engaging in sexual contact with an animal, the court shall (i) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to

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the registration requirements of this section, and (ii) determine that the person fully understands the consequences of the plea.

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

(b) Any offender convicted of a violation of (1) any provision of section 53-247 of the general statutes, or (2) subdivision (3) of subsection (a) of section 53a-73a of the general statutes for engaging in sexual contact with an animal who is required to register under this section shall, not later than twenty calendar days after each anniversary date of such initial registration, until the date such registration requirement expires under subdivision (1) of subsection (a) of this section, personally appear at the local police department or state police troop having jurisdiction where the registrant resides to verify and update, as appropriate, the contents of his or her registration. The local police department or state police troop, as the case may be, may defer such requirement to personally appear at a later date for good cause shown. Not later than thirty calendar days prior to such anniversary date, the department shall mail written notice of the personal appearance requirement of this subsection to the registrant and the local police department or state police troop having jurisdiction where the registrant resides. Not later than thirty calendar days after the anniversary date of each registrant, the local police department or state police troop having jurisdiction where the

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registrant resides shall notify the commissioner, on such form as the commissioner may prescribe, (A) whether the registrant complied with the personal appearance requirement of this subsection or whether such personal appearance requirement was deferred to a later date for good cause shown, and (B) if the personal appearance requirement was deferred to a later date for good cause shown, the local police department or state police troop shall indicate the later date established for such personal appearance and describe the good cause shown.

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

Sec. 3. (NEW) (*Effective January 1, 2019*) (a) The registration information for each registrant shall include:

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

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

(3) The current residence address of the offender;

(4) The date of conviction of the offense;

(5) A description of the offense; and

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

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

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

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

Sec. 4. Section 45a-99 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2019*):

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

(b) (1) Any person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon or as an offender convicted of committing a crime involving animal abuse who files an application with the Court of Probate for a change of name shall (A) prior to filing such application, notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, that the person intends to file an application for a change of name, indicating the

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change of name sought, and (B) include with such application a sworn statement that such change of name is not being sought for the purpose of avoiding the legal consequences of a criminal conviction, including, but not limited to, a criminal conviction that requires such person to register as a sexual offender or as an offender convicted of committing a crime with a deadly weapon or as an offender convicted of committing a crime involving animal abuse.

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

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

Sec. 5. Section 52-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2019*):

(a) The superior court in each judicial district shall have jurisdiction of complaints praying for a change of name, brought by any person residing in the judicial district, and may change the name of the complainant, who shall thereafter be known by the name prescribed by said court in its decree, except that no superior court may issue an

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order or otherwise allow for the change of name of a person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender or as an offender convicted of committing a crime with a deadly weapon or as an offender convicted of committing a crime involving animal abuse unless such person complies with the requirements of subdivision (1) of subsection (b) of this section.

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

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

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conviction.

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

Vetoed June 14, 2018