



# House of Representatives

General Assembly

**File No. 532**

February Session, 2018

Substitute House Bill No. 5409

*House of Representatives, April 17, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS AND SEX TRAFFICKERS.**

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

1 Section 1. Subdivision (11) of section 54-250 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2018*):

4 (11) "Sexually violent offense" means (A) a violation of section 53a-  
5 70, except subdivision (2) of subsection (a) of said section, 53a-70a, 53a-  
6 70b, 53a-71, except subdivision (1), (4), (8) or (10) or subparagraph (B)  
7 of subdivision (9) of subsection (a) of said section or subparagraph (A)  
8 of subdivision (9) of subsection (a) of said section if the court makes a  
9 finding that, at the time of the offense, the victim was under eighteen  
10 years of age, 53a-72a, except subdivision (2) of subsection (a) of said  
11 section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court  
12 makes a finding that the offense was committed with intent to sexually  
13 violate or abuse the victim, or of section 53a-192a that constitutes sex  
14 trafficking, (B) a violation of any of the offenses specified in

15 subparagraph (A) of this subdivision for which a person is criminally  
16 liable under section 53a-8, 53a-48 or 53a-49, or (C) a violation of any  
17 predecessor statute to any of the offenses specified in subparagraph  
18 (A) or (B) of this subdivision the essential elements of which are  
19 substantially the same as said offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	54-250(11)

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires anyone convicted of sex trafficking to register as a sex offender and results in potential cost for additional incarcerations and potential revenue from fines.

Sex offenders must register information with the Department of Emergency Services and Public Protection (DESPP). In FY 17, there were five offenses of sex trafficking. Of those, four were dismissed and one received a plea. As of January 2018, there are three persons incarcerated for sex trafficking. It is anticipated that DESPP will be able to fulfil the requirements of this bill with existing resources.

The bill results in potential cost for incarcerating persons who fail to register as a sex offender as required. As of January 2018, there are five persons incarcerated for this offense and approximately 28 on probation. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900<sup>1</sup> while the average marginal cost for

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

supervision in the community is less than \$700<sup>2</sup> each year.

While the bill results in potential revenue from new fines of failing to register, any potential revenue is anticipated to be minimal. One offense resulted in a fine of \$1,500 in FY 16 and there were no fines collected in FY 17.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****sHB 5409*****AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS AND SEX TRAFFICKERS.*****SUMMARY**

This bill requires lifetime sex offender registration for anyone convicted of sex trafficking (i.e., the crime of trafficking in persons that constitutes sex trafficking). The bill does so by designating such a crime as a “sexually violent offense.”

Thus, in doing so, the bill:

1. requires a sex trafficking offender, within certain timeframes, to register certain identifying information and report changes to the Department of Emergency Services and Public Protection (DESPP);
2. includes sex trafficking offenders, in the notifications that the law requires DESPP to send to towns and schools, when a sex offender resides or plans to reside in the community;
3. allows the court, as a condition of probation or conditional discharge, to require a sex trafficker to register as a sex offender, as is the case under existing law for anyone who commits a sexually violent offense (CGS § 53a-30); and
4. requires anyone convicted of sex trafficking to submit to the taking of a sufficient quality of blood or other biological sample for DNA analysis.

By law, a person is guilty of “trafficking in persons” when he or she, among other things, commits an act that constitutes sex trafficking which means the recruitment, harboring, transportation, or provision

of a person for the purpose of engaging in sexual conduct with another person for a fee. This is a class A felony punishable by 10 to 25 years in prison, a fine up to \$20,000, or both.

EFFECTIVE DATE: October 1, 2018

### **SEX OFFENDER REGISTRATION**

By law, failure to register or report as required is a class D felony, punishable by up to five years in prison, a fine of up to \$5,000, or both (CGS § 54-252(d)).

#### ***Required Timeframe***

The offender must register with DESPP within three days following his or her release into the community or, if the person is in the Department of Correction (DOC) commissioner's custody, the person must register before his or her release as directed by the commissioner. The registrant must report to DESPP any changes in name, address, or other reportable event within five business days of the change (CGS §§ 54-252(b) & 252(d)).

#### ***Required Information***

The offender must register, with DESPP, his or her name, identifying factors (including a photograph and fingerprints), criminal history record, residential address, email and instant message addresses or other similar Internet communication identifiers, if any, and documentation of any treatment received for mental abnormality or personality disorder.

Additionally, under the law, registrants must report to DESPP, without undue delay, changes to their name; residential address; and email and instant message addresses or other similar Internet communication identifiers. Registrants must also report to DESPP if they are a student or work at an institution of higher education in the state and submit to address verification and photograph retakes by DESPP. If such registrant moves out of state, he or she must also register with an appropriate agency in that state, if that state has a sex offender registry (CGS § 54-252(a)).

The law allows the court to order DESPP to restrict the dissemination of registration information to law enforcement use only when the offender was found not guilty by reason of mental disease or defect and was a minor at the time he or she committed the sexually violent offense (CGS § 54-255).

### **NOTICES TO TOWNS AND SCHOOLS**

The law requires DESPP to notify the:

1. superintendent of schools in the community where a registered sex offender lives or plans to live whenever the registrant is released into the community;
2. municipality's chief executive officer when a registrant is released into the community and resides or plans to reside in the municipality;
3. municipality's chief executive officer and superintendent of the school district where the registrant resides or plans to reside when a registrant notifies DESPP of an address change (CGS § 54-258).

### **BLOOD SAMPLING**

The bill requires anyone convicted of sex trafficking to submit to the taking of a sufficient quality of blood or other biological sample for DNA analysis to determine identification characteristics specific to the person. He or she must do so prior to his or her release at a time and place specified by the DOC, Department of Developmental Services, Department of Mental Health and Addition Services, or the Judicial Branch's Court Support Services Division, as the case may be.

Under the law, when anyone required to submit to the taking of a blood or other biological sample refuses to do so, the DOC commissioner, or his designee, must notify DESPP within 30 days of such refusal for the initiation of criminal proceedings against the person (CGS § 54-102g).

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**BACKGROUND*****Connecticut's Sex Offender Registry***

Under Connecticut's sex offender registration law, certain offenders must register with DESPP for a specified period following their release into the community (CGS § 54-252). The requirement applies to persons convicted, or acquitted by reason of mental disease or defect, of three categories of offenses. The categories, and the registration periods, are as follows:

1. criminal offenses against a victim who is a minor: generally 10 years for a first conviction and lifetime for a subsequent conviction;
2. nonviolent sexual offenses: generally 10 years for a first conviction and lifetime for a subsequent conviction; and
3. "sexually violent offenses": lifetime.

***Related Bill***

sHB 5571, reported favorably by the Judiciary Committee, has a provision that requires lifetime sex offender registration for anyone convicted of sex trafficking or commercial sexual abuse of a minor. It does so by designating both crimes as sexually violent crimes.

It also expands the circumstances by which a person can commit the trafficking in persons crime by expanding the definition of sex trafficking to include any of the acts that constitutes the crime if they are done in exchange for anything of value not specifically for a fee as under current. Under current law, "sex trafficking" means the recruitment, harboring, transportation, or provision of a person for the purpose of engaging in sexual conduct with another person for a fee.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (04/02/2018)