



Senate

General Assembly

File No. 822

January Session, 2019

Substitute Senate Bill No. 1113

Senate, April 29, 2019

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO THE SEXUAL OFFENDER REGISTRY, PETITIONS TO TERMINATE PARENTAL RIGHTS OF INCARCERATED PARENTS AND SENTENCE REVIEW AND SENTENCE MODIFICATION.

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

1 Section 1. Section 54-250 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 For the purposes of this section, sections 2 to 6, inclusive, of this act,
4 section 13 of this act, sections 17 to 20, inclusive, of this act, and
5 sections 54-102g and [54-250] 54-251 to 54-258a, inclusive, as amended
6 by this act:

7 (1) "Conviction" means a judgment entered by a court upon a plea of
8 guilty, a plea of nolo contendere or a finding of guilty by a jury or the
9 court notwithstanding any pending appeal or habeas corpus
10 proceeding arising from such judgment.

11 (2) "Criminal offense against a victim who is a minor" means (A) a
12 violation of subdivision (2) of section 53-21 of the general statutes in
13 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
14 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
15 subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of
16 subsection (a) of section 53a-71, subdivision (2) of subsection (a) of
17 section 53a-72a, subdivision (2) of subsection (a) of section 53a-86,
18 subdivision (2) of subsection (a) of section 53a-87, section 53a-90a, 53a-
19 196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a violation
20 of subparagraph (A) of subdivision (9) of subsection (a) of section 53a-
21 71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186,
22 provided the court makes a finding that, at the time of the offense, the
23 victim was under eighteen years of age, (C) a violation of any of the
24 offenses specified in subparagraph (A) or (B) of this subdivision for
25 which a person is criminally liable under section 53a-8, 53a-48 or 53a-
26 49, or (D) a violation of any predecessor statute to any offense specified
27 in subparagraph (A), (B) or (C) of this subdivision the essential
28 elements of which are substantially the same as said offense.

29 (3) "Highest-risk offender" means an offender who has been
30 assessed and determined by a placement panel of the Sexual Offender
31 Registration Board under section 2 of this act to pose a high risk to
32 reoffend sexually or violently.

33 [(3)] (4) "Identifying factors" means fingerprints, a photographic
34 image, and a description of any other identifying characteristics as
35 may be required by the Commissioner of Emergency Services and
36 Public Protection. The commissioner shall also require a sample of the
37 registrant's blood or other biological sample be taken for DNA
38 (deoxyribonucleic acid) analysis, unless such sample has been
39 previously obtained in accordance with section 54-102g.

40 (5) "Law enforcement agency registry" means the registry for which
41 registration is required pursuant to section 3 of this act.

42 (6) "Lowest-risk offender" means an offender who has been assessed
43 and determined by a placement panel of the Sexual Offender

44 Registration Board under section 2 of this act to pose a low risk to
45 reoffend sexually or violently.

46 [(4)] (7) "Mental abnormality" means a congenital or acquired
47 condition of a person that affects the emotional or volitional capacity of
48 the person in a manner that predisposes that person to the commission
49 of criminal sexual acts to a degree that makes the person a menace to
50 the health and safety of other persons.

51 (8) "Moderate-risk offender" means an offender who has been
52 assessed and determined by a placement panel of the Sexual Offender
53 Registration Board under section 2 of this act to pose a moderate risk
54 to reoffend sexually or violently.

55 [(5)] (9) "Nonviolent sexual offense" means (A) a violation of section
56 53a-73a or subdivision (2), (3) or (4) of subsection (a) of section 53a-
57 189a, or (B) a violation of any of the offenses specified in subparagraph
58 (A) of this subdivision for which a person is criminally liable under
59 section 53a-8, 53a-48 or 53a-49.

60 [(6)] (10) "Not guilty by reason of mental disease or defect" means a
61 finding by a court or jury of not guilty by reason of mental disease or
62 defect pursuant to section 53a-13 notwithstanding any pending appeal
63 or habeas corpus proceeding arising from such finding.

64 [(7)] (11) "Personality disorder" means a condition as defined in the
65 most recent edition of the Diagnostic and Statistical Manual of Mental
66 Disorders, published by the American Psychiatric Association.

67 (12) "Public registry" means the registry for which registration is
68 required pursuant to section 4 of this act.

69 [(8)] (13) "Registrant" means a person required to register under
70 section 2 of this act, or section 54-251, as amended by this act, 54-252,
71 as amended by this act, 54-253, as amended by this act, or 54-254, as
72 amended by this act.

73 [(9)] (14) "Registry" means a central record system in this state, any

74 other state or the federal government that receives, maintains and
75 disseminates information on persons convicted or found not guilty by
76 reason of mental disease or defect of criminal offenses against victims
77 who are minors, nonviolent sexual offenses, sexually violent offenses
78 and felonies found by the sentencing court to have been committed for
79 a sexual purpose.

80 [(10)] (15) "Release into the community" means, with respect to a
81 conviction or a finding of not guilty by reason of mental disease or
82 defect of a criminal offense against a victim who is a minor, a
83 nonviolent sexual offense, a sexually violent offense or a felony found
84 by the sentencing court to have been committed for a sexual purpose,
85 (A) any release by a court after such conviction or finding of not guilty
86 by reason of mental disease or defect, a sentence of probation or any
87 other sentence under section 53a-28 that does not result in the
88 offender's immediate placement in the custody of the Commissioner of
89 Correction; (B) release from a correctional facility at the discretion of
90 the Board of Pardons and Paroles, by the Department of Correction to
91 a program authorized by section 18-100c or upon completion of the
92 maximum term or terms of the offender's sentence or sentences, or to
93 the supervision of the Court Support Services Division in accordance
94 with the terms of the offender's sentence; or (C) temporary leave to an
95 approved residence by the Psychiatric Security Review Board pursuant
96 to section 17a-587, conditional release from a hospital for mental illness
97 or a facility for persons with intellectual disability by the Psychiatric
98 Security Review Board pursuant to section 17a-588, or release upon
99 termination of commitment to the Psychiatric Security Review Board.

100 (16) "Sexual offender" means a person convicted of a sexual offense.

101 (17) "Sexual offense" means any criminal offense against a victim
102 who is a minor or felony committed for a sexual purpose, nonviolent
103 sexual offense or sexually violent offense.

104 [(11)] (18) "Sexually violent offense" means (A) a violation of section
105 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,
106 53a-70b, 53a-71, except subdivision (1), (4), (8) or (10) or subparagraph

107 (B) of subdivision (9) of subsection (a) of said section or subparagraph
108 (A) of subdivision (9) of subsection (a) of said section if the court
109 makes a finding that, at the time of the offense, the victim was under
110 eighteen years of age, 53a-72a, except subdivision (2) of subsection (a)
111 of said section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the
112 court makes a finding that the offense was committed with intent to
113 sexually violate or abuse the victim, (B) a violation of any of the
114 offenses specified in subparagraph (A) of this subdivision for which a
115 person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (C)
116 a violation of any predecessor statute to any of the offenses specified in
117 subparagraph (A) or (B) of this subdivision the essential elements of
118 which are substantially the same as said offense.

119 [(12)] (19) "Sexual purpose" means that a purpose of the defendant
120 in committing the felony was to engage in sexual contact or sexual
121 intercourse with another person without that person's consent. A
122 sexual purpose need not be the sole purpose of the commission of the
123 felony. The sexual purpose may arise at any time in the course of the
124 commission of the felony.

125 [(13)] (20) "Employed" or "carries on a vocation" means employment
126 that is full-time or part-time for more than fourteen days, or for a total
127 period of time of more than thirty days during any calendar year,
128 whether financially compensated, volunteered or for the purpose of
129 government or educational benefit.

130 [(14)] (21) "Student" means a person who is enrolled on a full-time
131 or part-time basis, in any public or private educational institution,
132 including any secondary school, trade or professional institution or
133 institution of higher learning.

134 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) There is established a
135 Sexual Offender Registration Board within the Department of
136 Correction, for administrative purposes only. The Sexual Offender
137 Registration Board shall consist of nine members, including a part-time
138 chairperson and eight part-time members compensated on a per diem
139 basis. The Governor shall appoint the chairperson and all members of

140 the board. The members of the board shall include: (1) Two persons
141 with substantial experience in providing sexual assault victims with
142 victim advocacy services; (2) three persons recommended by the Chief
143 Court Administrator, who have at least five years of experience in the
144 assessment of sexual offenders and meet the criteria for clinical
145 membership in an organization in this state (A) that provides
146 evaluations and treatment to persons with problem sexual behaviors,
147 or (B) dedicated to preventing sexual abuse; and (3) three persons
148 recommended by the Chief Court Administrator, who have at least
149 five years of experience in sexual offender management and
150 supervision and who have received training in evidence-based
151 supervision of sexual offenders. The chairperson of the board shall be
152 qualified by education, experience, or training, in sexual offender
153 management, supervision or treatment, and may sit in place of any
154 member of the board on hearings.

155 (b) The term of each of the appointed members of the board shall be
156 coterminus with the term of the Governor, or until a successor is
157 chosen, whichever is later. Any vacancy in the membership of the
158 board shall be filled for the unexpired term of such member by the
159 Governor.

160 (c) The compensation for the chairperson, the executive director,
161 and the board members shall be an amount as the Commissioner of
162 Administrative Services determines, subject to the provisions of section
163 4-40 of the general statutes.

164 (d) Each member of the board shall be reimbursed for necessary
165 expenses incurred in the performance of the member's duties. The
166 chairperson, or in the chairperson's absence, a member designated by
167 the chairperson, shall be present at all meetings of the board.

168 (e) The chairperson of the board shall appoint an executive director.
169 The executive director shall oversee the administration of the board
170 and, at the discretion of the chairperson, shall: (1) Direct and supervise
171 all administrative affairs of the board; (2) prepare the budget and
172 annual operation plan for the agency; (3) assign staff to perform

173 administrative reviews; (4) organize hearing calendars; (5) implement
174 a uniform case filing and processing system; and (6) create programs
175 for staff and board member development, training and education.

176 (f) The board shall adopt policies and procedures, in accordance
177 with chapter 54 of the general statutes, concerning placement hearings.

178 (g) If any member, other than the chairperson, is temporarily unable
179 to perform his or her duties, the Governor, at the request of the board,
180 may appoint a qualified person to serve as a temporary member
181 during such period of inability.

182 (h) The chairperson of the board shall: (1) Adopt an annual budget
183 and plan of operation; (2) adopt such rules as deemed necessary for the
184 internal affairs of the board; and (3) submit an annual report to the
185 Governor and General Assembly.

186 (i) The chairperson of the board shall appoint placement panels
187 from the board's members. Each such panel shall have at least three
188 persons, including one each as described in subdivisions (1) to (3),
189 inclusive, of subsection (a) of this section. Each placement panel shall
190 determine whether a person convicted of a sexual offense on or after
191 July 1, 2020, (1) shall register on the public registry pursuant to section
192 54-257 of the general statutes, as amended by this act, or the law
193 enforcement agency registry pursuant to section 13 of this act, and for
194 how long such offender shall maintain such registration, or (2) may be
195 reclassified from the public registry to the law enforcement agency
196 registry or from the law enforcement agency registry to the public
197 registry.

198 (j) A placement panel shall assess each sexual offender and
199 determine whether the offender is a lowest risk offender, moderate
200 risk offender or highest risk offender. In making such a risk
201 classification, said board shall use scoring from validated actuarial risk
202 assessment instruments. The panel may override the risk classification
203 based on factors not otherwise considered as part of such assessment,
204 including, but not limited to, the nature and circumstance of the sexual

205 offense, any aggravating or mitigating factors, and the impact to the
206 victim, if known, and to the community.

207 (k) There shall be a presumption that a sexual offender whose
208 results are (1) low on the actuarial risk assessment, shall be required to
209 register on the law enforcement agency registry pursuant to section 3
210 of this act, or (2) high on the actuarial risk assessment, shall be
211 required to register on the public registry.

212 (l) A placement panel shall direct lowest-risk offenders, based on
213 the actuarial risk assessment, to register on the law enforcement
214 agency registry pursuant to section 3 of this act and maintain such
215 registration for ten years from the date of such person's release into the
216 community.

217 (m) (1) A placement panel shall direct the moderate-risk offenders,
218 based on the actuarial risk assessment, to register on either (A) the
219 public registry and maintain such registration for life, or (B) the law
220 enforcement agency registry pursuant to section 3 of this act and
221 maintain such registration for twenty years from the date of such
222 person's release into the community, based on the panel's
223 determination concerning each moderate-risk offender pursuant to
224 subdivision (2) of this subsection.

225 (2) For any sexual offender whose assessment resulted in a score
226 that is moderate on the actuarial risk assessment, the placement panel
227 shall determine placement on the public or law enforcement agency
228 registry by considering the actuarial risk assessment and certain
229 additional factors determined by a further assessment of such
230 offender's risk using a set of evidence-based criteria and a structured
231 decision-making tool, determined and developed by said board, that
232 takes into account the factors relevant to determine whether a
233 moderate-risk offender would be best placed on the public registry or
234 the law enforcement agency registry. There shall be no presumption of
235 assignment to either the public registry for life or the law enforcement
236 agency registry for twenty years in the case of a moderate-risk
237 offender.

238 (n) A placement panel shall direct highest-risk offenders, based on
239 the actuarial risk assessment, to register on the public registry and
240 maintain such registration for life.

241 (o) A placement panel's decision to place an offender on the law
242 enforcement agency registry may not be appealed.

243 (p) A placement panel's decision to place an offender on the public
244 registry may be appealed if a registrant requests a hearing before the
245 board.

246 (q) Said board shall notify each sexual offender's victim or victims
247 who are known to the board, of any determination concerning such
248 offender to be made by said board or any panel of said board pursuant
249 to this section. Any such victim may provide input prior to the making
250 of any such determination and the board or panel, as appropriate, shall
251 consider such input in making any such determination.

252 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) On and after July 1, 2020,
253 any person directed by the Sexual Offender Registration Board or any
254 panel of said board under section 2 of this act to register on the law
255 enforcement agency registry shall, not later than three days following
256 such person's release into the community or, if such person is in the
257 custody of the Commissioner of Correction, at such time prior to
258 release as the commissioner shall direct, and whether or not such
259 person's place of residence is in this state, register such person's name,
260 identifying factors, criminal history record, residence address and
261 electronic mail address, instant message address or other similar
262 Internet communication identifier, if any, with the Commissioner of
263 Emergency Services and Public Protection, on such forms and in such
264 locations as the commissioner shall direct, and shall maintain such
265 registration for ten years from the date of such person's release into the
266 community, unless otherwise directed by the (1) Sexual Offender
267 Registration Board or a placement panel of said board to maintain such
268 registration for twenty years, (2) court pursuant to section 5 of this act,
269 or (3) Sexual Offender Registration Board or a panel of said board
270 pursuant to subsection (c) of this section. Prior to accepting a plea of

271 guilty or nolo contendere from a person with respect to a sexual
272 offense, the court shall (A) inform the person that the entry of a finding
273 of guilty after acceptance of the plea will subject the person to the
274 registration requirements of this section or section 4 of this act, and (B)
275 determine that the person fully understands the consequences of the
276 plea. If any person who is subject to registration under this section
277 changes such person's name, such person shall, without undue delay,
278 notify the Commissioner of Emergency Services and Public Protection,
279 in writing, of the new name. If any person who is subject to
280 registration under this section changes such person's address, such
281 person shall, without undue delay, notify the Commissioner of
282 Emergency Services and Public Protection, in writing, of the new
283 address and, if the new address is in another state, such person shall
284 also register with an appropriate agency in that state, provided that
285 state has a registration requirement for such offenders. If any person
286 who is subject to registration under this section establishes or changes
287 an electronic mail address, instant message address or other similar
288 Internet communication identifier, such person shall, without undue
289 delay, notify the Commissioner of Emergency Services and Public
290 Protection, in writing, of such identifier. If any person who is subject to
291 registration under this section is employed at, carries on a vocation at
292 or is a student at a trade or professional institution or institution of
293 higher learning in this state, such person shall, without undue delay,
294 notify the Commissioner of Emergency Services and Public Protection
295 of such status and of any change in such status. If any person who is
296 subject to registration under this section is employed in another state,
297 carries on a vocation in another state or is a student in another state,
298 such person shall, without undue delay, notify the Commissioner of
299 Emergency Services and Public Protection and shall also register with
300 an appropriate agency in that state, provided that state has a
301 registration requirement for such offenders. Each registrant shall
302 complete and return forms mailed to such registrant to verify such
303 registrant's residence address and shall submit to the retaking of a
304 photographic image upon request of the Commissioner of Emergency
305 Services and Public Protection. The commissioner shall notify any

306 known victim of a registrant of the residential address of such
307 registrant and any changes to such address.

308 (b) Any person subject to registration under this section who
309 violates the provisions of subsection (a) of this section shall be guilty of
310 a class D felony, except that, if such person violates the provisions of
311 this section by failing to notify the Commissioner of Emergency
312 Services and Public Protection without undue delay of a change of
313 name, address or status or another reportable event, such person shall
314 be subject to such penalty if such failure continues for five business
315 days.

316 (c) At any time, a probation or parole officer or a state's attorney
317 may request of the Sexual Offender Registration Board that an
318 offender on the law enforcement agency registry be moved to the
319 public registry because of the registrant's failure to meet conditions of
320 parole or probation or new criminal activity. Said board or a placement
321 panel of said board shall review each such request and issue a
322 determination as to with which registry the registrant shall register.

323 Sec. 4. (NEW) (*Effective October 1, 2019*) (a) On and after July 1, 2020,
324 any person directed by the Sexual Offender Registration Board or any
325 panel of said board under section 2 of this act to register on the public
326 registry shall, not later than three days following such person's release
327 into the community or, if such person is in the custody of the
328 Commissioner of Correction, at such time prior to release as the
329 commissioner shall direct, and whether or not such person's place of
330 residence is in this state, register such person's name, identifying
331 factors, criminal history record, residence address and electronic mail
332 address, instant message address or other similar Internet
333 communication identifier, if any, with the Commissioner of Emergency
334 Services and Public Protection, on such forms and in such locations as
335 the commissioner shall direct, and shall maintain such registration for
336 life or as otherwise directed by the Sexual Offender Registration Board
337 under subsection (b) of this section. Prior to accepting a plea of guilty
338 or nolo contendere from a person with respect to a sexual offense, the

339 court shall (1) inform the person that the entry of a finding of guilty
340 after acceptance of the plea will subject the person to the registration
341 requirements of this section or section 3 of this act, and (2) determine
342 that the person fully understands the consequences of the plea. If any
343 person who is subject to registration under this section changes such
344 person's name, such person shall, without undue delay, notify the
345 Commissioner of Emergency Services and Public Protection, in
346 writing, of the new name. If any person who is subject to registration
347 under this section changes such person's address, such person shall,
348 without undue delay, notify the Commissioner of Emergency Services
349 and Public Protection, in writing, of the new address and, if the new
350 address is in another state, such person shall also register with an
351 appropriate agency in that state, provided that state has a registration
352 requirement for such offenders. If any person who is subject to
353 registration under this section establishes or changes an electronic mail
354 address, instant message address or other similar Internet
355 communication identifier, such person shall, without undue delay,
356 notify the Commissioner of Emergency Services and Public Protection,
357 in writing, of such identifier. If any person who is subject to
358 registration under this section is employed at, carries on a vocation at
359 or is a student at a trade or professional institution or institution of
360 higher learning in this state, such person shall, without undue delay,
361 notify the Commissioner of Emergency Services and Public Protection
362 of such status and of any change in such status. If any person who is
363 subject to registration under this section is employed in another state,
364 carries on a vocation in another state or is a student in another state,
365 such person shall, without undue delay, notify the Commissioner of
366 Emergency Services and Public Protection and shall also register with
367 an appropriate agency in that state, provided that state has a
368 registration requirement for such offenders. Each registrant shall
369 complete and return forms mailed to such registrant to verify such
370 registrant's residence address and shall submit to the retaking of a
371 photographic image upon request of the Commissioner of Emergency
372 Services and Public Protection. The commissioner shall notify any
373 known victim of a registrant of the residential address of such

374 registrant and any changes to such address.

375 (b) A person registered on the public registry may, after ten years on
376 such registry, petition the Sexual Offender Registration Board
377 established under section 2 of this act to be moved to the law
378 enforcement agency registry for twenty years. Any offender
379 petitioning for a change in registration requirements shall be in
380 compliance with the registry at the time of the request. A probation or
381 parole officer or a state's attorney may make a recommendation at the
382 time of the petition regarding an offender who is or has been under
383 probation or parole supervision. Said board shall review each such
384 petition and any evidence in support of or opposed to the petition and
385 issue its determination.

386 (c) Any person who files an application with the Sexual Offender
387 Registration Board established under section 2 of this act, to be
388 exempted from the registration requirements of this section and
389 instead, be made subject to the registration requirements of section 3 of
390 this act, shall, pursuant to subsection (b) of section 54-227 of the
391 general statutes, notify the Office of Victim Services and the Victim
392 Services Unit within the Department of Correction of the filing of such
393 application. The Office of Victim Services or the Victim Services Unit
394 within the Department of Correction, or both, shall, pursuant to
395 section 54-230 or 54-230a of the general statutes, notify any victim who
396 has requested notification of the filing of such application. Prior to
397 granting or denying such application, said board shall consider any
398 information or statement provided by the victim.

399 (d) Any person subject to registration under this section who
400 violates the provisions of subsection (a) of this section shall be guilty of
401 a class D felony, except that, if such person violates the provisions of
402 this section by failing to notify the Commissioner of Emergency
403 Services and Public Protection without undue delay of a change of
404 name, address or status or another reportable event, such person shall
405 be subject to such penalty if such failure continues for five business
406 days.

407 Sec. 5. (NEW) (*Effective October 1, 2019*) (a) On and after July 1, 2020,
408 any person subject to registration by the Sexual Offender Registration
409 Board established under section 2 of this act or a panel of said board
410 under section 3 of this act for a period of ten years may apply to the
411 court and the court may exempt such person from the registration
412 requirements of section 3 of this act, if the court finds that such person
413 has been compliant with the registration requirements of section 3 of
414 this act for a period of at least five years.

415 (b) Any person subject to registration by the board or a panel of the
416 board under section 3 of this act for a period of twenty years may
417 apply to the court and the court may exempt such person from the
418 registration requirements of section 3 of this act, if the court finds that
419 such person has been compliant with the registration requirements of
420 section 3 of this act for a period of at least ten years.

421 (c) No person may apply for exemption from registration
422 requirements pursuant to subsection (a), (b) or (i) of this section, if
423 such person has been convicted of (1) any felony offense during the
424 five-year period prior to such application, (2) any class A misdemeanor
425 offense during the three-year period prior to such application, or (3)
426 any misdemeanor offense during the one-year period prior to such
427 application.

428 (d) Prior to hearing any person's application to be exempted from
429 the registration requirements of this section pursuant to subsection (a),
430 (b) or (i) of this section, the court shall notify the Office of the Chief
431 Public Defender, the appropriate state's attorney, the Victim Services
432 Unit within the Department of Correction, the Office of the Victim
433 Advocate and the Office of Victim Services within the Judicial
434 Department of such person's hearing date for such application. The
435 Office of the Chief Public Defender shall assign counsel for such
436 person pursuant to section 51-296 of the general statutes if such person
437 is indigent. The court shall order a risk assessment of such person,
438 unless the requirement is waived for good cause. The court may refer
439 such application to the Sexual Offender Registration Board established

440 pursuant to section 2 of this act for a risk assessment and a
441 recommendation concerning such person's application for exemption.
442 As part of such hearing, the court shall permit (1) such person to make
443 a statement on such person's behalf, (2) counsel for such person and
444 the state's attorney to present evidence, and (3) any victim of the crime
445 or crimes to make a statement or to submit a statement in writing.
446 Prior to granting or denying such application, the court shall consider
447 any information or statement provided by the victim.

448 (e) The court may order an applicant's removal from the registry if,
449 in the opinion of the court, such removal shall assist the applicant in
450 reintegration into the community and shall be consistent with public
451 safety. The court shall consider the nature of the offense and the
452 applicant's conduct since the commission of the sexual offense causing
453 such applicant to register, including (1) the applicant's history of sex
454 offender or behavioral health treatment; (2) the results of any relevant
455 actuarial risk assessments and evaluations by behavioral health
456 professionals; (3) the applicant's history of employment and education;
457 (4) the applicant's compliance with the terms of parole, probation and
458 compliance with registry requirements; and (5) any other factors
459 bearing on the applicant's reintegration into the community. The
460 applicant shall have the burden of proof by a preponderance of the
461 evidence.

462 (f) If the court orders an offender removed from the registry, the
463 court shall notify the Department of Emergency Services and Public
464 Protection, the Court Support Services Division, if applicable, the
465 Office of Victim Services within the Judicial Branch, the Parole and
466 Community Services Division, if applicable, the Victim Services Unit
467 within the Department of Correction, and the local police department
468 or the state police troop having jurisdiction over the applicant's
469 residence address.

470 (g) The applicant and the state's attorney shall have the right to
471 appeal the decision of the court and the decision of the court shall be
472 subject to review for abuse of discretion.

473 (h) In the case of a denial of application, the applicant may reapply
474 pursuant to subsection (a) of this section ten years after such denial.
475 An applicant may request and the court may consider an earlier period
476 for reapplication for good cause shown.

477 (i) Any person required to register pursuant to sections 54-251, 54-
478 252 and 54-254 of the general statutes, as amended by this act, who (1)
479 was convicted prior to January 1, 1998, of a sexual offense, or (2) was
480 convicted on or after January 1, 1998, of a sexual offense, and is
481 required to maintain a registration because the registration period has
482 increased due to changes in the law following such person's
483 conviction, may apply to the court to be exempted from the
484 registration requirements under sections 54-251, 54-252 and 54-254 of
485 the general statutes, as amended by this act. Such application shall be
486 subject to the provisions of subsections (c) to (h), inclusive, of this
487 section.

488 Sec. 6. (NEW) (*Effective October 1, 2019*) On and after July 1, 2020,
489 any person (1) required to register pursuant to sections 54-251, 54-252
490 and 54-254 of the general statutes, as amended by this act, (2) who has
491 been compliant with the registration requirements of said sections for a
492 period of at least (A) five years in the case of a person required to
493 maintain such registration for ten years, or (B) ten years in the case of a
494 person required to maintain such registration for life, and (3) who is
495 not described in subsection (i) of section 5 of this act, may petition the
496 Sexual Offender Registration Board established under section 2 of this
497 act to be moved from the public registry to the law enforcement
498 agency registry. Such petition shall be subject to the same criteria as an
499 application for exemption under section 5 of this act. If said board
500 grants such petition, the petitioner shall register on the law
501 enforcement agency registry and maintain such registry for the
502 remaining period of time such person was to maintain such registry
503 pursuant to section 54-251, 54-252 or 54-254 of the general statutes, as
504 amended by this act. No such person may apply for exemption from
505 the registration requirements of the law enforcement agency
506 registration.

507 Sec. 7. Section 54-251 of the general statutes is repealed and the
508 following is substituted in lieu thereof (*Effective July 1, 2020*):

509 (a) [Any] Except as provided in section 5 or 6 of this act, any person
510 who, prior to July 1, 2020, has been convicted or found not guilty by
511 reason of mental disease or defect of a criminal offense against a victim
512 who is a minor or a nonviolent sexual offense, and is released into the
513 community on or after October 1, 1998, shall, within three days
514 following such release or, if such person is in the custody of the
515 Commissioner of Correction, at such time prior to release as the
516 commissioner shall direct, and whether or not such person's place of
517 residence is in this state, register such person's name, identifying
518 factors, criminal history record, residence address and electronic mail
519 address, instant message address or other similar Internet
520 communication identifier, if any, with the Commissioner of Emergency
521 Services and Public Protection, on such forms and in such locations as
522 the commissioner shall direct, and shall maintain such registration for
523 ten years from the date of such person's release into the community,
524 except that any person who has one or more prior convictions of any
525 such offense or who is convicted of a violation of subdivision (2) of
526 subsection (a) of section 53a-70 shall maintain such registration for life.
527 Prior to accepting a plea of guilty or nolo contendere from a person
528 with respect to a criminal offense against a victim who is a minor or a
529 nonviolent sexual offense, the court shall (1) inform the person that the
530 entry of a finding of guilty after acceptance of the plea will subject the
531 person to the registration requirements of this section, and (2)
532 determine that the person fully understands the consequences of the
533 plea. If any person who is subject to registration under this section
534 changes such person's name, such person shall, without undue delay,
535 notify the Commissioner of Emergency Services and Public Protection
536 in writing of the new name. If any person who is subject to registration
537 under this section changes such person's address, such person shall,
538 without undue delay, notify the Commissioner of Emergency Services
539 and Public Protection in writing of the new address and, if the new
540 address is in another state, such person shall also register with an
541 appropriate agency in that state, provided that state has a registration

542 requirement for such offenders. If any person who is subject to
543 registration under this section establishes or changes an electronic mail
544 address, instant message address or other similar Internet
545 communication identifier, such person shall, without undue delay,
546 notify the Commissioner of Emergency Services and Public Protection
547 in writing of such identifier. If any person who is subject to registration
548 under this section is employed at, carries on a vocation at or is a
549 student at a trade or professional institution or institution of higher
550 learning in this state, such person shall, without undue delay, notify
551 the Commissioner of Emergency Services and Public Protection of
552 such status and of any change in such status. If any person who is
553 subject to registration under this section is employed in another state,
554 carries on a vocation in another state or is a student in another state,
555 such person shall, without undue delay, notify the Commissioner of
556 Emergency Services and Public Protection and shall also register with
557 an appropriate agency in that state, provided that state has a
558 registration requirement for such offenders. During such period of
559 registration, each registrant shall complete and return forms mailed to
560 such registrant to verify such registrant's residence address and shall
561 submit to the retaking of a photographic image upon request of the
562 Commissioner of Emergency Services and Public Protection.

563 (b) Notwithstanding the provisions of subsection (a) of this section,
564 the court may exempt any person who has been convicted or found
565 not guilty by reason of mental disease or defect of a violation of
566 subdivision (1) of subsection (a) of section 53a-71 from the registration
567 requirements of this section if the court finds that such person was
568 under nineteen years of age at the time of the offense and that
569 registration is not required for public safety.

570 (c) Notwithstanding the provisions of subsection (a) of this section,
571 the court may exempt any person who has been convicted or found
572 not guilty by reason of mental disease or defect of a violation of
573 subdivision (2) of subsection (a) of section 53a-73a or subdivision (2),
574 (3) or (4) of subsection (a) of section 53a-189a, from the registration
575 requirements of this section if the court finds that registration is not

576 required for public safety.

577 (d) Any person who files an application with the court to be
578 exempted from the registration requirements of this section pursuant
579 to subsection (b) or (c) of this section shall, pursuant to subsection (b)
580 of section 54-227, notify the Office of Victim Services and the Victim
581 Services Unit within the Department of Correction of the filing of such
582 application. The Office of Victim Services or the Victim Services Unit
583 within the Department of Correction, or both, shall, pursuant to
584 section 54-230 or 54-230a, notify any victim who has requested
585 notification of the filing of such application. Prior to granting or
586 denying such application, the court shall consider any information or
587 statement provided by the victim.

588 (e) Any person who violates the provisions of subsection (a) of this
589 section shall be guilty of a class D felony, except that, if such person
590 violates the provisions of this section by failing to notify the
591 Commissioner of Emergency Services and Public Protection without
592 undue delay of a change of name, address or status or another
593 reportable event, such person shall be subject to such penalty if such
594 failure continues for five business days.

595 Sec. 8. Section 54-252 of the general statutes is repealed and the
596 following is substituted in lieu thereof (*Effective July 1, 2020*):

597 (a) [Any] Except as provided in section 5 or 6 of this act, any person
598 who, prior to July 1, 2020, has been convicted or found not guilty by
599 reason of mental disease or defect of a sexually violent offense, and (1)
600 is released into the community on or after October 1, 1988, and prior to
601 October 1, 1998, and resides in this state, shall, on October 1, 1998, or
602 within three days of residing in this state, whichever is later, or (2) is
603 released into the community on or after October 1, 1998, shall, within
604 three days following such release or, if such person is in the custody of
605 the Commissioner of Correction, at such time prior to release as the
606 commissioner shall direct, register such person's name, identifying
607 factors and criminal history record, documentation of any treatment
608 received by such person for mental abnormality or personality

609 disorder, and such person's residence address and electronic mail
610 address, instant message address or other similar Internet
611 communication identifier, if any, with the Commissioner of Emergency
612 Services and Public Protection on such forms and in such locations as
613 said commissioner shall direct, and shall maintain such registration for
614 life. Prior to accepting a plea of guilty or nolo contendere from a
615 person with respect to a sexually violent offense, the court shall (A)
616 inform the person that the entry of a finding of guilty after acceptance
617 of the plea will subject the person to the registration requirements of
618 this section, and (B) determine that the person fully understands the
619 consequences of the plea. If any person who is subject to registration
620 under this section changes such person's name, such person shall,
621 without undue delay, notify the Commissioner of Emergency Services
622 and Public Protection in writing of the new name. If any person who is
623 subject to registration under this section changes such person's
624 address, such person shall, without undue delay, notify the
625 Commissioner of Emergency Services and Public Protection in writing
626 of the new address and, if the new address is in another state, such
627 person shall also register with an appropriate agency in that state,
628 provided that state has a registration requirement for such offenders. If
629 any person who is subject to registration under this section establishes
630 or changes an electronic mail address, instant message address or
631 other similar Internet communication identifier, such person shall,
632 without undue delay, notify the Commissioner of Emergency Services
633 and Public Protection in writing of such identifier. If any person who is
634 subject to registration under this section is employed at, carries on a
635 vocation at or is a student at a trade or professional institution or
636 institution of higher learning in this state, such person shall, without
637 undue delay, notify the Commissioner of Emergency Services and
638 Public Protection of such status and of any change in such status. If
639 any person who is subject to registration under this section is
640 employed in another state, carries on a vocation in another state or is a
641 student in another state, such person shall, without undue delay,
642 notify the Commissioner of Emergency Services and Public Protection
643 and shall also register with an appropriate agency in that state,

644 provided that state has a registration requirement for such offenders.
645 During such period of registration, each registrant shall complete and
646 return forms mailed to such registrant to verify such registrant's
647 residence address and shall submit to the retaking of a photographic
648 image upon request of the Commissioner of Emergency Services and
649 Public Protection.

650 (b) Any person who has been subject to the registration
651 requirements of section 54-102r of the general statutes, revised to
652 January 1, 1997, as amended by section 1 of public act 97-183, shall, not
653 later than three working days after October 1, 1998, register under this
654 section and thereafter comply with the provisions of sections 54-102g
655 and 54-250 to 54-258a, inclusive, as amended by this act, except that
656 any person who was convicted or found not guilty by reason of mental
657 disease or defect of an offense that is classified as a criminal offense
658 against a victim who is a minor under subdivision (2) of section 54-250,
659 as amended by this act, and that is subject to a ten-year period of
660 registration under section 54-251, as amended by this act, shall
661 maintain such registration for ten years from the date of such person's
662 release into the community.

663 (c) Notwithstanding the provisions of subsections (a) and (b) of this
664 section, during the initial registration period following October 1, 1998,
665 the Commissioner of Emergency Services and Public Protection may
666 phase in completion of the registration procedure for persons released
667 into the community prior to said date over the first three months
668 following said date, and no such person shall be prosecuted for failure
669 to register under this section during those three months provided such
670 person complies with the directives of said commissioner regarding
671 registration procedures.

672 (d) Any person who violates the provisions of this section shall be
673 guilty of a class D felony, except that, if such person violates the
674 provisions of this section by failing to notify the Commissioner of
675 Emergency Services and Public Protection without undue delay of a
676 change of name, address or status or another reportable event, such

677 person shall be subject to such penalty if such failure continues for five
678 business days.

679 Sec. 9. Section 54-253 of the general statutes is repealed and the
680 following is substituted in lieu thereof (*Effective July 1, 2020*):

681 (a) [Any] Except as provided in section 5 or 6 of this act, any person
682 who, prior to July 1, 2020, has been convicted or found not guilty by
683 reason of mental disease or defect in any other state, in a federal or
684 military court or in any foreign jurisdiction of any crime (1) the
685 essential elements of which are substantially the same as any of the
686 crimes specified in subdivisions (2), [(5)] (9) and [(11)] (18) of section
687 54-250, as amended by this act, or (2) which requires registration as a
688 sexual offender in such other state or in the federal or military system,
689 and who resides in this state on and after October 1, 1998, shall,
690 without undue delay upon residing in this state, register with the
691 Commissioner of Emergency Services and Public Protection in the
692 same manner as if such person had been convicted or found not guilty
693 by reason of mental disease or defect of such crime in this state, except
694 that the commissioner shall maintain such registration until such
695 person is released from the registration requirement in such other
696 state, federal or military system or foreign jurisdiction.

697 (b) If any person who is subject to registration under this section
698 changes such person's name, such person shall, without undue delay,
699 notify the Commissioner of Emergency Services and Public Protection
700 in writing of the new name. If any person who is subject to registration
701 under this section changes such person's address, such person shall,
702 without undue delay, notify the Commissioner of Emergency Services
703 and Public Protection in writing of the new address and, if the new
704 address is in another state, such person shall also register with an
705 appropriate agency in that state, provided that state has a registration
706 requirement for such offenders. If any person who is subject to
707 registration under this section establishes or changes an electronic mail
708 address, instant message address or other similar Internet
709 communication identifier, such person shall, without undue delay,

710 notify the Commissioner of Emergency Services and Public Protection
711 in writing of such identifier. If any person who is subject to registration
712 under this section is employed at, carries on a vocation at or is a
713 student at a trade or professional institution or institution of higher
714 learning in this state, such person shall, without undue delay, notify
715 the Commissioner of Emergency Services and Public Protection of
716 such status and of any change in such status. If any person who is
717 subject to registration under this section is employed in another state,
718 carries on a vocation in another state or is a student in another state,
719 such person shall, without undue delay, notify the Commissioner of
720 Emergency Services and Public Protection and shall also register with
721 an appropriate agency in that state, provided that state has a
722 registration requirement for such offenders. During such period of
723 registration, each registrant shall complete and return forms mailed to
724 such registrant to verify such registrant's residence address and shall
725 submit to the retaking of a photographic image upon request of the
726 Commissioner of Emergency Services and Public Protection.

727 (c) Any person not a resident of this state who is registered as a
728 sexual offender under the laws of any other state and who is employed
729 in this state, carries on a vocation in this state or is a student in this
730 state, shall, without undue delay after the commencement of such
731 employment, vocation or education in this state, register such person's
732 name, identifying factors and criminal history record, locations visited
733 on a recurring basis, and such person's residence address, if any, in this
734 state, residence address in such person's home state and electronic mail
735 address, instant message address or other similar Internet
736 communication identifier, if any, with the Commissioner of Emergency
737 Services and Public Protection on such forms and in such locations as
738 said commissioner shall direct and shall maintain such registration
739 until such employment, vocation or education terminates or until such
740 person is released from registration as a sexual offender in such other
741 state. If such person terminates such person's employment, vocation or
742 education in this state, changes such person's address in this state or
743 establishes or changes an electronic mail address, instant message
744 address or other similar Internet communication identifier such person

745 shall, without undue delay, notify the Commissioner of Emergency
746 Services and Public Protection in writing of such termination, new
747 address or identifier.

748 (d) Any person not a resident of this state who is registered as a
749 sexual offender under the laws of any other state and who travels in
750 this state on a recurring basis for periods of less than five days shall
751 notify the Commissioner of Emergency Services and Public Protection
752 of such person's temporary residence in this state and of a telephone
753 number at which such person may be contacted.

754 (e) Any person who violates the provisions of this section shall be
755 guilty of a class D felony, except that, if such person violates the
756 provisions of this section by failing to register with the Commissioner
757 of Emergency Services and Public Protection without undue delay or
758 notify the Commissioner of Emergency Services and Public Protection
759 without undue delay of a change of name, address or status or another
760 reportable event, such person shall be subject to such penalty if such
761 failure continues for five business days.

762 Sec. 10. Section 54-254 of the general statutes is repealed and the
763 following is substituted in lieu thereof (*Effective July 1, 2020*):

764 (a) [Any] Except as provided in section 5 or 6 of this act, any person
765 who, prior to July 1, 2020, has been convicted or found not guilty by
766 reason of mental disease or defect in this state on or after October 1,
767 1998, of any felony that the court finds was committed for a sexual
768 purpose, may be required by the court upon release into the
769 community or, if such person is in the custody of the Commissioner of
770 Correction, at such time prior to release as the commissioner shall
771 direct to register such person's name, identifying factors, criminal
772 history record, residence address and electronic mail address, instant
773 message address or other similar Internet communication identifier, if
774 any, with the Commissioner of Emergency Services and Public
775 Protection, on such forms and in such locations as the commissioner
776 shall direct, and to maintain such registration for ten years from the
777 date of such person's release into the community. If the court finds that

778 a person has committed a felony for a sexual purpose and intends to
779 require such person to register under this section, prior to accepting a
780 plea of guilty or nolo contendere from such person with respect to
781 such felony, the court shall (1) inform the person that the entry of a
782 finding of guilty after acceptance of the plea will subject the person to
783 the registration requirements of this section, and (2) determine that the
784 person fully understands the consequences of the plea. If any person
785 who is subject to registration under this section changes such person's
786 name, such person shall, without undue delay, notify the
787 Commissioner of Emergency Services and Public Protection in writing
788 of the new name. If any person who is subject to registration under this
789 section changes such person's address, such person shall, without
790 undue delay, notify the Commissioner of Emergency Services and
791 Public Protection in writing of the new address and, if the new address
792 is in another state, such person shall also register with an appropriate
793 agency in that state, provided that state has a registration requirement
794 for such offenders. If any person who is subject to registration under
795 this section establishes or changes an electronic mail address, instant
796 message address or other similar Internet communication identifier,
797 such person shall, without undue delay, notify the Commissioner of
798 Emergency Services and Public Protection in writing of such identifier.
799 If any person who is subject to registration under this section is
800 employed at, carries on a vocation at or is a student at a trade or
801 professional institution or institution of higher learning in this state,
802 such person shall, without undue delay, notify the Commissioner of
803 Emergency Services and Public Protection of such status and of any
804 change in such status. If any person who is subject to registration
805 under this section is employed in another state, carries on a vocation in
806 another state or is a student in another state, such person shall, without
807 undue delay, notify the Commissioner of Emergency Services and
808 Public Protection and shall also register with an appropriate agency in
809 that state, provided that state has a registration requirement for such
810 offenders. During such period of registration, each registrant shall
811 complete and return forms mailed to such registrant to verify such
812 registrant's residence address and shall submit to the retaking of a

813 photographic image upon request of the Commissioner of Emergency
814 Services and Public Protection.

815 (b) Any person who violates the provisions of this section shall be
816 guilty of a class D felony, except that, if such person violates the
817 provisions of this section by failing to notify the Commissioner of
818 Emergency Services and Public Protection without undue delay of a
819 change of name, address or status or another reportable event, such
820 person shall be subject to such penalty if such failure continues for five
821 business days.

822 Sec. 11. Section 54-255 of the general statutes is repealed and the
823 following is substituted in lieu thereof (*Effective July 1, 2020*):

824 (a) Upon the conviction or finding of not guilty by reason of mental
825 disease or defect of any person prior to July 1, 2020, for a violation of
826 section 53a-70b, the court may order the Department of Emergency
827 Services and Public Protection to restrict the dissemination of the
828 registration information to law enforcement purposes only and to not
829 make such information available for public access, provided the court
830 finds that dissemination of the registration information is not required
831 for public safety and that publication of the registration information
832 would be likely to reveal the identity of the victim within the
833 community where the victim resides. The court shall remove the
834 restriction on the dissemination of such registration information if, at
835 any time, the court finds that public safety requires that such person's
836 registration information be made available to the public or that a
837 change of circumstances makes publication of such registration
838 information no longer likely to reveal the identity of the victim within
839 the community where the victim resides. Prior to ordering or
840 removing the restriction on the dissemination of such person's
841 registration information, the court shall consider any information or
842 statements provided by the victim.

843 (b) Upon the conviction or finding of not guilty by reason of mental
844 disease or defect of any person prior to July 1, 2020, of a criminal
845 offense against a victim who is a minor, a nonviolent sexual offense or

846 a sexually violent offense, where the victim of such offense was, at the
847 time of the offense, under eighteen years of age and related to such
848 person within any of the degrees of kindred specified in section 46b-21,
849 the court may order the Department of Emergency Services and Public
850 Protection to restrict the dissemination of the registration information
851 to law enforcement purposes only and to not make such information
852 available for public access, provided the court finds that dissemination
853 of the registration information is not required for public safety and that
854 publication of the registration information would be likely to reveal
855 the identity of the victim within the community where the victim
856 resides. The court shall remove the restriction on the dissemination of
857 such registration information if, at any time, it finds that public safety
858 requires that such person's registration information be made available
859 to the public or that a change in circumstances makes publication of
860 the registration information no longer likely to reveal the identity of
861 the victim within the community where the victim resides.

862 (c) Any person who: (1) Has been convicted or found not guilty by
863 reason of mental disease or defect of a violation of subdivision (1) of
864 subsection (a) of section 53a-71 between October 1, 1988, and June 30,
865 1999, and was under nineteen years of age at the time of the offense; (2)
866 has been convicted or found not guilty by reason of mental disease or
867 defect of a violation of subdivision (2) of subsection (a) of section 53a-
868 73a between October 1, 1988, and June 30, 1999; (3) has been convicted
869 or found not guilty by reason of mental disease or defect of a criminal
870 offense against a victim who is a minor, a nonviolent sexual offense or
871 a sexually violent offense, between October 1, 1988, and June 30, 1999,
872 where the victim of such offense was, at the time of the offense, under
873 eighteen years of age and related to such person within any of the
874 degrees of kindred specified in section 46b-21; (4) has been convicted
875 or found not guilty by reason of mental disease or defect of a violation
876 of section 53a-70b between October 1, 1988, and June 30, 1999; or (5)
877 has been convicted or found not guilty by reason of mental disease or
878 defect of any crime between October 1, 1988, and September 30, 1998,
879 which requires registration under sections 54-250 to 54-258a, inclusive,
880 as amended by this act, and (A) served no jail or prison time as a result

881 of such conviction or finding of not guilty by reason of mental disease
882 or defect, (B) has not been subsequently convicted or found not guilty
883 by reason of mental disease or defect of any crime which would
884 require registration under sections 54-250 to 54-258a, inclusive, as
885 amended by this act, and (C) has registered with the Department of
886 Emergency Services and Public Protection in accordance with sections
887 54-250 to 54-258a, inclusive; as amended by this act, may petition the
888 court to order the Department of Emergency Services and Public
889 Protection to restrict the dissemination of the registration information
890 to law enforcement purposes only and to not make such information
891 available for public access. Any person who files such a petition shall,
892 pursuant to subsection (b) of section 54-227, notify the Office of Victim
893 Services and the Victim Services Unit within the Department of
894 Correction of the filing of such petition. The Office of Victim Services
895 or the Victim Services Unit within the Department of Correction, or
896 both, shall, pursuant to section 54-230 or 54-230a, notify any victim
897 who has requested notification pursuant to subsection (b) of section 54-
898 228 of the filing of such petition. Prior to granting or denying such
899 petition, the court shall consider any information or statements
900 provided by the victim. The court may order the Department of
901 Emergency Services and Public Protection to restrict the dissemination
902 of the registration information to law enforcement purposes only and
903 to not make such information available for public access, provided the
904 court finds that dissemination of the registration information is not
905 required for public safety.

906 Sec. 12. Section 54-256 of the general statutes is repealed and the
907 following is substituted in lieu thereof (*Effective October 1, 2019*):

908 (a) Any court, the Commissioner of Correction or the Psychiatric
909 Security Review Board, prior to releasing into the community any
910 person convicted or found not guilty by reason of mental disease or
911 defect of a criminal offense against a victim who is a minor, a
912 nonviolent sexual offense, a sexually violent offense or a felony found
913 by the sentencing court to have been committed for a sexual purpose,
914 except a person being released unconditionally at the conclusion of

915 such person's sentence or commitment, shall require as a condition of
916 such release that such person complete the registration procedure
917 established by the Commissioner of Emergency Services and Public
918 Protection under section 3 or 4 of this act, or sections 54-251, as
919 amended by this act, 54-252, as amended by this act, and 54-254, as
920 amended by this act. The court, the Commissioner of Correction or the
921 Psychiatric Security Review Board, as the case may be, shall provide
922 the person with a written summary of the person's obligations under
923 sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this
924 act, and transmit the completed registration package to the
925 Commissioner of Emergency Services and Public Protection who shall
926 enter the information into the registry established under section 13 of
927 this act or section 54-257, as amended by this act. If a court transmits
928 the completed registration package to the Commissioner of Emergency
929 Services and Public Protection with respect to a person released by the
930 court, such package need not include identifying factors for such
931 person. In the case of a person being released unconditionally who
932 declines to complete the registration package through the court or the
933 releasing agency, the court or agency shall: (1) Except with respect to
934 information that is not available to the public pursuant to court order,
935 rule of court or any provision of the general statutes, provide to the
936 Commissioner of Emergency Services and Public Protection the
937 person's name, date of release into the community, anticipated
938 residence address, if known, and criminal history record, any known
939 treatment history of such person, any electronic mail address, instant
940 message address or other similar Internet communication identifier for
941 such person, if known, and any other relevant information; (2) inform
942 the person that such person has an obligation to register within three
943 days with the Commissioner of Emergency Services and Public
944 Protection for a period of [ten years] time to be determined by the
945 board following the date of such person's release or for life, as the case
946 may be, that if such person changes such person's address such person
947 shall within five days register the new address in writing with the
948 Commissioner of Emergency Services and Public Protection and, if the
949 new address is in another state or if such person is employed in

950 another state, carries on a vocation in another state or is a student in
951 another state, such person shall also register with an appropriate
952 agency in that state, provided that state has a registration requirement
953 for such offenders, and that if such person establishes or changes an
954 electronic mail address, instant message address or other similar
955 Internet communication identifier such person shall, within five days,
956 register such identifier with the Commissioner of Emergency Services
957 and Public Protection; (3) provide the person with a written summary
958 of the person's obligations under sections 3 and 4 of this act, or sections
959 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, as
960 explained to the person under subdivision (2) of this subsection; and
961 (4) make a specific notation on the record maintained by that agency
962 with respect to such person that the registration requirements were
963 explained to such person and that such person was provided with a
964 written summary of such person's obligations under sections 3 and 4 of
965 this act, or sections 54-102g and 54-250 to 54-258a, inclusive, as
966 amended by this act.

967 (b) Whenever a person is convicted or found not guilty by reason of
968 mental disease or defect of an offense that will require such person to
969 register under section 3 or 4 of this act, or section 54-251, as amended
970 by this act, 54-252, as amended by this act, or 54-254, as amended by
971 this act, the court shall provide to the Department of Emergency
972 Services and Public Protection a written summary of the offense that
973 includes the age and sex of any victim of the offense and a specific
974 description of the offense. Such summary shall be added to the registry
975 information made available to the public through the Internet.

976 Sec. 13. (NEW) (*Effective from passage*) (a) The Department of
977 Emergency Services and Public Protection shall, not later than July 1,
978 2020, establish and maintain a law enforcement agency registry of all
979 persons required to register on such registry under section 3 of this act.
980 Such registry shall not be a public document and shall be released only
981 to law enforcement agencies, except as otherwise provided in this
982 section or section 3 of this act. The department shall, in cooperation
983 with the Office of the Chief Court Administrator, the Department of

984 Correction and the Psychiatric Security Review Board, develop
985 appropriate forms for use by agencies and individuals to report
986 registration information, including changes of address. Upon receipt of
987 registration information, the department shall enter the information
988 into the registry and notify the local police department or state police
989 troop having jurisdiction where the registrant resides or plans to
990 reside. If a registrant notifies the Department of Emergency Services
991 and Public Protection that such registrant is employed at, carries on a
992 vocation at or is a student at a trade or professional institution or
993 institution of higher learning in this state, the department shall notify
994 the law enforcement agency with jurisdiction over such institution.

995 (b) The Department of Emergency Services and Public Protection
996 may suspend the registration of any person registered on the law
997 enforcement agency registration while such person is incarcerated,
998 under civil commitment or residing outside this state. During the
999 period that such registration is under suspension, the department is
1000 not required to verify the address of the registrant pursuant to
1001 subsection (c) of this section and may withdraw the registration
1002 information from public access. Upon the release of the registrant from
1003 incarceration or civil commitment or resumption of residency in this
1004 state by the registrant, the department shall reinstate the registration,
1005 redistribute the registration information in accordance with subsection
1006 (a) of this section and resume verifying the address of the registrant in
1007 accordance with subsection (c) of this section. Suspension of
1008 registration shall not affect the date of expiration of the registration
1009 obligation of the registrant under section 3 of this act.

1010 (c) Except as provided in subsection (b) of this section, the
1011 Department of Emergency Services and Public Protection shall verify
1012 the address of each registrant by mailing a nonforwardable verification
1013 form to the registrant at the registrant's last reported address. Such
1014 form shall require the registrant to sign a statement that the registrant
1015 continues to reside at the registrant's last reported address and return
1016 the form by mail by a date which is ten days after the date such form
1017 was mailed to the registrant. The form shall contain a statement that

1018 failure to return the form or providing false information is a violation
1019 of section 3 of this act. Each person required to register on the law
1020 enforcement agency registration shall have such person's address
1021 verified in such manner annually in the case of a person who has to
1022 maintain such registration for ten years or semiannually in the case of
1023 a person who has to maintain such registration for twenty years. In the
1024 event that a registrant fails to return the address verification form, the
1025 Department of Emergency Services and Public Protection shall notify
1026 the local police department or the state police troop having jurisdiction
1027 over the registrant's last reported address, and that agency may apply
1028 for a warrant to be issued for the registrant's arrest under section 3 of
1029 this act. The Department of Emergency Services and Public Protection
1030 shall not verify the address of registrants whose last reported address
1031 was outside this state.

1032 (d) The Department of Emergency Services and Public Protection
1033 shall include in the registry the most recent photographic image of
1034 each registrant taken by the department, the Department of Correction,
1035 a law enforcement agency or the Court Support Services Division of
1036 the Judicial Department and shall retake the photographic image of
1037 each registrant at least once every five years.

1038 (e) Whenever the Commissioner of Emergency Services and Public
1039 Protection receives notice from a Superior Court pursuant to section
1040 52-11 of the general statutes or a probate court pursuant to section 45a-
1041 99 of the general statutes that such court has ordered the change of
1042 name of a person, and the department determines that such person is
1043 listed in the registry, the department shall revise such person's
1044 registration information accordingly.

1045 (f) The Commissioner of Emergency Services and Public Protection
1046 shall develop a protocol for the notification of other state agencies, the
1047 Judicial Department and local police departments whenever a person
1048 listed in the registry changes such person's name and notifies the
1049 commissioner of the new name pursuant to section 3 of this act or
1050 whenever the commissioner determines, pursuant to subsection (e) of

1051 this section, that a person listed in the registry has changed such
1052 person's name.

1053 Sec. 14. Section 54-257 of the general statutes is repealed and the
1054 following is substituted in lieu thereof (*Effective July 1, 2020*):

1055 (a) The Department of Emergency Services and Public Protection
1056 shall, not later than January 1, 1999, establish and maintain a public
1057 registry of all persons required to register on the public registry under
1058 section 4 of this act and under sections 54-251, as amended by this act,
1059 54-252, as amended by this act, 54-253, as amended by this act, and
1060 54-254, as amended by this act. The department shall, in cooperation
1061 with the Office of the Chief Court Administrator, the Department of
1062 Correction and the Psychiatric Security Review Board, develop
1063 appropriate forms for use by agencies and individuals to report
1064 registration information, including changes of address. Upon receipt of
1065 registration information, the department shall enter the information
1066 into the registry and notify the local police department or state police
1067 troop having jurisdiction where the registrant resides or plans to
1068 reside. If a registrant notifies the Department of Emergency Services
1069 and Public Protection that such registrant is employed at, carries on a
1070 vocation at or is a student at a trade or professional institution or
1071 institution of higher learning in this state, the department shall notify
1072 the law enforcement agency with jurisdiction over such institution. If a
1073 registrant reports a residence in another state, the department shall
1074 notify the state police agency of that state or such other agency in that
1075 state that maintains registry information, if known. The department
1076 shall also transmit all registration information, conviction data,
1077 photographic images and fingerprints to the Federal Bureau of
1078 Investigation in such form as said bureau shall require for inclusion in
1079 a national registry.

1080 (b) The Department of Emergency Services and Public Protection
1081 may suspend the registration of any person registered under section 4
1082 of this act or section 54-251, as amended by this act, 54-252, as
1083 amended by this act, 54-253, as amended by this act, or 54-254, as

1084 amended by this act, while such person is incarcerated, under civil
1085 commitment or residing outside this state. During the period that such
1086 registration is under suspension, the department is not required to
1087 verify the address of the registrant pursuant to subsection (c) of this
1088 section and may withdraw the registration information from public
1089 access. Upon the release of the registrant from incarceration or civil
1090 commitment or resumption of residency in this state by the registrant,
1091 the department shall reinstate the registration, redistribute the
1092 registration information in accordance with subsection (a) of this
1093 section and resume verifying the address of the registrant in
1094 accordance with subsection (c) of this section. Suspension of
1095 registration shall not affect the date of expiration of the registration
1096 obligation of the registrant under section 4 of this act or section 54-251,
1097 as amended by this act, 54-252, as amended by this act, or 54-253, as
1098 amended by this act.

1099 (c) Except as provided in subsection (b) of this section, the
1100 Department of Emergency Services and Public Protection shall verify
1101 the address of each registrant by mailing a nonforwardable verification
1102 form to the registrant at the registrant's last reported address. Such
1103 form shall require the registrant to sign a statement that the registrant
1104 continues to reside at the registrant's last reported address and return
1105 the form by mail by a date which is ten days after the date such form
1106 was mailed to the registrant. The form shall contain a statement that
1107 failure to return the form or providing false information is a violation
1108 of section 4 of this act or section 54-251, as amended by this act, 54-252,
1109 as amended by this act, 54-253, as amended by this act, or 54-254, as
1110 amended by this act, as the case may be. Each person required to
1111 register under section 4 of this act or section 54-251, as amended by
1112 this act, 54-252, as amended by this act, 54-253, as amended by this act,
1113 or 54-254, as amended by this act, shall have such person's address
1114 verified in such manner every ninety days after such person's initial
1115 registration date. The Department of Emergency Services and Public
1116 Protection shall annually conduct an in-person verification of the
1117 registrant's reported address. Such in-person address verification may
1118 be conducted by the Department of Emergency Services and Public

1119 Protection or a municipal police department. In the event that a
1120 registrant fails to return the address verification form, the Department
1121 of Emergency Services and Public Protection shall notify the local
1122 police department or the state police troop having jurisdiction over the
1123 registrant's last reported address, and that agency [shall] may apply
1124 for a warrant to be issued for the registrant's arrest under section 4 of
1125 this act or section 54-251, as amended by this act, 54-252, as amended
1126 by this act, 54-253, as amended by this act, or 54-254, as amended by
1127 this act, as the case may be. The Department of Emergency Services
1128 and Public Protection shall not verify the address of registrants whose
1129 last reported address was outside this state.

1130 (d) The Department of Emergency Services and Public Protection
1131 shall include in the registry the most recent photographic image of
1132 each registrant taken by the department, the Department of Correction,
1133 a law enforcement agency or the Court Support Services Division of
1134 the Judicial Department and shall retake the photographic image of
1135 each registrant at least once every five years.

1136 (e) Whenever the Commissioner of Emergency Services and Public
1137 Protection receives notice from a superior court pursuant to section 52-
1138 11 or a probate court pursuant to section 45a-99 that such court has
1139 ordered the change of name of a person, and the department
1140 determines that such person is listed in the registry, the department
1141 shall revise such person's registration information accordingly.

1142 (f) The Commissioner of Emergency Services and Public Protection
1143 shall develop a protocol for the notification of other state agencies, the
1144 Judicial Department and local police departments whenever a person
1145 listed in the registry changes such person's name and notifies the
1146 commissioner of the new name pursuant to section 3 of this act or
1147 section 54-251, as amended by this act, 54-252, as amended by this act,
1148 54-253, as amended by this act, or 54-254, as amended by this act, or
1149 whenever the commissioner determines pursuant to subsection (e) of
1150 this section that a person listed in the registry has changed such
1151 person's name.

1152 Sec. 15. Section 54-258 of the general statutes is repealed and the
1153 following is substituted in lieu thereof (*Effective October 1, 2019*):

1154 (a) (1) Notwithstanding any other provision of the general statutes,
1155 except subdivisions (3), (4) and (5) of this subsection, the public
1156 registry under section 54-257, as amended by this act, maintained by
1157 the Department of Emergency Services and Public Protection shall be a
1158 public record and shall be accessible to the public during normal
1159 business hours. The Department of Emergency Services and Public
1160 Protection shall make registry information available to the public
1161 through the Internet. Not less than once per calendar quarter, the
1162 Department of Emergency Services and Public Protection shall issue
1163 notices to all print and electronic media in the state regarding the
1164 availability and means of accessing the registry. Each local police
1165 department and each state police troop shall keep a record of all
1166 registration information transmitted to it by the Department of
1167 Emergency Services and Public Protection, and shall make such
1168 information accessible to the public during normal business hours.

1169 (2) (A) Any state agency, the Judicial Department, any state police
1170 troop or any local police department may, at its discretion, notify any
1171 government agency, private organization or individual of registration
1172 information when such agency, said department, such troop or such
1173 local police department, as the case may be, believes such notification
1174 is necessary to protect the public or any individual in any jurisdiction
1175 from any person who is subject to public registration under section 4 of
1176 this act or section 54-251, as amended by this act, 54-252, as amended
1177 by this act, 54-253, as amended by this act, or 54-254, as amended by
1178 this act.

1179 (B) (i) Whenever a registrant is released into the community, or
1180 whenever a registrant changes such registrant's address and notifies
1181 the Department of Emergency Services and Public Protection of such
1182 change pursuant to section 4 of this act or section 54-251, as amended
1183 by this act, 54-252, as amended by this act, 54-253, as amended by this
1184 act, or 54-254, as amended by this act, the Department of Emergency

1185 Services and Public Protection shall, by electronic mail, notify the
1186 superintendent of schools for the school district in which the registrant
1187 resides, or plans to reside, of such release or new address, and provide
1188 such superintendent with the same registry information for such
1189 registrant that the department makes available to the public through
1190 the Internet under subdivision (1) of this subsection.

1191 (ii) Whenever a registrant is released into the community, or
1192 whenever a registrant changes such registrant's address and notifies
1193 the Department of Emergency Services and Public Protection of such
1194 change pursuant to section 4 of this act or section 54-251, 54-252, 54-253
1195 or 54-254, as amended by this act, the Department of Emergency
1196 Services and Public Protection shall, by electronic mail, notify the chief
1197 executive officer of the municipality in which the registrant resides, or
1198 plans to reside, of such release or new address, and provide such chief
1199 executive officer with the same registry information for such registrant
1200 that the department makes available to the public through the Internet
1201 under subdivision (1) of this subsection.

1202 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
1203 this subsection, state agencies, the Judicial Department, state police
1204 troops and local police departments shall not disclose the identity of
1205 any victim of a crime committed by a registrant or treatment
1206 information provided to the registry pursuant to sections 54-102g and
1207 54-250 to 54-258a, inclusive, as amended by this act, except to
1208 government agencies for bona fide law enforcement or security
1209 purposes.

1210 (4) Notwithstanding the provisions of subdivisions (1) and (2) of
1211 this subsection, registration information the dissemination of which
1212 has been restricted by court order pursuant to section 54-255, as
1213 amended by this act, and which is not otherwise subject to disclosure,
1214 shall not be a public record and shall be released only for law
1215 enforcement purposes until such restriction is removed by the court
1216 pursuant to said section.

1217 (5) Notwithstanding the provisions of subdivisions (1) and (2) of

1218 this subsection, a registrant's electronic mail address, instant message
1219 address or other similar Internet communication identifier shall not be
1220 a public record, except that the Department of Emergency Services and
1221 Public Protection may release such identifier for law enforcement or
1222 security purposes in accordance with regulations adopted by the
1223 department. The department shall adopt regulations in accordance
1224 with chapter 54 to specify the circumstances under which and the
1225 persons to whom such identifiers may be released including, but not
1226 limited to, providers of electronic communication service or remote
1227 computing service, as those terms are defined in section 54-260b, as
1228 amended by this act, and operators of Internet web sites, and the
1229 procedure therefor.

1230 (6) When any registrant completes the registrant's term of
1231 registration or is otherwise released from the obligation to register
1232 under section 4 of this act or section 54-251, as amended by this act, 54-
1233 252, as amended by this act, 54-253, as amended by this act, or 54-254,
1234 as amended by this act, the Department of Emergency Services and
1235 Public Protection shall notify any state police troop or local police
1236 department having jurisdiction over the registrant's last reported
1237 residence address that the person is no longer a registrant, and the
1238 Department of Emergency Services and Public Protection, state police
1239 troop and local police department shall remove the registrant's name
1240 and information from the registry.

1241 (b) Neither the state nor any political subdivision of the state nor
1242 any officer or employee thereof, shall be held civilly liable to any
1243 registrant by reason of disclosure of any information regarding the
1244 registrant that is released or disclosed in accordance with subsection
1245 (a) of this section. The state and any political subdivision of the state
1246 and, except in cases of wanton, reckless or malicious conduct, any
1247 officer or employee thereof, shall be immune from liability for good
1248 faith conduct in carrying out the provisions of subdivision (2) of
1249 subsection (a) of this section.

1250 Sec. 16. Section 54-260b of the general statutes is repealed and the

1251 following is substituted in lieu thereof (*Effective October 1, 2019*):

1252 (a) For the purposes of this section:

1253 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)
1254 age or date of birth, (D) electronic mail address, instant message
1255 address or other similar Internet communication identifier, and (E)
1256 subscriber number or identity, including any assigned Internet
1257 protocol address;

1258 (2) "Electronic communication" means "electronic communication"
1259 as defined in 18 USC 2510, as amended from time to time;

1260 (3) "Electronic communication service" means "electronic
1261 communication service" as defined in 18 USC 2510, as amended from
1262 time to time;

1263 (4) "Registrant" means a person required to register under section 3
1264 or 4 of this act or section 54-251, as amended by this act, 54-252, as
1265 amended by this act, 54-253, as amended by this act, or 54-254, as
1266 amended by this act; and

1267 (5) "Remote computing service" means "remote computing service"
1268 as defined in section 18 USC 2711, as amended from time to time.

1269 (b) The Commissioner of Emergency Services and Public Protection
1270 shall designate a sworn law enforcement officer to serve as liaison
1271 between the Department of Emergency Services and Public Protection
1272 and providers of electronic communication services or remote
1273 computing services to facilitate the exchange of non-personally-
1274 identifiable information concerning registrants.

1275 (c) Whenever such designated law enforcement officer ascertains
1276 from such exchange of non-personally-identifiable information that
1277 there are subscribers, customers or users of such providers who are
1278 registrants, such officer shall initiate a criminal investigation to
1279 determine if such registrants are in violation of the registration
1280 requirements of section 3 or 4 of this act or section 54-251, as amended

1281 by this act, 54-252, as amended by this act, 54-253, as amended by this
1282 act, or 54-254, as amended by this act, or of the terms and conditions of
1283 their parole or probation by virtue of being subscribers, customers or
1284 users of such providers.

1285 (d) Such designated law enforcement officer may request an ex
1286 parte order from a judge of the Superior Court to compel a provider of
1287 electronic communication service or remote computing service to
1288 disclose basic subscriber information pertaining to subscribers,
1289 customers or users who have been identified by such provider to be
1290 registrants. The judge shall grant such order if the law enforcement
1291 officer offers specific and articulable facts showing that there are
1292 reasonable grounds to believe that the basic subscriber information
1293 sought is relevant and material to the ongoing criminal investigation.
1294 The order shall state upon its face the case number assigned to such
1295 investigation, the date and time of issuance and the name of the judge
1296 authorizing the order. The law enforcement officer shall have any ex
1297 parte order issued pursuant to this subsection signed by the
1298 authorizing judge within forty-eight hours or not later than the next
1299 business day, whichever is earlier.

1300 (e) A provider of electronic communication service or remote
1301 computing service shall disclose basic subscriber information to such
1302 designated law enforcement officer when an order is issued pursuant
1303 to subsection (d) of this section.

1304 (f) A provider of electronic communication service or remote
1305 computing service that provides information in good faith pursuant to
1306 an order issued pursuant to subsection (d) of this section shall be
1307 afforded the legal protections provided under 18 USC 3124, as
1308 amended from time to time, with regard to such actions.

1309 Sec. 17. (NEW) (*Effective October 1, 2019*) The Judicial Branch shall, in
1310 collaboration with the Department of Emergency Services and Public
1311 Protection, report annually to the joint standing committee of the
1312 General Assembly having cognizance of matters relating to the
1313 judiciary in accordance with the provisions of section 11-4a of the

1314 general statutes. Such report shall (1) provide the number of sexual
1315 assault cases presented in the Superior Court, detail any initial charge,
1316 plea, conviction and sentence and indicate whether the defendant was
1317 a registrant at the time of the offense, and (2) include registry data that
1318 pertains to any such conviction and registration terms.

1319 Sec. 18. (*Effective October 1, 2019*) Not later than February 1, 2020, the
1320 Sexual Offender Registration Board established under section 2 of this
1321 act, shall report to the joint standing committee of the General
1322 Assembly having cognizance of matters relating to the judiciary in
1323 accordance with the provisions of section 11-4a of the general statutes
1324 indicating said board's preparedness to begin not later than July 1,
1325 2020, the classifications, processing and matters set forth in sections 2
1326 to 6, inclusive, of this act, sections 54-251 to 54-258, inclusive, of the
1327 general statutes, as amended by this act, section 13 of this act and
1328 sections 17 to 20, inclusive, of this act.

1329 Sec. 19. (*Effective October 1, 2019*) Not later than January 1, 2021, the
1330 Connecticut Sentencing Commission, established under section 54-300
1331 of the general statutes, shall report to the joint standing committee of
1332 the General Assembly having cognizance of matters relating to the
1333 judiciary in accordance with the provisions of section 11-4a of the
1334 general statutes on the implementation of sections 2 to 6, inclusive, of
1335 this act, sections 54-251 to 54-258, inclusive, of the general statutes, as
1336 amended by this act, sections 13 and 20 of this act. The Connecticut
1337 Sentencing Commission may consult with the Connecticut Alliance to
1338 End Sexual Violence or any similar entity and the Department of
1339 Emergency Services and Public Protection as part of the development
1340 of such report.

1341 Sec. 20. (*Effective October 1, 2019*) The Sexual Offender Registration
1342 Board established under section 2 of this act shall seek to expand the
1343 notification provided to the victim or victims through the Judicial
1344 Branch's CT SAVIN victim notification service to include sex offender
1345 supervision classification and sexual offender registry status.

1346 Sec. 21. Section 17a-111a of the general statutes is repealed and the

1347 following is substituted in lieu thereof (*Effective October 1, 2019*):

1348 (a) The Commissioner of Children and Families shall file a petition
1349 to terminate parental rights pursuant to section 17a-112, as amended
1350 by this act, if (1) the child has been in the custody of the commissioner
1351 for at least fifteen consecutive months, or at least fifteen months during
1352 the twenty-two months, immediately preceding the filing of such
1353 petition; (2) the child has been abandoned as defined in subsection (j)
1354 of section 17a-112; or (3) a court of competent jurisdiction has found
1355 that (A) the parent has killed, through deliberate, nonaccidental act, a
1356 sibling of the child or has requested, commanded, importuned,
1357 attempted, conspired or solicited to commit the killing of the child or a
1358 sibling of the child; or (B) the parent has assaulted the child or a sibling
1359 of a child, through deliberate, nonaccidental act, and such assault
1360 resulted in serious bodily injury to such child.

1361 (b) Notwithstanding the provisions of subsection (a) of this section,
1362 the commissioner is not required to file a petition to terminate parental
1363 rights in such cases if the commissioner determines that: (1) The child
1364 has been placed under the care of a relative of such child; (2) there is a
1365 compelling reason to believe that filing such petition is not in the best
1366 interests of the child; or (3) the parent has not been offered the services
1367 contained in the permanency plan to reunify the parent with the child
1368 or such services were not available or reasonably accessible, unless a
1369 court has determined that efforts to reunify the parent with the child
1370 are not required.

1371 (c) For purposes of this section, a compelling reason to believe that a
1372 petition to terminate the parental rights of an incarcerated parent is not
1373 in the best interests of the child may include: (1) Such parent's
1374 maintenance of a meaningful role in the child's life; (2) such parent's
1375 incarceration is the primary reason why the child has been in foster
1376 care for at least fifteen consecutive months, or at least fifteen months
1377 during the twenty-two months, immediately preceding the filing of
1378 such petition; and (3) there is no other applicable ground except for
1379 that described under subdivision (2) of this subsection for filing such

1380 petition. The commissioner's assessment of whether an incarcerated
1381 parent maintains a meaningful role in the child's life may include
1382 consideration of the following factors: (A) The parent's expressions or
1383 acts of concerns for the child, such as letters, telephone calls, visits and
1384 other forms of communication with the child; (B) the parent's efforts to
1385 (i) communicate and work with the commissioner or other individuals
1386 for the purpose of complying with the case plan developed pursuant to
1387 section 17a-15, as amended by this act, and (ii) repair, maintain or
1388 build the relationship between the parent and child; (C) a positive
1389 response by the parent to the reasonable efforts of the commissioner;
1390 (D) information provided by individuals or agencies in a reasonable
1391 position to assist the commissioner in making such an assessment,
1392 including, but not limited to, the parent's attorney, Department of
1393 Correction personnel, mental health care providers or other
1394 individuals providing services to the parent; (E) limitations on the
1395 parent's ability to access family support programs, therapeutic
1396 services, opportunities for visitation with the child and telephone and
1397 mail services; (F) the parent's (i) inability to participate in case plan
1398 review meetings held in accordance with section 17a-15, as amended
1399 by this act, and (ii) difficulty participating meaningfully in court
1400 proceedings concerning such child; and (G) whether the continued
1401 involvement of the parent in the child's life is in the child's best
1402 interests.

1403 Sec. 22. Subsection (k) of section 17a-112 of the general statutes is
1404 repealed and the following is substituted in lieu thereof (*Effective*
1405 *October 1, 2019*):

1406 (k) Except in the case where termination of parental rights is based
1407 on consent, in determining whether to terminate parental rights under
1408 this section, the court shall consider and shall make written findings
1409 regarding: (1) The timeliness, nature and extent of services offered,
1410 provided and made available to the parent and the child by an agency
1411 to facilitate the reunion of the child with the parent; (2) whether the
1412 Department of Children and Families has made reasonable efforts to
1413 reunite the family pursuant to the federal Adoption and Safe Families

1414 Act of 1997, as amended from time to time; (3) the terms of any
1415 applicable court order entered into and agreed upon by any individual
1416 or agency and the parent, and the extent to which all parties have
1417 fulfilled their obligations under such order; (4) the feelings and
1418 emotional ties of the child with respect to the child's parents, any
1419 guardian of such child's person and any person who has exercised
1420 physical care, custody or control of the child for at least one year and
1421 with whom the child has developed significant emotional ties; (5) the
1422 age of the child; (6) the efforts the parent has made to adjust such
1423 parent's circumstances, conduct, or conditions to make it in the best
1424 interest of the child to return such child home in the foreseeable future,
1425 including, but not limited to, (A) the extent to which the parent has
1426 maintained contact with the child as part of an effort to reunite the
1427 child with the parent, provided the court may give weight to incidental
1428 visitations, communications or contributions, and (B) the maintenance
1429 of regular contact or communication with the guardian or other
1430 custodian of the child; [and] (7) the extent to which a parent has been
1431 prevented from maintaining a meaningful relationship with the child
1432 by the unreasonable act or conduct of the other parent of the child, or
1433 the unreasonable act of any other person or by the economic
1434 circumstances of the parent; and (8) if a parent is incarcerated, (A)
1435 whether the parent has maintained a meaningful role in the child's life
1436 as evaluated under the provisions of subsection (c) of section 17a-111a,
1437 as amended by this act, and (B) any delays or barriers that the parent
1438 may have experienced in keeping the Department of Children and
1439 Families apprised of his or her location and in accessing visitation or
1440 other contact with the child.

1441 Sec. 23. Section 46b-129 of the general statutes is repealed and the
1442 following is substituted in lieu thereof (*Effective October 1, 2019*):

1443 (a) Any selectman, town manager, or town, city or borough welfare
1444 department, any probation officer, or the Commissioner of Social
1445 Services, the Commissioner of Children and Families or any child-
1446 caring institution or agency approved by the Commissioner of
1447 Children and Families, a child or such child's representative or

1448 attorney or a foster parent of a child, having information that a child or
1449 youth is neglected, uncared for or abused may file with the Superior
1450 Court that has venue over such matter a verified petition plainly
1451 stating such facts as bring the child or youth within the jurisdiction of
1452 the court as neglected, uncared for or abused within the meaning of
1453 section 46b-120, the name, date of birth, sex and residence of the child
1454 or youth, the name and residence of such child's parents or guardian,
1455 and praying for appropriate action by the court in conformity with the
1456 provisions of this chapter. Upon the filing of such a petition, except as
1457 otherwise provided in subsection (k) of section 17a-112, as amended by
1458 this act, the court shall cause a summons to be issued requiring the
1459 parent or parents or the guardian of the child or youth to appear in
1460 court at the time and place named, which summons shall be served not
1461 less than fourteen days before the date of the hearing in the manner
1462 prescribed by section 46b-128, and the court shall further give notice to
1463 the petitioner and to the Commissioner of Children and Families of the
1464 time and place when the petition is to be heard not less than fourteen
1465 days prior to the hearing in question.

1466 (b) If it appears from the specific allegations of the petition and
1467 other verified affirmations of fact accompanying the petition and
1468 application, or subsequent thereto, that there is reasonable cause to
1469 believe that (1) the child or youth is suffering from serious physical
1470 illness or serious physical injury or is in immediate physical danger
1471 from the child's or youth's surroundings, and (2) as a result of said
1472 conditions, the child's or youth's safety is endangered and immediate
1473 removal from such surroundings is necessary to ensure the child's or
1474 youth's safety, the court shall either (A) issue an order to the parents or
1475 other person having responsibility for the care of the child or youth to
1476 appear at such time as the court may designate to determine whether
1477 the court should vest the child's or youth's temporary care and custody
1478 in a person related to the child or youth by blood or marriage or in
1479 some other person or suitable agency pending disposition of the
1480 petition, or (B) issue an order ex parte vesting the child's or youth's
1481 temporary care and custody in a person related to the child or youth
1482 by blood or marriage or in some other person or suitable agency. A

1483 preliminary hearing on any ex parte custody order or order to appear
1484 issued by the court shall be held not later than ten days after the
1485 issuance of such order. The service of such orders may be made by any
1486 officer authorized by law to serve process, or by any probation officer
1487 appointed in accordance with section 46b-123, investigator from the
1488 Department of Administrative Services, state or local police officer or
1489 indifferent person. Such orders shall include a conspicuous notice to
1490 the respondent written in clear and simple language containing at least
1491 the following information: (i) That the order contains allegations that
1492 conditions in the home have endangered the safety and welfare of the
1493 child or youth; (ii) that a hearing will be held on the date on the form;
1494 (iii) that the hearing is the opportunity to present the parents' position
1495 concerning the alleged facts; (iv) that an attorney will be appointed for
1496 parents who cannot afford an attorney; (v) that such parents may
1497 apply for a court-appointed attorney by going in person to the court
1498 address on the form and are advised to go as soon as possible in order
1499 for the attorney to prepare for the hearing; (vi) that such parents, or a
1500 person having responsibility for the care and custody of the child or
1501 youth, may request the Commissioner of Children and Families to
1502 investigate placing the child or youth with a person related to the child
1503 or youth by blood or marriage who might serve as a licensed foster
1504 parent or temporary custodian for such child or youth. The
1505 commissioner shall investigate any relative or relatives proposed to
1506 serve as a licensed foster parent or temporary custodian for such child
1507 or youth prior to the preliminary hearing and provide a preliminary
1508 report to the court at such hearing as to such relative's or relatives'
1509 suitability and any potential barriers to licensing such relative or
1510 relatives as a foster parent or parents or granting temporary custody of
1511 such child or youth to such relative or relatives; and (vii) that if such
1512 parents have any questions concerning the case or appointment of
1513 counsel, any such parent is advised to go to the court or call the clerk's
1514 office at the court as soon as possible. Upon application for appointed
1515 counsel, the court shall promptly determine eligibility and, if the
1516 respondent is eligible, promptly appoint counsel. The expense for any
1517 temporary care and custody shall be paid by the town in which such

1518 child or youth is at the time residing, and such town shall be
1519 reimbursed for such expense by the town found liable for the child's or
1520 youth's support, except that where a state agency has filed a petition
1521 pursuant to the provisions of subsection (a) of this section, the agency
1522 shall pay such expense. The agency shall give primary consideration to
1523 placing the child or youth in the town where such child or youth
1524 resides. The agency shall file in writing with the clerk of the court the
1525 reasons for placing the child or youth in a particular placement outside
1526 the town where the child or youth resides, including the use of any
1527 services available to and reasonably accessible by an incarcerated
1528 parent or guardian of such child or youth at the facility where such
1529 parent or guardian is confined. Upon issuance of an ex parte order, the
1530 court shall provide to the commissioner and the parent or guardian
1531 specific steps necessary for each to take to address the ex parte order
1532 for the parent or guardian to retain or regain custody of the child or
1533 youth. Upon the issuance of such order, or not later than sixty days
1534 after the issuance of such order, the court shall make a determination
1535 whether the Department of Children and Families made reasonable
1536 efforts to keep the child or youth with his or her parents or guardian
1537 prior to the issuance of such order and, if such efforts were not made,
1538 whether such reasonable efforts were not possible, taking into
1539 consideration the child's or youth's best interests, including the child's
1540 or youth's health and safety. Any person or agency in which the
1541 temporary care and custody of a child or youth is vested under this
1542 section shall have the following rights and duties regarding the child
1543 or youth: (I) The obligation of care and control; (II) the authority to
1544 make decisions regarding emergency medical, psychological,
1545 psychiatric or surgical treatment; and (III) such other rights and duties
1546 that the court having jurisdiction may order.

1547 (c) The preliminary hearing on the order of temporary custody or
1548 order to appear or the first hearing on a petition filed pursuant to
1549 subsection (a) of this section shall be held in order for the court to:

1550 (1) Advise the parent or guardian of the allegations contained in all
1551 petitions and applications that are the subject of the hearing and the

1552 parent's or guardian's right to counsel pursuant to subsection (b) of
1553 section 46b-135;

1554 (2) Ensure that an attorney, and where appropriate, a separate
1555 guardian ad litem has been appointed to represent the child or youth
1556 in accordance with subsection (b) of section 51-296a and sections 46b-
1557 129a and 46b-136;

1558 (3) Upon request, appoint an attorney to represent the respondent
1559 when the respondent is unable to afford representation, in accordance
1560 with subsection (b) of section 51-296a;

1561 (4) Advise the parent or guardian of the right to a hearing on the
1562 petitions and applications, to be held not later than ten days after the
1563 date of the preliminary hearing if the hearing is pursuant to an order of
1564 temporary custody or an order to show cause;

1565 (5) Accept a plea regarding the truth of the allegations;

1566 (6) Make any interim orders, including visitation orders, that the
1567 court determines are in the best interests of the child or youth. The
1568 court, after a hearing pursuant to this subsection, shall order specific
1569 steps the commissioner and the parent or guardian shall take for the
1570 parent or guardian to regain or to retain custody of the child or youth,
1571 including the use of any services available to and reasonably accessible
1572 by an incarcerated parent or guardian of such child or youth at the
1573 facility where such parent or guardian is confined;

1574 (7) Take steps to determine the identity of the father of the child or
1575 youth, including, if necessary, inquiring of the mother of the child or
1576 youth, under oath, as to the identity and address of any person who
1577 might be the father of the child or youth and ordering genetic testing,
1578 and order service of the petition and notice of the hearing date, if any,
1579 to be made upon him;

1580 (8) If the person named as the father appears and admits that he is
1581 the father, provide him and the mother with the notices that comply
1582 with section 17b-27 and provide them with the opportunity to sign a

1583 paternity acknowledgment and affirmation on forms that comply with
1584 section 17b-27. Such documents shall be executed and filed in
1585 accordance with chapter 815y and a copy delivered to the clerk of the
1586 superior court for juvenile matters. The clerk of the superior court for
1587 juvenile matters shall send the original paternity acknowledgment and
1588 affirmation to the Department of Public Health for filing in the
1589 paternity registry maintained under section 19a-42a, and shall
1590 maintain a copy of the paternity acknowledgment and affirmation in
1591 the court file;

1592 (9) If the person named as a father appears and denies that he is the
1593 father of the child or youth, order genetic testing to determine
1594 paternity in accordance with section 46b-168. If the results of the
1595 genetic tests indicate a ninety-nine per cent or greater probability that
1596 the person named as father is the father of the child or youth, such
1597 results shall constitute a rebuttable presumption that the person
1598 named as father is the father of the child or youth, provided the court
1599 finds evidence that sexual intercourse occurred between the mother
1600 and the person named as father during the period of time in which the
1601 child was conceived. If the court finds such rebuttable presumption,
1602 the court may issue judgment adjudicating paternity after providing
1603 the father an opportunity for a hearing. The clerk of the court shall
1604 send a certified copy of any judgment adjudicating paternity to the
1605 Department of Public Health for filing in the paternity registry
1606 maintained under section 19a-42a. If the results of the genetic tests
1607 indicate that the person named as father is not the biological father of
1608 the child or youth, the court shall enter a judgment that he is not the
1609 father and the court shall remove him from the case and afford him no
1610 further standing in the case or in any subsequent proceeding regarding
1611 the child or youth;

1612 (10) Identify any person or persons related to the child or youth by
1613 blood or marriage residing in this state who might serve as licensed
1614 foster parents or temporary custodians and order the Commissioner of
1615 Children and Families to investigate and report to the court, not later
1616 than thirty days after the preliminary hearing, the appropriateness of

1617 placing the child or youth with such relative or relatives; and

1618 (11) In accordance with the provisions of the Interstate Compact on
1619 the Placement of Children pursuant to section 17a-175, identify any
1620 person or persons related to the child or youth by blood or marriage
1621 residing out of state who might serve as licensed foster parents or
1622 temporary custodians, and order the Commissioner of Children and
1623 Families to investigate and determine, within a reasonable time, the
1624 appropriateness of placing the child or youth with such relative or
1625 relatives.

1626 (d) (1) (A) If not later than thirty days after the preliminary hearing,
1627 or within a reasonable time when a relative resides out of state, the
1628 Commissioner of Children and Families determines that there is not a
1629 suitable person related to the child or youth by blood or marriage who
1630 can be licensed as a foster parent or serve as a temporary custodian,
1631 and the court has not granted temporary custody to a person related to
1632 the child or youth by blood or marriage, any person related to the child
1633 or youth by blood or marriage may file, not later than ninety days after
1634 the date of the preliminary hearing, a motion to intervene for the
1635 limited purpose of moving for temporary custody of such child or
1636 youth. If a motion to intervene is timely filed, the court shall grant
1637 such motion except for good cause shown.

1638 (B) Any person related to a child or youth may file a motion to
1639 intervene for purposes of seeking temporary custody of a child or
1640 youth more than ninety days after the date of the preliminary hearing.
1641 The granting of such motion shall be solely in the court's discretion,
1642 except that such motion shall be granted absent good cause shown
1643 whenever the child's or youth's most recent placement has been
1644 disrupted or is about to be disrupted.

1645 (C) A relative shall appear in person, with or without counsel, and
1646 shall not be entitled to court appointed counsel or the assignment of
1647 counsel by the office of Chief Public Defender, except as provided in
1648 section 46b-136.

1649 (2) Upon the granting of intervenor status to such relative of the
1650 child or youth, the court shall issue an order directing the
1651 Commissioner of Children and Families to conduct an assessment of
1652 such relative and to file a written report with the court not later than
1653 forty days after such order, unless such relative resides out of state, in
1654 which case the assessment shall be ordered and requested in
1655 accordance with the provisions of the Interstate Compact on the
1656 Placement of Children, pursuant to section 17a-175. The court may also
1657 request such relative to release such relative's medical records,
1658 including any psychiatric or psychological records and may order such
1659 relative to submit to a physical or mental examination. The expenses
1660 incurred for such physical or mental examination shall be paid as costs
1661 of commitment are paid. Upon receipt of the assessment, the court
1662 shall schedule a hearing on such relative's motion for temporary
1663 custody not later than fifteen days after the receipt of the assessment. If
1664 the Commissioner of Children and Families, the child's or youth's
1665 attorney or guardian ad litem, or the parent or guardian objects to the
1666 vesting of temporary custody in such relative, the agency or person
1667 objecting at such hearing shall be required to prove by a fair
1668 preponderance of the evidence that granting temporary custody of the
1669 child or youth to such relative would not be in the best interests of
1670 such child or youth.

1671 (3) If the court grants such relative temporary custody during the
1672 period of such temporary custody, such relative shall be subject to
1673 orders of the court, including, but not limited to, providing for the care
1674 and supervision of such child or youth and cooperating with the
1675 Commissioner of Children and Families in the implementation of
1676 treatment and permanency plans and services for such child or youth.
1677 The court may, on motion of any party or the court's own motion, after
1678 notice and a hearing, terminate such relative's intervenor status if such
1679 relative's participation in the case is no longer warranted or necessary.

1680 (4) Any person related to a child or youth may file a motion to
1681 intervene for purposes of seeking guardianship of a child or youth
1682 more than ninety days after the date of the preliminary hearing. The

1683 granting of such motion to intervene shall be solely in the court's
1684 discretion, except that such motion shall be granted absent good cause
1685 shown whenever the child's or youth's most recent placement has been
1686 disrupted or is about to be disrupted. The court may, in the court's
1687 discretion, order the Commissioner of Children and Families to
1688 conduct an assessment of such relative granted intervenor status
1689 pursuant to this subdivision.

1690 (5) Any relative granted intervenor status pursuant to this
1691 subsection shall not be entitled to court-appointed counsel or
1692 representation by Division of Public Defender Services assigned
1693 counsel, except as provided in section 46b-136.

1694 (e) If any parent or guardian fails, after service of such order, to
1695 appear at the preliminary hearing, the court may enter or sustain an
1696 order of temporary custody.

1697 (f) Upon request, or upon its own motion, the court shall schedule a
1698 hearing on the order for temporary custody or the order to appear to
1699 be held not later than ten days after the date of the preliminary
1700 hearing. Such hearing shall be held on consecutive days except for
1701 compelling circumstances or at the request of the parent or guardian.

1702 (g) At a contested hearing on the order for temporary custody or
1703 order to appear, credible hearsay evidence regarding statements of the
1704 child or youth made to a mandated reporter or to a parent may be
1705 offered by the parties and admitted by the court upon a finding that
1706 the statement is reliable and trustworthy and that admission of such
1707 statement is reasonably necessary. A signed statement executed by a
1708 mandated reporter under oath may be admitted by the court without
1709 the need for the mandated reporter to appear and testify unless called
1710 by a respondent or the child, provided the statement: (1) Was provided
1711 at the preliminary hearing and promptly upon request to any counsel
1712 appearing after the preliminary hearing; (2) reasonably describes the
1713 qualifications of the reporter and the nature of his contact with the
1714 child; and (3) contains only the direct observations of the reporter, and
1715 statements made to the reporter that would be admissible if the

1716 reporter were to testify to them in court and any opinions reasonably
1717 based thereupon. If a respondent or the child gives notice at the
1718 preliminary hearing that he intends to cross-examine the reporter, the
1719 person filing the petition shall make the reporter available for such
1720 examination at the contested hearing.

1721 (h) If any parent or guardian fails, after due notice of the hearing
1722 scheduled pursuant to subsection (g) of this section and without good
1723 cause, to appear at the scheduled date for a contested hearing on the
1724 order of temporary custody or order to appear, the court may enter or
1725 sustain an order of temporary custody.

1726 (i) When a petition is filed in said court for the commitment of a
1727 child or youth, the Commissioner of Children and Families shall make
1728 a thorough investigation of the case and shall cause to be made a
1729 thorough physical and mental examination of the child or youth if
1730 requested by the court. The court after hearing may also order a
1731 thorough physical or mental examination, or both, of a parent or
1732 guardian whose competency or ability to care for a child or youth
1733 before the court is at issue. The expenses incurred in making such
1734 physical and mental examinations shall be paid as costs of
1735 commitment are paid.

1736 (j) (1) For the purposes of this subsection and subsection (k) of this
1737 section, (A) "permanent legal guardianship" means a permanent
1738 guardianship, as defined in section 45a-604, and (B) "caregiver" means
1739 (i) a fictive kin caregiver, as defined in section 17a-114, who is caring
1740 for a child, (ii) a relative caregiver, as defined in section 17a-126, who is
1741 caring for a child, or (iii) a person who is licensed or approved to
1742 provide foster care pursuant to section 17a-114, who is caring for a
1743 child.

1744 (2) Upon finding and adjudging that any child or youth is uncared
1745 for, neglected or abused the court may (A) commit such child or youth
1746 to the Commissioner of Children and Families, and such commitment
1747 shall remain in effect until further order of the court, except that such
1748 commitment may be revoked or parental rights terminated at any time

1749 by the court; (B) vest such child's or youth's legal guardianship in any
1750 private or public agency that is permitted by law to care for neglected,
1751 uncared for or abused children or youths or with any other person or
1752 persons found to be suitable and worthy of such responsibility by the
1753 court, including, but not limited to, any relative of such child or youth
1754 by blood or marriage; (C) vest such child's or youth's permanent legal
1755 guardianship in any person or persons found to be suitable and
1756 worthy of such responsibility by the court, including, but not limited
1757 to, any relative of such child or youth by blood or marriage in
1758 accordance with the requirements set forth in subdivision (5) of this
1759 subsection; or (D) place the child or youth in the custody of the parent
1760 or guardian with protective supervision by the Commissioner of
1761 Children and Families subject to conditions established by the court.

1762 (3) If the court determines that the commitment should be revoked
1763 and the child's or youth's legal guardianship or permanent legal
1764 guardianship should vest in someone other than the respondent
1765 parent, parents or former guardian, or if parental rights are terminated
1766 at any time, there shall be a rebuttable presumption that an award of
1767 legal guardianship or permanent legal guardianship upon revocation
1768 to, or adoption upon termination of parental rights by, any caregiver
1769 or person or who is, pursuant to an order of the court, the temporary
1770 custodian of the child or youth at the time of the revocation or
1771 termination, shall be in the best interests of the child or youth and that
1772 such caregiver is a suitable and worthy person to assume legal
1773 guardianship or permanent legal guardianship upon revocation or to
1774 adopt such child or youth upon termination of parental rights. The
1775 presumption may be rebutted by a preponderance of the evidence that
1776 an award of legal guardianship or permanent legal guardianship to, or
1777 an adoption by, such caregiver would not be in the child's or youth's
1778 best interests and such caregiver is not a suitable and worthy person.
1779 The court shall order specific steps that the parent must take to
1780 facilitate the return of the child or youth to the custody of such parent.

1781 (4) The commissioner shall be the guardian of such child or youth
1782 for the duration of the commitment, provided the child or youth has

1783 not reached the age of eighteen years, or until another guardian has
1784 been legally appointed, and in like manner, upon such vesting of the
1785 care of such child or youth, such other public or private agency or
1786 individual shall be the guardian of such child or youth until such child
1787 or youth has reached the age of eighteen years or, in the case of a child
1788 or youth in full-time attendance in a secondary school, a technical
1789 education and career school, a college or a state-accredited job training
1790 program, until such child or youth has reached the age of twenty-one
1791 years or until another guardian has been legally appointed. The
1792 commissioner may place any child or youth so committed to the
1793 commissioner in a suitable foster home or in the home of a fictive kin
1794 caregiver, relative caregiver, or in a licensed child-caring institution or
1795 in the care and custody of any accredited, licensed or approved child-
1796 caring agency, within or without the state, provided a child shall not
1797 be placed outside the state except for good cause and unless the
1798 parents or guardian of such child are notified in advance of such
1799 placement and given an opportunity to be heard, or in a receiving
1800 home maintained and operated by the commissioner. When placing
1801 such child or youth, the commissioner shall provide written
1802 notification of the placement, including the name, address and other
1803 relevant contact information relating to the placement, to any attorney
1804 or guardian ad litem appointed to represent the child or youth
1805 pursuant to subsection (c) of this section. The commissioner shall
1806 provide written notification to such attorney or guardian ad litem of
1807 any change in placement of such child or youth, including a
1808 hospitalization or respite placement, and if the child or youth absconds
1809 from care. The commissioner shall provide such written notification
1810 not later than ten business days prior to the date of change of
1811 placement in a nonemergency situation, or not later than two business
1812 days following the date of a change of placement in an emergency
1813 situation. In placing such child or youth, the commissioner shall, if
1814 possible, select a home, agency, institution or person of like religious
1815 faith to that of a parent of such child or youth, if such faith is known or
1816 may be ascertained by reasonable inquiry, provided such home
1817 conforms to the standards of the commissioner and the commissioner

1818 shall, when placing siblings, if possible, place such children together.
1819 At least ten days prior to transferring a child or youth to a second or
1820 subsequent placement, the commissioner shall give written notice to
1821 such child or youth and such child or youth's attorney of said
1822 commissioner's intention to make such transfer, unless an emergency
1823 or risk to such child or youth's well-being necessitates the immediate
1824 transfer of such child and renders such notice impossible. Upon the
1825 issuance of an order committing the child or youth to the
1826 commissioner, or not later than sixty days after the issuance of such
1827 order, the court shall determine whether the department made
1828 reasonable efforts to keep the child or youth with his or her parents or
1829 guardian prior to the issuance of such order and, if such efforts were
1830 not made, whether such reasonable efforts were not possible, taking
1831 into consideration the child's or youth's best interests, including the
1832 child's or youth's health and safety.

1833 (5) A youth who is committed to the commissioner pursuant to this
1834 subsection and has reached eighteen years of age may remain in the
1835 care of the commissioner, by consent of the youth and provided the
1836 youth has not reached the age of twenty-one years of age, if the youth
1837 is (A) enrolled in a full-time approved secondary education program
1838 or an approved program leading to an equivalent credential; (B)
1839 enrolled full time in an institution which provides postsecondary or
1840 vocational education; or (C) participating full time in a program or
1841 activity approved by said commissioner that is designed to promote or
1842 remove barriers to employment. The commissioner, in his or her
1843 discretion, may waive the provision of full-time enrollment or
1844 participation based on compelling circumstances. Not more than one
1845 hundred twenty days after the youth's eighteenth birthday, the
1846 department shall file a motion in the superior court for juvenile
1847 matters that had jurisdiction over the youth's case prior to the youth's
1848 eighteenth birthday for a determination as to whether continuation in
1849 care is in the youth's best interest and, if so, whether there is an
1850 appropriate permanency plan. The court, in its discretion, may hold a
1851 hearing on said motion.

1852 (6) Prior to issuing an order for permanent legal guardianship, the
1853 court shall provide notice to each parent that the parent may not file a
1854 motion to terminate the permanent legal guardianship, or the court
1855 shall indicate on the record why such notice could not be provided,
1856 and the court shall find by clear and convincing evidence that the
1857 permanent legal guardianship is in the best interests of the child or
1858 youth and that the following have been proven by clear and
1859 convincing evidence:

1860 (A) One of the statutory grounds for termination of parental rights
1861 exists, as set forth in subsection (j) of section 17a-112, or the parents
1862 have voluntarily consented to the establishment of the permanent legal
1863 guardianship;

1864 (B) Adoption of the child or youth is not possible or appropriate;

1865 (C) (i) If the child or youth is at least twelve years of age, such child
1866 or youth consents to the proposed permanent legal guardianship, or
1867 (ii) if the child is under twelve years of age, the proposed permanent
1868 legal guardian is: (I) A relative, (II) a caregiver, or (III) already serving
1869 as the permanent legal guardian of at least one of the child's siblings, if
1870 any;

1871 (D) The child or youth has resided with the proposed permanent
1872 legal guardian for at least a year; and

1873 (E) The proposed permanent legal guardian is (i) a suitable and
1874 worthy person, and (ii) committed to remaining the permanent legal
1875 guardian and assuming the right and responsibilities for the child or
1876 youth until the child or youth attains the age of majority.

1877 (7) An order of permanent legal guardianship may be reopened and
1878 modified and the permanent legal guardian removed upon the filing
1879 of a motion with the court, provided it is proven by a fair
1880 preponderance of the evidence that the permanent legal guardian is no
1881 longer suitable and worthy. A parent may not file a motion to
1882 terminate a permanent legal guardianship. If, after a hearing, the court

1883 terminates a permanent legal guardianship, the court, in appointing a
1884 successor legal guardian or permanent legal guardian for the child or
1885 youth shall do so in accordance with this subsection.

1886 (k) (1) (A) Nine months after placement of the child or youth in the
1887 care and custody of the commissioner pursuant to a voluntary
1888 placement agreement, or removal of a child or youth pursuant to
1889 section 17a-101g or an order issued by a court of competent
1890 jurisdiction, whichever is earlier, the commissioner shall file a motion
1891 for review of a permanency plan if the child or youth has not reached
1892 his or her eighteenth birthday. Nine months after a permanency plan
1893 has been approved by the court pursuant to this subsection or
1894 subdivision (5) of subsection (j) of this section, the commissioner shall
1895 file a motion for review of the permanency plan. Any party seeking to
1896 oppose the commissioner's permanency plan, including a relative of a
1897 child or youth by blood or marriage who has intervened pursuant to
1898 subsection (d) of this section and is licensed as a foster parent for such
1899 child or youth or is vested with such child's or youth's temporary
1900 custody by order of the court, shall file a motion in opposition not later
1901 than thirty days after the filing of the commissioner's motion for
1902 review of the permanency plan, which motion shall include the reason
1903 therefor. A permanency hearing on any motion for review of the
1904 permanency plan shall be held not later than ninety days after the
1905 filing of such motion. The court shall hold evidentiary hearings in
1906 connection with any contested motion for review of the permanency
1907 plan and credible hearsay evidence regarding any party's compliance
1908 with specific steps ordered by the court shall be admissible at such
1909 evidentiary hearings. The commissioner shall have the burden of
1910 proving that the proposed permanency plan is in the best interests of
1911 the child or youth. After the initial permanency hearing, subsequent
1912 permanency hearings shall be held not less frequently than every
1913 twelve months while the child or youth remains in the custody of the
1914 Commissioner of Children and Families or, if the youth is over
1915 eighteen years of age, while the youth remains in voluntary placement
1916 with the department. The court shall provide notice to the child or
1917 youth, the parent or guardian of such child or youth, and any

1918 intervenor of the time and place of the court hearing on any such
1919 motion not less than fourteen days prior to such hearing.

1920 (B) (i) If a child is at least twelve years of age, the child's
1921 permanency plan, and any revision to such plan, shall be developed in
1922 consultation with the child. In developing or revising such plan, the
1923 child may consult up to two individuals participating in the
1924 department's case plan regarding such child, neither of whom shall be
1925 the foster parent or caseworker of such child. One individual so
1926 selected by such child may be designated as the child's advisor for
1927 purposes of developing or revising the permanency plan. Regardless
1928 of the child's age, the commissioner shall provide not less than five
1929 days' advance written notice of any permanency team meeting
1930 concerning the child's permanency plan to an attorney or guardian ad
1931 litem appointed to represent the child pursuant to subsection (c) of this
1932 section.

1933 (ii) If a child is at least twelve years of age, the commissioner shall
1934 notify the parent or guardian, foster parent and child of any
1935 administrative case review regarding such child's commitment not less
1936 than five days prior to such review and shall make a reasonable effort
1937 to schedule such review at a time and location that allows the parent or
1938 guardian, foster parent and child to attend.

1939 (iii) If a child is at least twelve years of age, such child shall,
1940 whenever possible, identify not more than three adults with whom
1941 such child has a significant relationship and who may serve as a
1942 permanency resource. The identity of such adults shall be recorded in
1943 the case plan of such child.

1944 (iv) Not later than January 1, 2016, and annually thereafter, the
1945 commissioner shall submit a report, in accordance with the provisions
1946 of section 11-4a, to the joint standing committees of the General
1947 Assembly having cognizance of matters relating to children and the
1948 judiciary, on the number of case plans in which children have
1949 identified adults with whom they have a significant relationship and
1950 who may serve as a permanency resource.

1951 (2) At a permanency hearing held in accordance with the provisions
1952 of subdivision (1) of this subsection, the court shall approve a
1953 permanency plan that is in the best interests of the child or youth and
1954 takes into consideration the child's or youth's need for permanency.
1955 The child's or youth's health and safety shall be of paramount concern
1956 in formulating such plan. Such permanency plan may include the goal
1957 of (A) revocation of commitment and reunification of the child or
1958 youth with the parent or guardian, with or without protective
1959 supervision; (B) transfer of guardianship or permanent legal
1960 guardianship; (C) filing of termination of parental rights and adoption;
1961 or (D) for a child sixteen years of age or older, another planned
1962 permanent living arrangement ordered by the court, provided the
1963 Commissioner of Children and Families has documented a compelling
1964 reason why it would not be in the best interests of the child or youth
1965 for the permanency plan to include the goals in subparagraphs (A) to
1966 (C), inclusive, of this subdivision. Such other planned permanent
1967 living arrangement shall, whenever possible, include an adult who has
1968 a significant relationship with the child, and who is willing to be a
1969 permanency resource, and may include, but not be limited to,
1970 placement of a youth in an independent living program or long term
1971 foster care with an identified foster parent.

1972 (3) When a parent or guardian has been incarcerated, has
1973 maintained a meaningful role in the child or youth's life as evaluated
1974 under the provisions of subsection (c) of section 17a-111a, as amended
1975 by this act, and it is in the best interests of the child or youth, the court
1976 shall consider a permanency plan that allows such parent or guardian
1977 to maintain a relationship with the child or youth, including, but not
1978 limited to, transfer of guardianship or permanent legal guardianship.

1979 [(3)] (4) If the permanency plan for a child sixteen years of age or
1980 older includes the goal of another planned permanent living
1981 arrangement pursuant to subparagraph (D) of subdivision (2) of this
1982 subsection or subdivision (3) of subsection (c) of section 17a-111b, the
1983 department shall document for the court: (A) The manner and
1984 frequency of efforts made by the department to return the child home

1985 or to secure placement for the child with a fit and willing relative, legal
1986 guardian or adoptive parent; and (B) the steps the department has
1987 taken to ensure (i) the child's foster family home or child care
1988 institution is following a reasonable and prudent parent standard, as
1989 defined in section 17a-114d; and (ii) the child has regular opportunities
1990 to engage in age appropriate and developmentally appropriate
1991 activities, as defined in section 17a-114d.

1992 [(4)] (5) At a permanency hearing held in accordance with the
1993 provisions of subdivision (1) of this subsection, the court shall (A) (i)
1994 ask the child or youth about his or her desired permanency outcome,
1995 or (ii) if the child or youth is unavailable to appear at such hearing,
1996 require the attorney for the child or youth to consult with the child or
1997 youth regarding the child's or youth's desired permanency outcome
1998 and report the same to the court, (B) review the status of the child or
1999 youth, (C) review the progress being made to implement the
2000 permanency plan, (D) determine a timetable for attaining the
2001 permanency plan, (E) determine the services to be provided to the
2002 parent [if the court approves a permanency plan of reunification] and
2003 the timetable for such services, including any services available to and
2004 reasonably accessible by an incarcerated parent of such child or youth
2005 at the facility where such parent is confined, and (F) determine
2006 whether the commissioner has made reasonable efforts to achieve the
2007 permanency plan. As part of any consideration made under this
2008 subdivision, if a parent is incarcerated, the court shall consider (i) the
2009 services available to and reasonably accessible by the parent at the
2010 facility where the parent is confined, and (ii) visitation provided for the
2011 parent and child or youth, unless such visitation is not in the best
2012 interests of such child or youth. The court may revoke commitment if a
2013 cause for commitment no longer exists and it is in the best interests of
2014 the child or youth.

2015 [(5)] (6) If the permanency plan for a child sixteen years of age or
2016 older includes the goal of another planned permanent living
2017 arrangement pursuant to subparagraph (D) of subdivision (2) of this
2018 subsection, the court shall (A) (i) ask the child about his or her desired

2019 permanency outcome, or (ii) if the child is unavailable to appear at a
2020 permanency hearing held in accordance with the provisions of
2021 subdivision (1) of this subsection, require the attorney for the child to
2022 consult with the child regarding the child's desired permanency
2023 outcome and report the same to the court; (B) make a judicial
2024 determination that, as of the date of hearing, another planned
2025 permanent living arrangement is the best permanency plan for the
2026 child; and (C) document the compelling reasons why it is not in the
2027 best interest of the child to return home or to be placed with a fit and
2028 willing relative, legal guardian or adoptive parent.

2029 [(6)] (7) If the court approves the permanency plan of adoption: (A)
2030 The Commissioner of Children and Families shall file a petition for
2031 termination of parental rights not later than sixty days after such
2032 approval if such petition has not previously been filed; (B) the
2033 commissioner may conduct a thorough adoption assessment and
2034 child-specific recruitment; and (C) the court may order that the child
2035 be photo-listed within thirty days if the court determines that such
2036 photo-listing is in the best interests of the child or youth. As used in
2037 this subdivision, "thorough adoption assessment" means conducting
2038 and documenting face-to-face interviews with the child or youth,
2039 foster care providers and other significant parties and "child specific
2040 recruitment" means recruiting an adoptive placement targeted to meet
2041 the individual needs of the specific child or youth, including, but not
2042 limited to, use of the media, use of photo-listing services and any other
2043 in-state or out-of-state resources that may be used to meet the specific
2044 needs of the child or youth, unless there are extenuating circumstances
2045 that indicate that such efforts are not in the best interests of the child or
2046 youth.

2047 (l) The Commissioner of Children and Families shall pay directly to
2048 the person or persons furnishing goods or services determined by said
2049 commissioner to be necessary for the care and maintenance of such
2050 child or youth the reasonable expense thereof, payment to be made at
2051 intervals determined by said commissioner; and the Comptroller shall
2052 draw his or her order on the Treasurer, from time to time, for such part

2053 of the appropriation for care of committed children or youths as may
2054 be needed in order to enable the commissioner to make such
2055 payments. The commissioner shall include in the department's annual
2056 budget a sum estimated to be sufficient to carry out the provisions of
2057 this section. Notwithstanding that any such child or youth has income
2058 or estate, the commissioner may pay the cost of care and maintenance
2059 of such child or youth. The commissioner may bill to and collect from
2060 the person in charge of the estate of any child or youth aided under
2061 this chapter, or the payee of such child's or youth's income, the total
2062 amount expended for care of such child or youth or such portion
2063 thereof as any such estate or payee is able to reimburse, provided the
2064 commissioner shall not collect from such estate or payee any
2065 reimbursement for the cost of care or other expenditures made on
2066 behalf of such child or youth from (1) the proceeds of any cause of
2067 action received by such child or youth; (2) any lottery proceeds due to
2068 such child or youth; (3) any inheritance due to such child or youth; (4)
2069 any payment due to such child or youth from a trust other than a trust
2070 created pursuant to 42 USC 1396p, as amended from time to time; or
2071 (5) the decedent estate of such child or youth.

2072 (m) The commissioner, a parent or the child's attorney may file a
2073 motion to revoke a commitment, and, upon finding that cause for
2074 commitment no longer exists, and that such revocation is in the best
2075 interests of such child or youth, the court may revoke the commitment
2076 of such child or youth. No such motion shall be filed more often than
2077 once every six months.

2078 (n) If the court has ordered legal guardianship of a child or youth to
2079 be vested in a suitable and worthy person pursuant to subsection (j) of
2080 this section, the child's or youth's parent or former legal guardian may
2081 file a motion to reinstate guardianship of the child or youth in such
2082 parent or former legal guardian. Upon the filing of such a motion, the
2083 court may order the Commissioner of Children and Families to
2084 investigate the home conditions and needs of the child or youth and
2085 the home conditions of the person seeking reinstatement of
2086 guardianship, and to make a recommendation to the court. A party to

2087 a motion for reinstatement of guardianship shall not be entitled to
2088 court-appointed counsel or representation by Division of Public
2089 Defender Services assigned counsel, except as provided in section 46b-
2090 136. Upon finding that the cause for the removal of guardianship no
2091 longer exists, and that reinstatement is in the best interests of the child
2092 or youth, the court may reinstate the guardianship of the parent or the
2093 former legal guardian. No such motion may be filed more often than
2094 once every six months.

2095 (o) Upon service on the parent, guardian or other person having
2096 control of the child or youth of any order issued by the court pursuant
2097 to the provisions of subsections (b) and (j) of this section, the child or
2098 youth concerned shall be surrendered to the person serving the order
2099 who shall forthwith deliver the child or youth to the person, agency,
2100 department or institution awarded custody in the order. Upon refusal
2101 of the parent, guardian or other person having control of the child or
2102 youth to surrender the child or youth as provided in the order, the
2103 court may cause a warrant to be issued charging the parent, guardian
2104 or other person having control of the child or youth with contempt of
2105 court. If the person arrested is found in contempt of court, the court
2106 may order such person confined until the person complies with the
2107 order, but for not more than six months, or may fine such person not
2108 more than five hundred dollars, or both.

2109 (p) A foster parent, prospective adoptive parent or relative caregiver
2110 shall receive notice and have the right to be heard for the purposes of
2111 this section in Superior Court in any proceeding concerning a foster
2112 child living with such foster parent, prospective adoptive parent or
2113 relative caregiver. A foster parent, prospective adoptive parent or
2114 relative caregiver who has cared for a child or youth shall have the
2115 right to be heard and comment on the best interests of such child or
2116 youth in any proceeding under this section which is brought not more
2117 than one year after the last day the foster parent, prospective adoptive
2118 parent or relative caregiver provided such care.

2119 (q) Upon motion of any sibling of any child committed to the

2120 Department of Children and Families pursuant to this section, such
2121 sibling shall have the right to be heard concerning visitation with, and
2122 placement of, any such child. In awarding any visitation or modifying
2123 any placement, the court shall be guided by the best interests of all
2124 siblings affected by such determination.

2125 (r) The provisions of section 17a-152, regarding placement of a child
2126 from another state, and section 17a-175, regarding the Interstate
2127 Compact on the Placement of Children, shall apply to placements
2128 pursuant to this section. In any proceeding under this section
2129 involving the placement of a child or youth in another state where the
2130 provisions of section 17a-175 are applicable, the court shall, before
2131 ordering or approving such placement, state for the record the court's
2132 finding concerning compliance with the provisions of section 17a-175.
2133 The court's statement shall include, but not be limited to: (1) A finding
2134 that the state has received notice in writing from the receiving state, in
2135 accordance with subsection (d) of Article III of section 17a-175,
2136 indicating that the proposed placement does not appear contrary to the
2137 interests of the child, (2) the court has reviewed such notice, (3)
2138 whether or not an interstate compact study or other home study has
2139 been completed by the receiving state, and (4) if such a study has been
2140 completed, whether the conclusions reached by the receiving state as a
2141 result of such study support the placement.

2142 (s) In any proceeding under this section, the Department of
2143 Children and Families shall provide notice to each attorney of record
2144 for each party involved in the proceeding when the department seeks
2145 to transfer a child or youth in its care, custody or control to an out-of-
2146 state placement.

2147 (t) If a child or youth is placed into out-of-home care by the
2148 Commissioner of Children and Families pursuant to this section, the
2149 commissioner shall include in any report the commissioner submits to
2150 the court information regarding (1) the safety and suitability of such
2151 child or youth's placement, taking into account the requirements set
2152 forth in section 17a-114; (2) such child or youth's medical, dental,

2153 developmental, educational and treatment needs; and (3) a timeline for
2154 ensuring that such needs are met. Such information shall also be
2155 submitted to the court (A) not later than ninety days after such child or
2156 youth is placed into out-of-home care; (B) if such child or youth's out-
2157 of-home placement changes; and (C) if the commissioner files a
2158 permanency plan on behalf of such child or youth. The court shall
2159 consider such information in making decisions regarding such child or
2160 youth's well-being.

2161 Sec. 24. Section 17a-15 of the general statutes is repealed and the
2162 following is substituted in lieu thereof (*Effective October 1, 2019*):

2163 (a) The commissioner shall prepare and maintain a written case plan
2164 for care, treatment and permanent placement of every child under the
2165 commissioner's supervision, which shall include, but not be limited to,
2166 a diagnosis of the problems of each child, the proposed plan of
2167 treatment services and temporary placement and a goal for permanent
2168 placement of the child, which may include reunification with the
2169 parent, transfer of guardianship, adoption or, for a child sixteen years
2170 of age or older, another planned permanent living arrangement. The
2171 child's health and safety shall be the paramount concern in
2172 formulating the plan. If the parent is incarcerated, the proposed plan of
2173 treatment services shall include the use of services available to and
2174 reasonably accessible by the parent at the facility where the parent is
2175 confined, and provide for visitation with the child or youth, unless
2176 such visitation is not in the best interests of such child or youth.

2177 (b) The commissioner shall at least every six months, review the
2178 written case plan of each child under the commissioner's supervision
2179 for the purpose of determining whether such plan is appropriate and
2180 make any appropriate modifications to such plan. If the child is
2181 represented by an attorney or guardian ad litem, the commissioner
2182 shall notify the child's attorney or guardian ad litem in writing not less
2183 than twenty-one days prior to the date of any administrative meeting
2184 to review the plan. If a parent is unable to participate in person in such
2185 review because such parent is incarcerated at the time of the review,

2186 such parent may participate through the use of telecommunication or
2187 video communication services.

2188 (c) Any child or the parent or guardian of such child aggrieved by
2189 any provision of a plan prepared under subsection (a) of this section,
2190 or by the commissioner's decision upon review under subsection (b) of
2191 this section, or any child or the parent or guardian of such child
2192 aggrieved by a refusal of any other service from the commissioner to
2193 which the child is entitled, shall be provided a hearing within thirty
2194 days following a written request for the same directed to the
2195 commissioner.

2196 (d) Upon motion of any sibling of any child committed to the
2197 Department of Children and Families pursuant to section 46b-129, as
2198 amended by this act, in any pending hearing held pursuant to
2199 subsection (c) of this section, such sibling shall have the right to be
2200 heard concerning visitation with, and placement of, any such child.

2201 (e) Any hearing held pursuant to a request made under subsection
2202 (c) or (d) of this section shall be conducted as a contested case in
2203 accordance with chapter 54 provided: (1) A final decision shall be
2204 rendered within fifteen days following the close of evidence and filing
2205 of briefs; and (2) any appeal of a decision pursuant to section 4-183
2206 shall be to the district of the superior court for juvenile matters, where
2207 the child is located, as established in section 46b-142.

2208 Sec. 25. Section 51-195 of the general statutes is repealed and the
2209 following is substituted in lieu thereof (*Effective October 1, 2019*):

2210 Any person sentenced on one or more counts of an information to a
2211 term of imprisonment for which the total sentence of all such counts
2212 amounts to confinement for three years or more, may, within thirty
2213 days from the date such sentence was imposed or if the offender
2214 received a suspended sentence with a maximum confinement of three
2215 years or more, within thirty days of revocation of such suspended
2216 sentence, except in any case in which a different sentence could not
2217 have been imposed or in any case in which the sentence or

2218 commitment imposed resulted from the court's acceptance of a plea
2219 agreement, [or] in any case in which the sentence imposed was for a
2220 lesser term than was proposed in a plea agreement, or, if the plea
2221 agreement provides that the term of imprisonment will not exceed an
2222 agreed upon maximum term but provides that the person sentenced
2223 may request a term of imprisonment lower than the agreed upon
2224 maximum term, file with the clerk of the court for the judicial district
2225 in which the judgment was rendered an application for review of the
2226 sentence by the review division. Upon imposition of sentence or at the
2227 time of revocation of such suspended sentence, the clerk shall give
2228 written notice to the person sentenced of his right to make such a
2229 request. Such notice shall include a statement that review of the
2230 sentence may result in decrease or increase of the term within the
2231 limits fixed by law. A form for making such application shall
2232 accompany the notice. The clerk shall forthwith transmit such
2233 application to the review division and shall notify the judge who
2234 imposed the sentence. Such judge may transmit to the review division
2235 a statement of his reasons for imposing the sentence, and shall transmit
2236 such a statement within seven days if requested to do so by the review
2237 division. The filing of an application for review shall not stay the
2238 execution of the sentence.

2239 Sec. 26. Section 53a-39 of the general statutes is repealed and the
2240 following is substituted in lieu thereof (*Effective October 1, 2019*):

2241 (a) At any time during the period of a [definite] sentence in which a
2242 defendant has been sentenced to an executed period of incarceration of
2243 three years or less, the sentencing court or judge may, after hearing
2244 and for good cause shown, reduce the sentence, order the defendant
2245 discharged, or order the defendant discharged on probation or
2246 conditional discharge for a period not to exceed that to which the
2247 defendant could have been originally sentenced.

2248 (b) At any time during the period of a [definite] sentence in which a
2249 defendant has been sentenced to an executed period of incarceration of
2250 more than three years, upon agreement of the defendant and the state's

2251 attorney to seek review of the sentence, the sentencing court or judge
 2252 may, after hearing and for good cause shown, reduce the sentence,
 2253 order the defendant discharged, or order the defendant discharged on
 2254 probation or conditional discharge for a period not to exceed that to
 2255 which the defendant could have been originally sentenced.

2256 (c) The provisions of this section shall not apply to any portion of a
 2257 sentence imposed that is a mandatory minimum sentence for an
 2258 offense which may not be suspended or reduced by the court.

2259 (d) At a hearing held by the sentencing court or judge under this
 2260 section, such court or judge shall permit any victim of the crime to
 2261 appear before the court or judge for the purpose of making a statement
 2262 for the record concerning whether or not the sentence of the defendant
 2263 should be reduced, the defendant should be discharged or the
 2264 defendant should be discharged on probation or conditional discharge
 2265 pursuant to subsection (a) or (b) of this section. In lieu of such
 2266 appearance, the victim may submit a written statement to the court or
 2267 judge and the court or judge shall make such statement a part of the
 2268 record at the hearing. For the purposes of this subsection, "victim"
 2269 means the victim, the legal representative of the victim or a member of
 2270 the deceased victim's immediate family.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	54-250
Sec. 2	<i>October 1, 2019</i>	New section
Sec. 3	<i>October 1, 2019</i>	New section
Sec. 4	<i>October 1, 2019</i>	New section
Sec. 5	<i>October 1, 2019</i>	New section
Sec. 6	<i>October 1, 2019</i>	New section
Sec. 7	<i>July 1, 2020</i>	54-251
Sec. 8	<i>July 1, 2020</i>	54-252
Sec. 9	<i>July 1, 2020</i>	54-253
Sec. 10	<i>July 1, 2020</i>	54-254
Sec. 11	<i>July 1, 2020</i>	54-255
Sec. 12	<i>October 1, 2019</i>	54-256

Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>July 1, 2020</i>	54-257
Sec. 15	<i>October 1, 2019</i>	54-258
Sec. 16	<i>October 1, 2019</i>	54-260b
Sec. 17	<i>October 1, 2019</i>	New section
Sec. 18	<i>October 1, 2019</i>	New section
Sec. 19	<i>October 1, 2019</i>	New section
Sec. 20	<i>October 1, 2019</i>	New section
Sec. 21	<i>October 1, 2019</i>	17a-111a
Sec. 22	<i>October 1, 2019</i>	17a-112(k)
Sec. 23	<i>October 1, 2019</i>	46b-129
Sec. 24	<i>October 1, 2019</i>	17a-15
Sec. 25	<i>October 1, 2019</i>	51-195
Sec. 26	<i>October 1, 2019</i>	53a-39

Statement of Legislative Commissioners:

The title was changed for accuracy. In Section 2, subsections (j) to (n), inclusive, were rewritten for clarity; in Sections 3 to 6, inclusive, and 13, the effective date of the section was embedded in the substantive provisions as "On and after July 1, 2020," and the effective date was made the default effective date for conformity with the bill; in Section 4(a), internal references were corrected for accuracy; in Section 6(a)(2), the Subpara. designations were adjusted for accuracy; in Section 19, internal references were corrected for accuracy and in Section 21(c), clause designators were added for clarity.

JUD *Joint Favorable Subst. -LCO*

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 20 \$	FY 21 \$
Children & Families, Dept.	GF - Cost	See Below	See Below
Department of Emergency Services and Public Protection	GF - Cost	Up to 150,000	Up to 150,000
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.	GF - Cost	170,658	178,770
State Comptroller - Fringe Benefits ¹	GF - Cost	60,751	64,093

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in various fiscal impacts to the State in FY 20 and FY 21, discussed below.

Section 2 of the bill, which creates a Sexual Offender Registration Board within the Department of Correction, results in salary and fringe benefit costs to the State of \$231,409 in FY 20 and \$242,862 in FY 21. The board will consist of a part-time chairperson, eight per diem board members, and an executive director.

The bill also requires the Department of Emergency Services and Public Protection (DESPP) to create and maintain a new sex offender

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

registry that is accessible only to law enforcement. Currently, the agency spends approximately \$150,000 annually on licensing and maintenance fees related to the existing public sex offender registry. It is expected that the agency will need to modify their existing agreement with the third party vendor that oversees the registry to comply with the provisions of the bill, resulting in a cost of up to \$150,000 annually.

Similar to current law with regards to the public sex offender registry, the bill makes violation of the law enforcement registry a class D felony. To the extent that new violators are convicted, the bill results in a potential cost for incarceration or probation supervision and potential fine revenue. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800² while the average marginal cost for supervision in the community is less than \$700³ each year.

Sections 21 and 22 require the Department of Children and Families (DCF), in Termination of Parental Rights (TPR) cases, to provide to the courts assessments of incarcerated parents' maintenance of a meaningful role in their children's lives. It is unknown, on average, how many DCF TPR petitions involve incarcerated parents annually. Therefore, the cost to DCF from parent meaningful role assessments is indeterminate. An average cost per assessment is estimated at \$3,000.

Section 24 requires DCF, when incarcerated parents have been assessed as having maintained a meaningful role in their children's lives, to provide for visitation of the parents with their children. It is unknown how many incarcerated parents will be deemed as such. Therefore, the cost to DCF from increased parental visitation is

²Inmate 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.

³Probation 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.

indeterminate. The average visit to an incarcerated parent takes 2.5 hours of Social Worker time and there is typically one visit provided each month. Assuming three additional visits to an incarcerated parent every month under the bill (weekly visitation), each parent will be provided with 36 more visits each fiscal year. The hourly, average Social Worker rate is \$36.67/hour (\$91.68 per visit).

It is anticipated that DESPP can comply with the enforcement and notification provisions under the bill within existing resources and staff, as they already have similar requirements under current law.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1113*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO THE SEXUAL OFFENDER REGISTRY, PETITIONS TO TERMINATE PARENTAL RIGHTS OF INCARCERATED PARENTS AND SENTENCE REVIEW AND SENTENCE MODIFICATION.*****SUMMARY**

This bill enacts the Sentencing Commission's recommendations for the sexual offender registry, parental rights of incarcerated parents, and sentence reviews and modifications.

Regarding the reform of the sexual offender registry (§§ 1-20), the bill:

1. creates a new "law enforcement agency registry," designates the current registry as the "public registry," and establishes new registration requirements for sexual offenders required to register on or after July 1, 2020;
2. establishes a nine-member Sexual Offender Registration Board whose members are appointed to placement panels that, starting July 1, 2020, must use a validated actuarial risk assessment instrument to place sex offenders on the appropriate registry generally based on their risk of reoffending (i.e., lowest-level, moderate-level, and highest-level risk classifications);
3. creates processes that allow certain (a) persons to petition the court for exemption from the registration requirements of the law enforcement agency registry, (b) registrants on the public registry to petition the board to be moved to the law enforcement agency registry, and (c) registrants on the existing sexual offender registry (e.g., those convicted of a sexual offense

prior to January 1, 1998) to petition the court for removal from the registry; and

4. establishes related reporting requirements for the judicial branch, Sexual Offender Registration Board, and Sentencing Commission.

The bill generally maintains the existing sexual offender registration requirements for registrants who, before July 1, 2020, were convicted, or acquitted by reason of mental disease or defect of a (1) criminal offense against a victim who is a minor, (2) nonviolent sexual offense, (3) sexually violent offense, or (4) felony the court found was committed for a sexual purpose.

Regarding petitions to terminate the parental rights of incarcerated parents, the bill generally (1) establishes factors the Department of Children and Families (DCF) may consider when determining whether filing such a petition is in the child's best interest and (2) requires the court to consider whether the parent has maintained a meaningful role in the child's life (§§ 21-24).

The bill also generally makes an inmate ineligible to apply for a sentence review or receive a modification if the sentence was a result of certain types of plea deals (§§ 25 & 26).

Lastly, the bill makes technical and conforming changes, including to the existing sexual offender registration statutes (§§ 7-12 & 14-16).

EFFECTIVE DATE: October 1, 2019, except the (1) provision requiring the Department of Emergency Services and Public Protection (DESPP) to establish the law enforcement agency registry is effective upon passage and (2) conforming changes to the existing sexual offender registry are effective July 1, 2020.

§§ 1 & 2 — SEXUAL OFFENDER REGISTRATION BOARD

The bill establishes a nine-member Sexual Offender Registration Board ("the board") within the Department of Correction, for

administrative purposes only. The governor must appoint all board members, including the chair person. Members serve part-time.

Qualifications

The chairperson of the board must be qualified by education, experience, or training in sexual offender management, supervision, or treatment, and may sit in place of any board member during hearings. The chairperson, or in the chairperson's absence, a member the chairperson designates, must be present at all board meetings.

As shown in Table 1, the remaining eight members must have expertise in one of three related areas; the chief court administrator must recommend six of the eight members.

Table 1: Board Members' Expertise

<i>Minimum Number of Members</i>	<i>Expertise</i>	<i>Recommended by Chief Court Administrator</i>
Two	Substantial experience in providing sexual assault victims with victim advocacy services	No
Three	At least five years of experience in the assessment of sexual offenders and meet the criteria for clinical membership in an organization in the state that (1) provides evaluations and treatment to persons with problem sexual behaviors or (2) is dedicated to preventing sexual abuse	Yes
Three	At least five years of experience in sexual offender management and supervision and who have received training in evidence-based supervision of sexual offenders	Yes

Terms and Vacancies

Members' terms are coterminous with that of the governor, or until he chooses a successor, whichever is later. The governor must fill any board vacancy for the unexpired portion of the term. If any member, other than the chairperson, is temporarily unable to perform his or her duties, the governor, at the board's request, may appoint a qualified person to serve as a temporary member during such period.

Executive Director

Under the bill, the board chairperson must appoint an executive director to oversee the board's administration.

At the discretion of the chairperson, the executive director must:

1. direct and supervise all of the board's administrative affairs;
2. prepare the agency's (i.e., the board's) budget and annual operation plan;
3. assign staff to perform administrative reviews;
4. organize hearing calendars;
5. implement a uniform case filing and processing system; and
6. create programs for staff and board member development, training, and education.

Compensation

The bill requires the administrative services commissioner to determine the compensation for the executive director and all board members. Board members must be compensated on a per diem basis and reimbursed for necessary expenses incurred while performing their duties.

Annual Budget and Report

The bill requires the board's chairperson to:

1. adopt an annual budget and plan of operation,
2. adopt rules as deemed necessary for the board's internal affairs, and
3. submit an annual report to the governor and the General Assembly. (The bill does not establish the requirements of this annual report.)

§§ 1–2 & 20 — PLACEMENT PANELS AND PLACEMENT PROCEDURES

Under the bill, the Sexual Offender Registration Board chairperson must appoint board members to placement panels. Each panel must have at least three members, including one from each area of expertise described above.

Authority

The bill generally requires placement panels to determine whether people convicted of a sexual offense on or after July 1, 2020:

1. must register on the public registry or the law enforcement agency registry, and for how long the offender must maintain the registration, or
2. may be reclassified from the public registry to the law enforcement agency registry, or from the law enforcement agency registry to the public registry.

(The bill does not establish a timeline for placement panels to conduct the risk assessments and make placement determinations (see COMMENT).)

Actuarial Risk Assessment and Sexual Offender Risk Classification

The bill requires placement panels to assess sexual offenders and determine whether they are lowest-risk, moderate-risk, or highest-risk offenders. Under the bill, a “sexual offender” is a person convicted of a sexual offense; a “sexual offense” means any criminal offense against a victim who is a minor, felony committed for a sexual purpose, nonviolent sexual offense, or sexually violent offense.

Under the bill, this three-tier risk classification is based on an individualized actuarial risk assessment as follows:

1. "lowest-risk offender" means an offender who has been assessed and determined by a placement panel to pose a low risk to reoffend sexually or violently,

2. "moderate-risk offender" means an offender who has been assessed and determined by a placement panel to pose a moderate risk to reoffend sexually or violently, and
3. "highest-risk offender" means an offender who has been assessed and determined by a placement panel to pose a high risk to reoffend sexually or violently.

In making lowest- or highest-risk classifications, the board must use scoring from validated actuarial risk assessment instruments. (It is unclear how a risk assessment instrument is validated.) The panel may override the risk classification based on other factors not otherwise considered as part of such assessment, including the nature and circumstance of the sexual offense, any other aggravating or mitigating factors, and the impact to the victim, if known, and to the community. (For the assessment of moderate risk offenders see below under "Placement on Registry of Moderate Risk Offender.")

The bill establishes a presumption that a sexual offender whose results are (1) low on the actuarial risk assessment must be required to register on the law enforcement agency registry or (2) high on the actuarial risk assessment must be required to register on the public registry.

(The bill does not indicate how placement panels will obtain the necessary offender-specific information when conducting the individualized risk assessment.)

Placement on Registry of Lowest-Risk Offender

Placement panels must direct lowest-risk offenders, based on the actuarial risk assessment, to register on the law enforcement agency registry and to maintain such registration for 10 years from the date of such person's release into the community.

Placement on Registry of Moderate-Risk Offender

Placement panels must direct moderate-risk offenders, based on the actuarial risk assessment, to register on either the (1) public registry

and maintain the registration for life or (2) law enforcement agency registry and maintain the registration for 20 years from their date of release into the community.

For each sexual offender whose assessment resulted in a score that is a moderate risk, the placement panel must determine placement on the appropriate registry by considering the actuarial risk assessment and certain additional factors. Specifically, the panel must further assess the offender's risk using a set of evidence-based criteria and a structured decision-making tool, determined and developed by the board. The decision-making tool must take into account the factors relevant to determining whether a moderate-risk offender would be best placed on the public registry or the law enforcement agency registry. (The bill does not establish a deadline by which the board must develop the decision-making tool.)

In the case of a moderate-risk offender, there may be no presumption of assignment to either the public registry for life or to the law enforcement agency registry for 20 years.

Placement on Registry of Highest-Risk Offender

Placement panels must direct highest-risk offenders, based on the actuarial risk assessment, to register on the public registry and maintain such registration for life.

Placement Appeal and Hearing

Under the bill, a placement panel's decision to place an offender on the law enforcement agency registry may not be appealed. A decision to place an offender on the public registry may be appealed by requesting a hearing before the board. (The bill does not establish a window of time within which such an appeal must be made.)

The bill requires the board to adopt policies and procedures, in accordance with the Uniform Administrative Procedure Act, concerning placement hearings.

Victim Notification

Under the bill the board must notify each known victim of a sexual offender about any determination concerning the offender to be made by the board or a placement panel. The victim may provide input before the board or panel, as appropriate, makes a determination. The board or panel must consider the victim's input in making its decision. (Presumably the victim will communicate with the board through the Office of Victim Services (OVS), the Department of Correction's (DOC) Victim Services Unit (VSU), or both.)

The bill requires the board to seek to expand the notification provided to victims through the judicial branch's CT SAVIN victim notification service to include sex offender supervision classification and sexual offender registry status. ("CT SAVIN" is Connecticut's Statewide Automated Victim Information and Notification system.) (§ 20)

§§ 1, 3 & 13 — THE LAW ENFORCEMENT AGENCY REGISTRY

The bill establishes a new private sexual offender registry called the "law enforcement agency registry," which DESPP must establish and maintain. It specifies that this registry is not a public document and must be released only to law enforcement agencies, unless otherwise allowed under specific circumstances (e.g., to victims). (The bill appears to have a conflicting provision in § 12 that requires DESPP to make such registrants' information available to the public (see COMMENT).)

Registration Requirements

Registration Period. The bill requires anyone directed by the board or one of its panels, on or after July 1, 2020, to register on the law enforcement agency registry to do so (1) within three days after release into the community or (2) if the person is in the custody of DOC, before release as directed by the commissioner.

The bill requires registrants on the law enforcement agency registry to maintain their registration for 10 years from the date of their release into the community, unless otherwise directed by the:

1. board or a placement panel to maintain the registration for 20 years or
2. court's decision on an application for exemption from registration (see § 5 below), or by the board's decision on an application to be moved from the public registry to the law enforcement registry (see § 6 below).

Under current law, sexual offender registration is conviction-based rather than risk-based. The categories of offenses that require registration and the registration periods under current law are follows:

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

Under current law, the court may also impose registration for 10 years for a felony the court finds was committed for a sexual purpose.

Registry Information. Under the bill, anyone ordered to register on the law enforcement agency registry, whether or not living in the state, must register certain information with the DESPP commissioner. Specifically, they must register their name; identifying factors (e.g., finger prints); criminal history record; residential address; and email and instant message addresses, or other similar Internet communication identifier, if any. The bill requires the commissioner to provide the forms and locations for the registrants to do so.

Guilty Plea or Nolo Contendere. Before accepting a guilty plea or nolo contendere from a person with respect to a sexual offense, the bill requires the court to (1) inform the person that the entry of a guilty finding after the plea acceptance will subject the person to the requirements of the law enforcement agency or public registries and

(2) determine that the person fully understands the plea's consequences.

Name or Address Changes. The bill requires registrants to notify DESPP, in writing and without undue delay, of changes to their name, address, email address, instant message address, or any other similar Internet communication identifier.

Under the bill, a registrant whose new address is in another state must also register with an appropriate agency in that state, provided that other state has a registration requirement for such offenders. A registrant must also notify the DESPP commissioner when he or she establishes a new electronic mail address, instant message address, or other similar Internet communication identifier. (Presumably this must be done without undue delay.)

Certain Employees or Students. Under the bill, a registrant who works, carries on a vocation, or is a student at a trade or professional institution or an institution of higher learning in the state, must, without undue delay, notify the DESPP commissioner of such status and of any change in such status.

A person who is employed in another state, carries on a vocation in another state, or is a student in another state must, without undue delay, notify the DESPP commissioner and also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders.

Address Verification and Victim Notification

The bill requires DESPP, in cooperation with the Office of the Chief Court Administrator, DOC, and the Psychiatric Security Review Board, to develop appropriate forms for use by agencies and individuals to report registration information, including address changes. It requires registrants to (1) verify their residential address by completing and returning the forms that are mailed to them and (2) submit to retaking a photographic image, upon the DESPP commissioner's request.

The bill also requires the commissioner to notify a registrant's known victims of the registrant's residential address and any changes to such address.

Violations

As under current law, failure to register, or to update information as required for five business days, is a class D felony, punishable by up to five years in prison, a fine up to \$5,000, or both.

The bill allows a probation or parole officer or a state's attorney to ask the board to have a registrant on the law enforcement agency registry moved to the public registry because of the registrant's failure to meet parole or probation conditions or because of new criminal activity. The board or a placement panel must review each such request and issue a determination as to which registry the registrant must register.

DESPP's Authority and Responsibilities Regarding the Law Enforcement Agency Registry

The bill requires DESPP, by July 1, 2020, to establish and maintain the law enforcement agency registry. Except for victim notification, the registry is not a public document and may only be released to law enforcement agencies.

Enter Information and Notify Law Enforcement. Upon receiving registration information, DESPP must enter it into the registry and notify the local police department or state police troop with jurisdiction where the registrant resides or plans to reside.

If a registrant notifies DESPP that he or she works, carries on a vocation, or is a student at a trade or professional institution or institution of higher learning in the state, the department must notify the law enforcement agency that has jurisdiction over such institution.

Suspend or Reinstate Registration. DESPP may suspend a registrant's registration on the law enforcement agency registry while he or she is incarcerated, under civil commitment, or residing outside

the state. During the suspension period, the department is not required to verify the registrant's address and may withdraw the registration information from public access. (Since the bill deems the law enforcement agency registry nonpublic, it is unclear what "withdrawal from public access" means. If it limits victims' access, it may conflict with the provision requiring victim notification.)

Upon a registrant's release from incarceration or civil commitment, or when he or she resumes living in the state, the department must reinstate the registration, redistribute the registration information to the appropriate local police department or state police troop, and resume address verification. A registrant suspension does not affect the expiration date of the registrant's registration obligation.

Address Verification. Except when registration has been suspended as described above, DESPP must verify registrants' addresses by mailing a nonforwardable verification form to their last reported address. DESPP must verify an address (1) annually for anyone who has to maintain the registration for 10 years or (2) semiannually for anyone who has to maintain the registration for 20 years. DESPP may not verify the address of a registrant whose last reported address was out of state.

The address-verification form must require the registrant to (1) sign a statement that he or she still resides at the last reported address and (2) return the form by mail within 10 days after the date when it was mailed to the registrant. The form must also contain a statement indicating that failing to return it or providing false information is a violation of the law enforcement agency registry requirements.

Notify Law Enforcement of Failure to Verify Address. In the event that a registrant fails to return the address verification form, DESPP must notify the local police department or the state police troop having jurisdiction over the registrant's last reported address. That agency may apply for a warrant to be issued for the registrant's arrest.

Include Registrant's Photograph. The bill requires DESPP to

include in the registry the most recent photographic image of each registrant taken by DESPP, DOC, a law enforcement agency, or the judicial branch's Court Support Services Division (CSSD). It also requires DESPP to retake the photographic image at least once every five years.

Update Registry When The Court Orders a Registrant's Name Change. Existing law requires Superior and probate courts to notify DESPP when they issue orders allowing people required to register as sex offenders to change their names. The bill also requires the DESPP commissioner, after receiving such a notice from superior or probate court and determining that the person is a registrant, to revise the registrant's registration information accordingly.

Develop Notification Protocol. The bill requires the DESPP commissioner to develop a protocol for notifying other state agencies, the Judicial Department, and local police departments whenever (1) a registrant changes his or her name and so notifies the commissioner or (2) the commissioner determines that a registrant has changed his or her name (i.e., through the Superior Court or probate court).

§§ 1, 4 & 14 — THE PUBLIC REGISTRY

The bill designates the current sexual offender registry as the public registry and establishes new requirements for offenders who are required to register on or after July 1, 2020. Many of the bill's registration requirements for the public registry are substantially similar to the registration requirements under (1) current law, for the current sexual offender registry and (2) the bill, for the law enforcement agency registry. (The bill specifically applies a narrow definition to the term "public registry" (§§ 1 & 4) yet applies the term broadly to the current registry in the conforming provisions (e.g., § 14).)

New Registration Requirements

Under the bill, sexual offenders who are required to register on or after July 1, 2020 are placed on the public registry based on the Sexual

Offender Registration Board's individualized risk assessment (i.e., the placement is risk-based). Under current law, placement on the registry is based on the category of crime for which a sex offender has been convicted (i.e., the placement is conviction-based).

The bill maintains current law's registration requirements for registrants required to register before July 1, 2020. For registrants required to register on the public registry on or after July 1, 2020, the bill maintains many of the current requirements but establishes a new registration period. It also establishes (1) an opportunity for registrants on the public registry to be transferred to the law enforcement registry and (2) related notification requirements.

Registration Period. The bill requires a registrant on the public registry to maintain registration for life or as otherwise directed by the board after considering an application from the registrant to be moved to the law enforcement agency registry.

Under current law, the required registration period is based on the offense as follows:

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

Under current law, the court may also impose registration for 10 years for a felony the court finds was committed for a sexual purpose.

Petition to Move to the Law Enforcement Agency Registry. The bill allows a registrant, 10 years after being placed on the public registry, to petition the board to be moved to the law enforcement agency registry for 20 years. Any offender petitioning for a change in registration requirements must be in compliance with the registry at

the time of the request. The bill also allows a probation or parole officer or a state's attorney to make a recommendation at the time of the petition regarding an offender who is or has been under probation or parole supervision. The board must review each petition and any evidence supporting or opposing it and issue its determination.

Notice to OVS, VSU, and Victims of Application. The bill requires anyone who files an application with the board to be moved to the law enforcement agency registry to notify OVS and VSU. As is required under existing law when a sexual offender seeks release, the bill requires OVS, VSU, or both units to notify any victim who has requested notification that the registrant has filed an application to transfer to the law enforcement agency register. The bill requires the board, before granting or denying the application, to consider any information or statement provided by a victim.

Requirements Similar to Law Enforcement Agency Registry Requirements

Except as described above, the registration requirements for registrants placed on the public register under the bill are substantially similar to registration requirements under current law and under the bill for the law enforcement agency registry. As is the case with the law enforcement agency registry and current law, generally, registrants placed on the public registry by a placement panel must register within three days of release or as directed by the DOC commissioner and must be:

1. required to register their name, identifying factors (including a photograph and fingerprints), criminal history record, residential address, and email and instant message addresses and other similar Internet communication identifiers;
2. required to report changes to their information (such as name or address changes);
3. subject to a class D felony for failure to comply with the registration requirements;

4. informed by the court of the consequences of certain plea deals;
5. subject to address verification and the retaking of photographs;
and
6. subject to the notification provisions that apply to victims and certain students and employees.

DESPP's In-Person Verification of All Registrants on the Public Registry

The bill requires that the public registry cover current registrants as well as those placed on the public registry on or after July 1, 2020. It requires DESPP to annually verify, in person, all registrants' reported addresses. DESPP or a municipal police department may conduct the in-person verification.

By law, unchanged by the bill, in the event that a registrant on the public registry fails to return the address verification form, DESPP must notify the local police department or the state police troop having jurisdiction over the registrant's last reported address. Current law requires the agency to apply for a warrant to be issued for the registrant's arrest. The bill allows, rather than requires, the agency to do so.

§ 5 — EXEMPTION FROM THE LAW ENFORCEMENT AGENCY REGISTRY REQUIREMENTS

The bill establishes a process by which certain registrants, on or after July 1, 2020, may apply to the Superior Court for a registration exemption.

Eligibility Criteria

The bill allows the lowest-risk offenders subject to a 10-year registration period to apply to the court for an exemption from the registration requirements of the law enforcement agency registry. It allows the court to grant the exemption if it finds that the person has been compliant with the registration requirements for at least five years.

The bill allows moderate-risk offenders subject to a 20-year registration period to apply to the court for an exemption from the registration requirements of the law enforcement agency registry. It allows the court to grant the exemption if it finds that the person has been compliant with the registration requirements for at least 10 years.

The bill prohibits certain registrants from applying for a registration exemption. Specifically, a sex offender may not apply if he or she has been convicted of a:

1. felony offense during the five-year period before applying,
2. class A misdemeanor offense during the three-year period before applying, or
3. misdemeanor offense during the one-year period before applying.

Court Procedures

Before the hearing on the application for exemption from registration, the court must notify the Office of the Chief Public Defender, the appropriate state's attorney, DOC's VSU, the victim advocate, and OVS of the registrant's hearing date. The Office of the Chief Public Defender must assign counsel for such registrant if he or she is indigent.

The court must order a risk assessment of the registrant, unless the requirement is waived for good cause. The court may refer such application to the Sexual Offender Registration Board for a risk assessment and recommendation concerning such person's application for exemption.

As part of the hearing, the court must permit:

1. the registrant to make a statement on his or her behalf,
2. the registrant's attorney and the state's attorney to present evidence, and

3. any victim of the crime or crimes to make a statement or to submit a written statement which the court must consider before granting or denying the application.

Removal from Registry

The court may order an applicant's removal from the law enforcement registry if it believes that removal (1) will assist the applicant in reintegration into the community and (2) is consistent with public safety.

The court must consider the nature of the offense and the applicant's conduct since the commission of the sexual offense causing him or her to register, including:

1. the applicant's history of sex offender or behavioral health treatment;
2. the results of any relevant actuarial risk assessments and evaluations by behavioral health professionals;
3. the applicant's employment and education history;
4. the applicant's compliance with (a) the terms of parole and probation and (b) registry requirements; and
5. any other factors bearing on the applicant's reintegration into the community.

Under the bill, the applicant must have the burden of proof by a preponderance of the evidence.

If the court orders an offender removed from the registry, the court must notify DESPP; CSSD, if applicable; OVS; the Parole and Community Services Division, if applicable; VSU; and the local police department or the state police troop with jurisdiction over the applicant's residence address.

Opportunity to Appeal or Reapply

Under the bill, the applicant and the state's attorney must have the right to appeal the court's decision, which must be subject to review for abuse of discretion. If the court denies the application, the applicant may reapply ten years after such denial. An applicant may request and the court may consider an earlier period for reapplication for good cause shown.

Current Registrants: Application for Removal

The bill allows certain registrants on the current sexual offender registry to apply to the court for exemption from current law's registration requirement. The bill specifies that an application for removal from the current registry is subject to its application requirements for exemption from the law enforcement agency registry.

Generally, this authorization applies to sexual offenders convicted (1) prior to January 1, 1998, of a sexual offense (i.e., before the current registry was established) or (2) on or after January 1, 1998, of a sexual offense and required to maintain a registration because the registration period increased due to changes in the law following conviction.

§ 6 — TRANSFER FROM THE PUBLIC REGISTRY TO THE LAW ENFORCEMENT REGISTRY

The bill establishes a process by which, beginning July 1, 2020, certain registrants required to register under current law may petition the Sexual Offender Registration Board for transfer from the public registry to the law enforcement agency registry, as outlined below. However, it prohibits any such offender who is moved to the law enforcement agency registry from applying for exemption from those registration requirements. The bill does not establish standards for the board's review of these petitions (see COMMENT).

Eligibility Criteria

Under the bill, sexual offenders required to register on the public registry may petition the board to be moved to the law enforcement registry if they:

1. have been compliant with the registration requirements for a

period of at least (a) five years, in the case of a person required to maintain such registration for 10 years, or (b) 10 years, in the case of a person required to maintain such registration for life; and

2. are not eligible to petition the court to be moved from the law enforcement agency registry.

The bill specifies that the petition is subject to the same criteria as an application for exemption from the law enforcement agency registry requirements. If the board grants the petition, the petitioner must register on the law enforcement agency registry and maintain that registration for the same period of time that remained on the public registry.

§§ 17-19 — REPORTING REQUIREMENTS

Judicial Branch’s Annual Report

The bill requires the Judicial Branch, in collaboration with DESPP, to report annually to the Judiciary Committee on certain sexual offense data. (The bill does not establish a deadline for this report.)

The report must provide the following:

1. number of sexual assault cases presented in the Superior Court; details on any initial charge, plea, conviction, and sentence; and information indicating whether the defendant was a registrant at the time of the offense, and
2. registry data pertaining to any such sexual offense conviction and registration terms.

Sexual Offender Registration Board’s Preparedness Report

The bill requires the board to report to the Judiciary Committee on how prepared it is to begin by July 1, 2020, the classifications, processing, and other registry-related requirements of the bill. The board must report by February 1, 2020.

Sentencing Commission’s Implementation Report

It also requires the Sentencing Commission, by January 1, 2021, to report to the Judiciary Committee on the implementation of the bill's sexual offender registry-related requirements. The commission may consult with the Connecticut Alliance to End Sexual Violence or any similar entity and DESPP in developing this report.

§§ 21-24 — PARENTAL RIGHTS OF INCARCERATED PARENTS

Parental Rights of a Child in DCF's Custody for 15 Months

Best Interest of the Child. By law, with some exceptions, DCF must petition the court to terminate parental rights under certain conditions (e.g., when a child has been in the department's custody for at least 15 consecutive months, or at least 15 months during the 22 months, immediately preceding the filing of such petition). Under existing law, the commissioner is not required to file such a petition if there is compelling reason to believe that doing so is not in the child's best interest.

The bill establishes factors DCF may consider in determining whether there is a compelling reason to believe that a petition to terminate the parental rights of an incarcerated parent is not in the best interests of the child. Under the bill such factors may include:

1. the parent's maintenance of a meaningful role in the child's life (see below);
2. the parent's incarceration is the primary reason why the child has been in foster care for at least 15 consecutive months, or at least 15 months during the 22 months, immediately preceding the filing of the petition; and
3. other than such incarceration, there is no other applicable ground for filing the petition.

Meaningful Role in the Child's Life. Under the bill, the commissioner's assessment of whether an incarcerated parent maintains a meaningful role in the child's life may include consideration of the following factors:

1. the parent's expressions or acts of concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;
2. the parent's efforts to (a) communicate and work with the commissioner or other individuals for the purpose of complying with the department's written case plan for the care, treatment, and permanent placement of the child and (b) repair, maintain, or build the relationship between the parent and child;
3. a positive response by the parent to the commissioner's reasonable efforts;
4. information provided by individuals or agencies in a reasonable position to assist the commissioner in making such an assessment, including the parent's attorney, DOC personnel, mental health care providers, or other individuals providing the parent services;
5. limitations on the parent's ability to access family support programs, therapeutic services, child visitation opportunities, and telephone and mail services;
6. the parent's (a) inability to participate in case plan review meetings and (b) difficulty participating meaningfully in court proceedings concerning such child; and
7. whether the continued involvement of the parent in the child's life is in the child's best interests.

Parental Rights of a Neglected or Abused Child

Ex Parte Order (Temporary Placement). By law, when an allegation of child abuse or neglect has been made and there is reasonable cause to believe the allegations, the court may issue an ex parte order (i.e., prior to a preliminary hearing) vesting the child's or youth's temporary care and custody in a relative of the child, some other person, or a suitable agency. The law requires DCF to

investigate any such person and to give primary consideration to placing the child or youth in the town where he or she lives.

Under existing law, if DCF places the child or youth outside of the town where he or she lives, the department must file a written explanation with the court of the reasons for doing so. The bill requires DCF to include in its filing the use of any services available to and reasonably accessible by an incarcerated parent or guardian at the facility where such parent or guardian is confined.

Interim Orders. By law, the court holds a preliminary hearing so that it can, among other things, make any interim orders that the court determines are in the child's or youth's best interests, including visitation orders. The court, after such a hearing, must order specific steps that the commissioner and the parent or guardian must take for the parent or guardian to regain or retain custody of the child or youth. The bill specifies that this must include the use of any services available to and reasonably accessible by the child's or youth's incarcerated parent or guardian at the facility where the parent or guardian is confined.

Permanency Plan. By law, within a specified time period after the placement of a child or youth in the DCF commissioner's care and custody, depending on the child's age, the commissioner must file a motion for review of a permanency plan by the court.

Under existing law, the court must approve the permanency plan if, among other things, it is in the child's or youth's best interest and takes into consideration his or her need for permanency. Under the bill, when an incarcerated parent or guardian has maintained a meaningful role in the child's or youth's life as evaluated under the conditions described earlier, and it is in the best interests of the child or youth, the court must consider a permanency plan that allows such parent or guardian to maintain a relationship with the child or youth, including transfer of guardianship or permanent legal guardianship.

Permanency Hearing. Under current law, at a permanency

hearing, among other things, the court must determine the services to be provided to the parent if the court approves a permanency plan of reunification and the timetable for such services. Under the bill, such services must include any services available to and reasonably accessible by the child's or youth's incarcerated parent at the facility where such parent is confined, regardless of whether the court approves a permanency plan of reunification.

Under the bill, if a parent is incarcerated, the court must consider (1) the services available to and reasonably accessible by the parent at the facility where the parent is confined and (2) visitation provided for the parent and child or youth, unless such visitation is not in the best interests of the child or youth.

Court's Written Findings. In cases of neglect and abuse, existing law authorizes the DCF commissioner, an attorney who represented the child in a pending or prior proceeding, an attorney appointed by the Superior Court on its own motion, or an attorney retained by the child upon attaining age 14, to petition the court for termination of parental rights. In deciding whether to terminate parental rights in abuse and neglect cases, the court must consider several factors and make written findings, regarding things such as (1) the feelings or emotional ties of the child with his or her parents or guardian, (2) the child's age, and (3) the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of someone else, or by the parent's economic circumstances.

In a case where the parent is incarcerated, the bill requires the court to also consider and make written findings regarding:

1. whether the parent has maintained a meaningful role in the child's life as evaluated under the conditions outlined above and
2. any delays or barriers that the parent may have experienced in keeping DCF apprised of his or her location and in accessing visitation or other contact with the child.

Treatment and Permanent Placement Plan

Plan of Treatment Services. By law, the DCF commissioner must prepare and maintain a written case plan for the treatment and placement of each child in her custody. Under existing law, such a plan must include a diagnosis of the child's problems, proposed treatment services and temporary placement, and a goal of permanent placement. Under the bill, if the parent is incarcerated, the proposed plan of treatment services must (1) include the use of services available to and reasonably accessible by the parent at the facility where the parent is confined and (2) provide for visitation with the child or youth, unless visitation is not in the child's or youth's best interests.

Plan Review. The law requires the commissioner to, among other things, (1) review the case plan every six months to determine its appropriateness and (2) inform the child's attorney or guardian ad litem, if any, of the review meeting at least 21 days prior to the meeting. Under the bill, if a parent is unable to participate in the review meeting because he or she is incarcerated at the time of the review, he or she may participate through telephone or video services. (The bill does not establish how the incarcerated parent will be informed of the meeting and by whom.)

§§ 25 & 26 — SENTENCE REVIEW AND MODIFICATION**Sentence Review**

By law, with some exceptions, a person may apply for sentence review if he or she (1) was sentenced to a term of imprisonment for which the total sentence of all counts of an information, amounts to confinement for three years or more or (2) received a suspended sentence with a maximum confinement of three years or more. An application for sentence review may be filed within 30 days after the date such sentence was imposed or such suspension was revoked, as applicable. The application must be filed with the clerk of the court for the judicial district in which the judgment was rendered, for sentence review by the review division.

Under current law, a person is ineligible for sentence review in a

case in which:

1. a different sentence could not have been imposed,
2. the sentence or commitment imposed resulted from the court's acceptance of a plea agreement, or
3. the sentence imposed was for a lesser term than was proposed in a plea agreement.

The bill expands the cases under which a person is ineligible for sentence review to include cases in which the plea agreement provides that the term of imprisonment will not exceed an agreed upon maximum term but provides that the person sentenced may request a term of imprisonment lower than the agreed upon maximum term (e.g., by arguing to the trial court).

In doing so, the bill overturns the Connecticut Supreme Court's decision in *State of Connecticut v. Byron Anderson* (see BACKGROUND).

Sentence Modification

Court on its Own Motion. The bill expands the types of sentences the court may modify on its own motion. Under current law, at any time during a period of a "definite sentence" of three years or less, the court on its own motion may, after a hearing and for good cause shown, reduce the sentence or discharge the defendant with or without conditions. (The bill does not define "definite sentence." Presumably, it is the executed period of incarceration plus any period of suspended incarceration.) The bill instead allows the court to do so during the period of a sentence in which the defendant has been sentenced to an executed period of incarceration (i.e., actual incarceration) of three years or less.

Defendant and State's Attorney Seek Review. The bill correspondingly changes the threshold for sentences that require the state's attorney to agree to sentence modification. Under current law, at any time during the period of a definite sentence of more than three

years, upon agreement of the defendant and the state's attorney to seek sentence review, the sentencing court or judge may, after a hearing and for good cause shown, reduce the sentence or discharge the defendant with or without conditions. The bill instead allows the court to do so during the period of a sentence in which the defendant has been sentenced to an executed period of incarceration of more than three years.

BACKGROUND

Related Case

In *State of Connecticut v. Byron Anderson*, the Connecticut Supreme Court held that a defendant who agreed to plead guilty in consideration of the state's promise to recommend a sentence below the statutory maximum, while reserving the right to argue for lesser sentence, did not enter into "plea agreement" that would preclude judicial review of the sentence (*State of Connecticut v. Byron Anderson*, 220 Conn. 400 (1991)).

COMMENTS

Timeline for Risk Assessment and Registry Placement

In § 2, the bill requires the placement panels to complete offenders' risk assessments and placement decisions. However, it does not establish a timeline for the panels to do so. Also, the bill requires registrants to register within a specified time period after release, subjecting violators to a class D felony. This creates potential time gaps between placement decisions and actual registration. The bill does not address how any such occurrence should be resolved.

Non-Public Registry

Under §§ 3 & 13, the bill deems the law enforcement agency registry a non-public registry. However, it contains a conflicting provision in § 12 where the bill requires the court to provide information on registrants from the law enforcement registry to DESPP to be made available to the public through the internet. Additionally, in practice, court orders requiring a person to register as sexual offenders are public records.

Reviews of Transfer Petitions or Recommendations

Under § 6, the bill does not establish (1) a standard for the board's review of transfer petitions or recommendations or (2) whether the risk assessment tool must be used for such reclassifications. It also does not specify what factors the board or panel must consider, whether written findings must be made, or whether the board's or the panel's decision must be unanimous or by majority or is subject to review.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 26 Nay 12 (04/08/2019)