



General Assembly

January Session, 2019

Committee Bill No. 5363

LCO No. 5440



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT CONCERNING AN ONLINE REGISTRY FOR CONVICTED MURDERERS.

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) For the purposes of
2 this section, sections 2 to 6, inclusive, of this act and sections 45a-99
3 and 52-11 of the general statutes, as amended by this act:

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

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

11 (3) "Crime involving murder" means a violation of section 53a-54a,
12 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a of the general statutes or a
13 violation of any predecessor statute to any of said offenses the essential
14 elements of which are substantially the same as said offense;

15 (4) "Department" means the Department of Emergency Services and
16 Public Protection;

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

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

25 (7) "Registrant" means a person required to register under section 3
26 of this act;

27 (8) "Registry" means the registry established in section 2 of this act;
28 and

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

46 Psychiatric Security Review Board pursuant to section 17a-588 of the
47 general statutes or release upon termination of commitment to the
48 Psychiatric Security Review Board.

49 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) The department shall, not
50 later than January 1, 2020, establish and maintain a registry of all
51 persons required to register under section 3 of this act as a person
52 convicted or found not guilty by reason of mental disease or defect of a
53 crime involving murder. The department shall, in cooperation with the
54 Office of the Chief Court Administrator, the Department of Correction
55 and the Psychiatric Security Review Board, develop appropriate forms
56 for use by agencies and individuals to report registration information,
57 including changes of residence address or electronic mail address.
58 Upon receipt of registration information, the department shall enter
59 the information into the registry and notify the local police department
60 or state police troop having jurisdiction where the registrant resides or
61 plans to reside. Upon receiving notification pursuant to subsection (a)
62 of section 3 of this act that a registrant has changed his or her residence
63 or electronic mail address, the department shall enter the information
64 into the registry and, when the registrant changes his or her residence
65 address, notify the local police departments or state police troops
66 having jurisdiction where the registrant previously resided and the
67 jurisdiction where the registrant has relocated. The commissioner shall
68 also ensure that the name and residence address of each registrant is
69 available through the Connecticut on-line law enforcement
70 communication teleprocessing system maintained by the department.
71 If a registrant reports a residence in another state, the department may
72 notify the state police agency of that state or such other agency in that
73 state that maintains registry information, if known.

74 (b) The department may suspend the registration of any person
75 registered under section 3 of this act while such person is incarcerated,
76 under civil commitment or residing outside this state. During the
77 period that such registration is under suspension, the department may
78 withdraw the registration information from access to law enforcement

79 agencies and such person shall not be required to verify and update
80 his or her registration pursuant to subsection (b) of section 3 of this act.
81 Upon the release of the registrant from incarceration or civil
82 commitment or resumption of residency in this state by the registrant,
83 the department shall reinstate the registration and redistribute the
84 registration information in accordance with subsection (a) of this
85 section. Suspension of registration shall not affect the date of
86 expiration of the registration obligation of the registrant under
87 subsection (a) of section 3 of this act.

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

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

99 (e) The commissioner shall develop a protocol for the notification of
100 other state agencies, the Judicial Department and local police
101 departments whenever a person listed in the registry changes such
102 person's name and notifies the commissioner of the new name
103 pursuant to subdivision (3) of subsection (a) of section 3 of this act or
104 whenever the commissioner determines pursuant to subsection (d) of
105 this section that a person listed in the registry has changed such
106 person's name.

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

111 (2) Notwithstanding the provisions of subdivision (1) of this
112 subsection, a registrant's electronic mail address shall not be a public
113 record, except that the department may release such address for law
114 enforcement or security purposes in accordance with regulations
115 adopted by the department. The department shall adopt regulations in
116 accordance with chapter 54 of the general statutes to specify the
117 circumstances under which and the persons to whom such addresses
118 may be released, including, but not limited to, providers of electronic
119 communication service or remote computing service, as those terms
120 are defined in section 54-260b of the general statutes, and operators of
121 Internet web sites, and the procedure therefor.

122 (g) Neither the state nor any political subdivision of the state nor
123 any officer or employee thereof shall be held civilly liable to any
124 registrant by reason of disclosure of any information regarding the
125 registrant that is released or disclosed in accordance with subsection (f)
126 of this section.

127 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) (1) Any person who has
128 been convicted or found not guilty by reason of mental disease or
129 defect of a crime involving murder and is released into the community
130 on or after January 1, 2020, shall, within fourteen calendar days
131 following such release or, if such person is in the custody of the
132 Commissioner of Correction, at such time prior to release as the
133 Commissioner of Correction shall direct, and whether or not such
134 person's place of residence is in this state, register with the
135 Commissioner of Emergency Services and Public Protection and
136 maintain such registration for life. Any person who establishes
137 residence in this state on or after January 1, 2020, and has been
138 convicted or found not guilty by reason of mental disease or defect in
139 any other state, in a federal or military court or in any foreign
140 jurisdiction of a crime the essential elements of which are substantially
141 the same as a crime involving murder shall, within fourteen calendar
142 days of residing in this state, register with the Commissioner of
143 Emergency Services and Public Protection and maintain such

144 registration for life. Registration shall include providing such person's
145 name, identifying factors, criminal history record, residence address
146 and electronic mail address to the Commissioner of Emergency
147 Services and Public Protection, on such forms and in such locations as
148 the Commissioner of Emergency Services and Public Protection shall
149 direct.

150 (2) Prior to accepting a plea of guilty or nolo contendere from a
151 person with respect to a crime involving murder, the court shall (A)
152 inform the person that the entry of a finding of guilty after acceptance
153 of the plea will subject the person to the registration requirements of
154 this section, and (B) determine that the person fully understands the
155 consequences of the plea.

156 (3) If any person who is subject to registration under this section
157 changes such person's name, such person shall, without undue delay,
158 notify the commissioner, in writing, of the new name. If any person
159 who is subject to registration under this section changes such person's
160 residence address or establishes or changes an electronic mail address,
161 such person shall, without undue delay, notify the commissioner in
162 writing of the new address. During such period of registration, each
163 registrant shall complete and return any forms mailed to such
164 registrant to verify such registrant's residence address and shall submit
165 to the retaking of a photographic image upon request of the
166 commissioner.

167 (b) Except during any period during which a person's registration is
168 suspended pursuant to subsection (b) of section 2 of this act, any
169 person convicted or found not guilty by reason of mental disease or
170 defect of a crime involving murder who is required to register under
171 this section shall, not later than twenty calendar days after each
172 anniversary date of such initial registration, personally appear at the
173 local police department or state police troop having jurisdiction where
174 the registrant resides to verify and update, as appropriate, the contents
175 of his or her registration. The local police department or state police

176 troop, as the case may be, may defer such requirement to personally
177 appear to a later date for good cause shown. Not later than thirty
178 calendar days prior to such anniversary date, the department shall
179 mail written notice of the personal appearance requirement of this
180 subsection to the registrant and the local police department or state
181 police troop having jurisdiction where the registrant resides. Not later
182 than thirty calendar days after the anniversary date of each registrant,
183 the local police department or state police troop having jurisdiction
184 where the registrant resides shall notify the commissioner, on such
185 form as the commissioner may prescribe, (1) whether the registrant
186 complied with the personal appearance requirement of this subsection
187 or whether such personal appearance requirement was deferred to a
188 later date for good cause shown, and (2) if the personal appearance
189 requirement was deferred to a later date for good cause shown, the
190 local police department or state police troop shall indicate the later
191 date established for such personal appearance and describe the good
192 cause shown.

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

199 Sec. 4. (NEW) (*Effective October 1, 2019*) (a) The registration
200 information for each registrant shall include:

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

204 (2) Identifying information, including a physical description of the
205 registrant;

206 (3) The current residence address of the registrant;

- 207 (4) The date of conviction of the registrant;
- 208 (5) A description of the offense; and
- 209 (6) If the registrant was sentenced to a term of incarceration for such
210 offense, a portion of which was not suspended, the date the registrant
211 was released from such incarceration.

212 (b) The registrant shall sign and date the registration.

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

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

219 Sec. 5. (NEW) (*Effective October 1, 2019*) (a) Any court, the
220 Commissioner of Correction or the Psychiatric Security Review Board,
221 prior to releasing into the community any person convicted or found
222 not guilty by reason of mental disease or defect of a crime involving
223 murder, except a person being released unconditionally at the
224 conclusion of such person's sentence or commitment, shall require as a
225 condition of such release that such person complete the registration
226 procedure established by the Commissioner of Emergency Services
227 and Public Protection under section 3 of this act. The court, the
228 Commissioner of Correction or the Psychiatric Security Review Board,
229 as the case may be, shall provide the person with a written summary
230 of the person's obligations under section 3 of this act, and transmit the
231 completed registration package to the Commissioner of Emergency
232 Services and Public Protection who shall enter the information into the
233 registry established under section 2 of this act. If a court transmits the
234 completed registration package to the Commissioner of Emergency
235 Services and Public Protection with respect to a person released by the
236 court, such package need not include identifying factors for such

237 person. In the case of a person being released unconditionally who
238 declines to complete the registration package through the court or the
239 releasing agency, the court or agency shall: (1) Except with respect to
240 information that is not available to the public pursuant to court order,
241 rule of court or any provision of the general statutes, provide to the
242 Commissioner of Emergency Services and Public Protection the
243 person's name, date of release into the community, anticipated
244 residence address, if known, and criminal history record, any
245 electronic mail address, if known, and any other relevant information;
246 (2) inform the person that (A) such person has an obligation to register
247 with the Commissioner of Emergency Services and Public Protection
248 for life, and (B) if such person changes such person's residence address
249 or establishes or changes an electronic mail address such person shall
250 within five days register the new address in writing with the
251 Commissioner of Emergency Services and Public Protection; (3)
252 provide the person with a written summary of the person's obligations
253 under section 3 of this act, as explained to the person under
254 subdivision (2) of this subsection; and (4) make a specific notation on
255 the record maintained by that agency with respect to such person that
256 the registration requirements were explained to such person and that
257 such person was provided with a written summary of such person's
258 obligations under section 3 of this act.

259 (b) Whenever a person is convicted or found not guilty by reason of
260 mental disease or defect of a crime involving murder that will require
261 such person to register under section 3 of this act, the court shall
262 provide to the Department of Emergency Services and Public
263 Protection a written summary of the offense that includes the age and
264 sex of any victim of the offense and a specific description of the
265 offense. Such summary shall be added to the registry information
266 made available to the public through the Internet.

267 Sec. 6. (NEW) (*Effective October 1, 2019*) Any agency of the state or
268 any political subdivision thereof that provides public access to
269 information contained in the registry shall post a warning that states:

270 "Any person who uses information in this registry to injure, harass or
271 commit a criminal act against any person included in the registry or
272 any other person is subject to criminal prosecution.". Such warning
273 shall be in a suitable size and location to ensure that it will be seen by
274 any person accessing registry information.

275 Sec. 7. Section 45a-99 of the general statutes is repealed and the
276 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

288 (b) (1) Any person who is required to register with the
289 Commissioner of Emergency Services and Public Protection as a sexual
290 offender, [or] as an offender convicted of committing a crime with a
291 deadly weapon or as an offender convicted of a crime involving
292 murder who files an application with the Court of Probate for a change
293 of name shall (A) prior to filing such application, notify the
294 Commissioner of Emergency Services and Public Protection, on such
295 form as the commissioner may prescribe, that the person intends to file
296 an application for a change of name, indicating the change of name
297 sought, and (B) include with such application a sworn statement that
298 such change of name is not being sought for the purpose of avoiding
299 the legal consequences of a criminal conviction, including, but not
300 limited to, a criminal conviction that requires such person to register as
301 a sexual offender, [or] as an offender convicted of committing a crime

302 with a deadly weapon or as an offender convicted of a crime involving
303 murder.

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

313 (c) Whenever the court, pursuant to this section, orders a change of
314 name of a person, the court shall notify the Commissioner of
315 Emergency Services and Public Protection of the issuance of such order
316 if the court finds that such person is listed in the registry established
317 and maintained pursuant to section 54-257, [or] in the registry
318 established and maintained pursuant to section 54-280, or in the
319 registry established and maintained pursuant to section 2 of this act.

320 Sec. 8. Section 52-11 of the general statutes is repealed and the
321 following is substituted in lieu thereof (*Effective October 1, 2019*):

322 (a) The superior court in each judicial district shall have jurisdiction
323 of complaints praying for a change of name, brought by any person
324 residing in the judicial district, and may change the name of the
325 complainant, who shall thereafter be known by the name prescribed by
326 said court in its decree, except that no superior court may issue an
327 order or otherwise allow for the change of name of a person who is
328 required to register with the Commissioner of Emergency Services and
329 Public Protection as a sexual offender, [or] as an offender convicted of
330 committing a crime with a deadly weapon or as an offender convicted
331 of a crime involving murder unless such person complies with the
332 requirements of subdivision (1) of subsection (b) of this section.

333 (b) (1) Any person who is required to register with the
334 Commissioner of Emergency Services and Public Protection as a sexual
335 offender, [or] as an offender convicted of committing a crime with a
336 deadly weapon, or as an offender convicted of a crime involving
337 murder who files an application with the Superior Court for a change
338 of name shall (A) prior to filing such application, notify the
339 Commissioner of Emergency Services and Public Protection, on such
340 form as the commissioner may prescribe, that the person intends to file
341 an application for a change of name, indicating the change of name
342 sought, and (B) include with such application a sworn statement that
343 such change of name is not being sought for the purpose of avoiding
344 the legal consequences of a criminal conviction, including, but not
345 limited to, a criminal conviction that requires such person to register as
346 a sexual offender, [or] as an offender convicted of committing a crime
347 with a deadly weapon or as an offender convicted of a crime involving
348 murder.

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

358 (c) Whenever the court, pursuant to this section, orders a change of
359 name of a person, the clerk of the court shall notify the Commissioner
360 of Emergency Services and Public Protection of the issuance of such
361 order if the clerk finds that such person is listed in the registry
362 established and maintained pursuant to section 54-257, [or] in the
363 registry established and maintained pursuant to section 54-280, or in
364 the registry established and maintained pursuant to section 2 of this
365 act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
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>October 1, 2019</i>	45a-99
Sec. 8	<i>October 1, 2019</i>	52-11

Statement of Purpose:

To establish an online registry of persons convicted of a crime involving murder.

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

Co-Sponsors: REP. KLARIDES, 114th Dist.

H.B. 5363