Bill No.: SB-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.

Vote Date: 4/8/2019
Vote Action: Joint Favorable
PH Date: 4/1/2019

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SPONSORS OF BILL:

Judiciary Committee
Sentencing Commission

REASONS FOR BILL:

There are many issues with several aspects of the criminal justice system in Connecticut. A minor offense can turn into a lifetime sentence when offenders may not be able to get proper housing or maintain gainful employment because they are forced to stay on the sexual offender registry for their entire life. There are also issues with the parental rights for incarcerated parents because parents, who spend a small amount of time in jail, could end up losing parental rights to their child. Defendants, who are sentenced to relatively short amounts of time, cannot appeal for a shortened sentence without an agreement with the prosecutor of their case. Many people who committed minor offenses and are low-risk for recidivism, are forced to sit in jail and clog up prisons, while it is very unlikely they are going to return to jail. This bill reforms many of the issues that plague our system like making it easier to get off of the public sexual offender registry, keeping parental rights for incarcerated parents, reducing sentences for minor offenses.

RESPONSE FROM ADMINISTRATION/AGENCY:

CT Sentencing Commission, Executive Director, Alex Tsarkov, and Chair, Judge Robert Devlin: Supports bill because of the many areas this bill reforms. For the sex offender registry reform section of the bill, they support the “move from a conviction-based registry to a risk-based registry”. The Sentencing Commission also supports the new proposal to give those incarcerated a better chance to reunite with their children instead of
putting the children in foster care. They also support the modification to the law that allows a defendant to seek a reduction in their sentence, without an agreement with the prosecutor, if the jail time is less than three years.

CT Judicial Branch: Supports Sentencing Commission’s mission, but has concerns about some details of the bill. The Judicial Branch believes the Office of Victim Services has the ability to “notify a victim when a person who was not incarcerated applies to be removed from the registry, because the victim was not eligible for notification. They also clarify, in Section 13 (the creation of the law enforcement agency registry), states that the registry will not be made public, but that the court order to register with the Psychiatric Security Review Board will be publicly available from court documents. They take issue with Section 17 because it requires the Judicial Branch to provide information “that the Judicial Branch does not have”.

CT State Victim Advocate, Natasha M. Pierre: Did not take position on bill, but wants addition of amendment that requires the Sexual Offender Registration Board to expand victim notification.

CT Department of Children and Families, Commissioner, Vannessa Dorantes: Questions the necessity of the addition of sections 21-24 because current CT law “requires the Department and the courts to consider several criteria before commencing a termination of parental rights action”.

CT Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo: Supports the reforms to the CT sexual offender registry and sentence review. Focuses testimony about the changes to procedures for the termination and their support for the changes because it would “clarify that the ‘lack of services’ exception to mandatory TPR petitions would include situations where an incarcerated parent did not have reasonable access to services available at the facility”.

NATURE AND SOURCES OF TESTIMONY:

Connecticut Legal Rights Project, Executive Director, Kathy Flaherty: Supports bill’s reforms to the sexual offender registry, specifically, “the creation of registry tiers” and “the creation of a system to enable people on the registry to petition for complete removal from the registry”.

ACLU-CT, Executive Director, David McGuire: Supports idea of bill, but cannot support bill in present form because people who were on the registry before 1999 cannot petition to be removed from the sexual offender registry. Would support bill with “an amendment allowing everyone on the Registry the opportunity to petition off of them”.

Norwich Human Services, Director, Lee-Ann Gomes: Supports bill because it is a “well thought out plan that provides protections to communities, before changing on which registry a person is placed” and it will “enhance, not detract from, public safety”.

One Standard of Justice, President, Cindy Prizio: Supports bill, but has a series of amendments to the bill including: members of SORB, maximum term on registry, changes to time on certain “tiers” of registry, penalty for failure of timely return of address verification,
risk determination, handler of appeals, pre-1999 conviction process, and time eligibility for petition.

CT Alliance to End Sexual Violence, Director of Policy and Public Relations, Lucy Nolan: Supports bill, but suggests amendment that will require the input of the group in a report about the implementation of such programs, in regards to the sexual offender registry processes.

New Haven Legal Association, Atty. Amy Eppler-Epstein: Supports bill because “Connecticut’s sex offender registry system is broken” and this bill would help to repair it. Shares many anecdotes about experiences that she has had with clients and the poor experiences they had, as a result of being on the sexual offender registry for longer than they should have been.

Civil Justice Clinic: Quinnipiac University School of Law, Professor of Law, Sarah French Russell: Supports bill because the bill would allow for a “system that permits law enforcement resources and public attention to focus on a more narrow set of higher-risk individuals while removing barriers to reintegration for those who pose a low risk”.

CT Criminal Defense Lawyers Association, Executive Board Member, Frank J. Riccio II: Focuses mainly on the sexual offender registry component of the bill, but supports it because it “sets up a mechanism for removal that is more reasonable and focuses upon public safety by looking at risk factors” and it “best meets the needs of enhancing public safety”.

CT Children with Incarcerated Parents Initiative, Program Manager, Aileen Keays: Supports bill because “it seeks to protect children from permanently losing their parent when that parent’s incarceration is the primary contributing factor to termination. The legislation also protects parent from losing their children when, due to incarceration, they are unable to participate meaningfully in the reunification plan”.

Member of Connecticut Sentencing Commission, Atty. Robert Farr: Testified in support of the sexual offender registry provisions. Supports reforms because it “makes major changes in the registry to make it more focused and useful. It will reduce risk to the public by moving from an offense-based registry to a risk-based registry”.

Hartford City Council Member, Larry Deutsch, MD, MPH: Supports bill, but suggests amendments that excludes defendants that are under 21 from having an agreement with the state’s attorney to review the sentence.

Andrew Osmun: Supports bill, with reservations, requests several changes including the removal of possibly being on the registry for life, for the highest risked individuals. He believes the appointment of victim advocates will doom the SORB from being impartial.

Colin Christman: Supports bill because it shifts the sex offender registry from a conviction-based registry to a risk-based registry.

Kaitlyn Labbie: Supports bill because it would make it easier for parents who are incarcerated to reunite with their kids, so the kids do not have to end up in foster care.
Alicia Sakal: Did not take a position on the bill, but wants more transparency in registry listings and wants mandatory public service announcements and examinations of residency.

Reported by: Logan Durant  
Date: April 16, 2019