

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-5199

AN ACT CONCERNING PROBATION PERIODS FOLLOWING CONVICTION

Title: FOR CERTAIN SEXUAL MISCONDUCT CRIMES AGAINST MINORS.

Vote Date: 3/10/2020

Vote Action: Joint Favorable Substitute

PH Date: 2/25/2020

File No.:

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SPONSORS OF BILL:

Committee on Children

REASONS FOR BILL:

The reason for this bill is to extend periods of probation following conviction for crimes mentioned against minors.

RESPONSE FROM ADMINISTRATION/AGENCY:

Steven Hernandez, Executive Director, Commission on Women, Children, Seniors, Equity, and Opportunity

This bill is supported. This agency supports policies that protect young people from exploitation. The level of scrutiny that an offender faces can vary based off of the crime at hand. For example, sex crimes against minors receive higher and longer levels of scrutiny, but necessary to keep perpetrators from re-offending.

Cheryl McDonald, CT Judicial Branch, External Affairs Division

The following changes were recommended for this bill. It is recommended that the phrase "if the minor victim is under 16 years of age" be added in line 9. By doing this, it will allow the clarification that probation is extended for felonies and not misdemeanors. Lastly, it is recommended that in line 10 there should be an adjustment in the language. The bill currently reads "is fifteen years of age and older," but it is recommended that it read "is under 18 years of age" to ensure consistency with other provisions.

NATURE AND SOURCES OF SUPPORT:

Lucy Nolan, Director of Policy and Public Relations, Connecticut Alliance to End Sexual Violence

This bill is supported. The agency's mission is to create communities free of sexual violence and to provide culturally affirming, trauma-informed advocacy, prevention, and intervention services centered on the voices of survivors. The following recommendations have been made for the bill. That part of 53a-73a, sexual assault in the fourth degree, be removed from the requirement of the no less than 10 years to no more than 35 years mandatory probation. The reasoning provided is that the agency generally agrees to longer probation periods for sex offenders; they are more likely to recidivate after a longer period of time and we must be careful to monitor high-risk offenders as the risk of danger is significant. The agency requests that section (a) (1) (A) (B) of the Connecticut statute 53a-73a be exempted, which includes sexual contact with a person who is under thirteen and the actor is more than two years older or the person is thirteen to fifteen and the actor is more than three years older. Research suggests that young sex offenders have a greater chance of not offending again if they get the proper therapy than adult offenders. It is recommended that prioritizing treatment and support through their formative years unless the court determines there is a need for more court supervision. The agency recommends that the committee remove subsection (1) (A) and (B) of 53a-73a from the mandatory consequences of a 10-35 year probation sentence from this legislation.

NATURE AND SOURCES OF OPPOSITION:

Cindy Prizio, One Standard of Justice, Inc.

This bill is opposed. Testimony comments on the recidivism rates of those in the Criminal Justice system. Two studies that were conducted by the Office of Policy and Management showed that the total number of arrests for new sex crimes a month offenders in the first 5 years after leaving prison was 55 in 5 years compared to non-offender released prisoner were still arrested for sexual offenses 488 times in 5 years. It is noted that actual sexual recidivism rates of individuals with a history of sexual crime is low and more are never convicted a second or more times of another sexual offense.

Kelly McConney Moore, American Civil Liberties Union of Connecticut

This bill is opposed on the preface that this bill does not have deterrent utility or make our society stronger or safer. This statute requires that certain offenses have a mandatory minimum probation period of ten years, with provisions for up to thirty-five years of probation. Since this probation enhancement was statutorily created in 1993, it has been updated to add more offenses and more severe punishments on numerous occasions. The ACLU-CT believes in reasonable probation periods that are backed by evidence. One in 63 Connecticut adults is under community supervision, subjecting them to potential job loss, disconnection from family, and housing instability. The excessively long probation period set forth in Section 53a-29(f) – up to thirty-five years – is not evidenced-based and will not make our communities or children safer. People are most likely to commit new offenses within two years of release. If a person goes seven years without committing a new offense, their likelihood of reoffending is the same as a person with no criminal record.

