

Senate, April 8, 1998. The Committee on Judiciary reported through SEN. WILLIAMS, 29th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS.

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

1 Section 1. (NEW) For the purposes of this
2 act:

3 (1) "Conviction" means a judgment entered by
4 a court upon a plea of guilty, a plea of nolo
5 contendere or a finding of guilty by a jury or the
6 court.

7 (2) "Criminal offense against a victim who is
8 a minor" means (A) a violation of subdivision (2)
9 of section 53-21, subdivision (2) of subsection
10 (a) of section 53a-70, subdivision (1), (4) or (8)
11 of subsection (a) of section 53a-71, subdivision
12 (2) of subsection (a) of section 53a-72a,
13 subparagraph (A) or (D) of subdivision (1) of
14 subsection (a) or subdivision (6) of subsection
15 (a) of section 53a-73a, subdivision (2) of
16 subsection (a) of section 53a-86, subdivision (2)
17 of subsection (a) of section 53a-87, section
18 53a-196a or 53a-196b, (B) a violation of section
19 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96
20 or 53a-186 of the general statutes, when, at time
21 of the offense, the victim is under eighteen years
22 of age, or (C) a violation of any of the offenses

23 specified in subparagraph (A) or (B) of this
24 subdivision for which a person is criminally
25 liable under section 53a-8, 53a-48 or 53a-49 of
26 the general statutes.

27 (3) "Identifying factors" means fingerprints,
28 photographs, and a description of any other
29 identifying characteristics as may be required by
30 the Commissioner of Public Safety. The
31 commissioner shall also require a sample of the
32 registrant's blood taken for DNA (deoxyribonucleic
33 acid) analysis, unless such sample has been
34 previously obtained in accordance with section
35 54-102g of the general statutes.

36 (4) "Mental abnormality" means a congenital
37 or acquired condition of a person that affects the
38 emotional or volitional capacity of the person in
39 a manner that predisposes that person to the
40 commission of criminal sexual acts to a degree
41 that makes the person a menace to the health and
42 safety of other persons.

43 (5) "Not guilty by reason of mental disease
44 or defect" means a finding by a court or jury of
45 not guilty by reason of mental disease or defect
46 pursuant to section 53a-13 of the general
47 statutes.

48 (6) "Personality disorder" means a condition
49 as defined in the most recent edition of the
50 Diagnostic and Statistical Manual of Mental
51 Disorders, published by the American Psychiatric
52 Association.

53 (7) "Registrant" means a person required to
54 register under section 2, 3, 4 or 5 of this act.

55 (8) "Registry" means a central record system
56 in this state or any other state that receives,
57 maintains and disseminates information on persons
58 convicted or found not guilty by reason of mental
59 disease or defect of criminal offenses against
60 victims who are minors, sexually violent offenses
61 and felonies found by the sentencing court to have
62 been committed for sexual purposes.

63 (9) "Release into the community" means, with
64 respect to a conviction or a finding of not guilty
65 by reason of mental disease or defect of a
66 criminal offense against a victim who is a minor,
67 a sexually violent offense or a felony found by
68 the sentencing court to have been committed for
69 sexual purposes, (A) a sentence of probation or
70 any other sentence under section 53a-28 of the

71 general statutes that does not result in the
72 offender's placement in the custody of the
73 Commissioner of Correction; (B) release from a
74 correctional facility at the discretion of the
75 Board of Parole, by the Department of Correction
76 to a program authorized by section 18-100c of the
77 general statutes or upon completion of the maximum
78 term or terms of the offender's sentence or
79 sentences, or to the supervision of the Office of
80 Adult Probation in accordance with the terms of
81 the offender's sentence; or (C) release from a
82 hospital for mental illness or a facility for
83 persons with mental retardation by the Psychiatric
84 Security Review Board on conditional release
85 pursuant to section 17a-588 of the general
86 statutes or upon termination of commitment to the
87 Psychiatric Security Review Board.

88 (10) "Sexually violent offense" means (A) a
89 violation of section 53a-70, except subdivision
90 (2) of subsection (a) of said section, 53a-70a,
91 53a-70b, 53a-71, except subdivision (1), (4) or
92 (8) of subsection (a) of said section, 53a-72a,
93 except subdivision (2) of subsection (a) of said
94 section, 53a-72b, or 53a-73a, except subparagraph
95 (A) or (D) of subdivision (1) of subsection (a) of
96 said section or subdivision (6) of subsection (a)
97 of said section, or of section 53a-92 or 53a-92a
98 of the general statutes, but only with respect to
99 offenses committed with intent to sexually violate
100 or abuse the victim, or (B) a violation of any of
101 the offenses specified in subparagraph (A) of this
102 subdivision for which a person is criminally
103 liable under section 53a-8, 53a-48 or 53a-49 of
104 the general statutes.

105 Sec. 2. (NEW) (a) Any person who has been
106 convicted or found not guilty by reason of mental
107 disease or defect of a criminal offense against a
108 victim who is a minor, and is released into the
109 community on or after October 1, 1998, shall,
110 within three days following such release, register
111 his name, identifying factors, criminal record and
112 residence address with the Commissioner of Public
113 Safety, on such forms and in such locations as the
114 commissioner shall direct, and shall maintain such
115 registration for ten years. If such person changes
116 his address he shall, within five days, register
117 the new address in writing with the Commissioner
118 of Public Safety, and, if he changes his address

119 to another state, he shall also register with an
120 appropriate law enforcement agency in the new
121 state, provided such state has a registration
122 requirement for such offenders. During such period
123 of registration, each registrant shall complete
124 and return forms mailed to him to verify his
125 residence address.

126 (b) Any person who violates the provisions of
127 this section shall be guilty of a class D felony.

128 Sec. 3. (NEW) (a) Any person who has been
129 convicted or found not guilty by reason of mental
130 disease or defect of a sexually violent offense,
131 and is released into the community on or after
132 October 1, 1988, shall, within three days
133 following such release or the effective date of
134 this act, whichever is later, register his name,
135 identifying factors, criminal record,
136 documentation of any treatment received for mental
137 abnormality or personality disorder, and residence
138 address with the Commissioner of Public Safety on
139 such forms and in such locations as said
140 commissioner shall direct, and shall maintain such
141 registration until released from this obligation
142 in accordance with section 7 of this act. If such
143 person changes his address he shall, within five
144 days, register the new address in writing with the
145 Commissioner of Public Safety, and, if he changes
146 his address to another state, he shall also
147 register with an appropriate law enforcement
148 agency in the new state, provided such state has a
149 registration requirement for such offenders.
150 During such period of registration, each
151 registrant shall complete and return forms mailed
152 to him to verify his residence address.

153 (b) Any person who has been subject to the
154 registration requirements of section 54-102r of
155 the general statutes, revised to January 1, 1997,
156 as amended by section 1 of public act 97-183,
157 shall, not later than three working days after the
158 effective date of this act, register under this
159 section and thereafter comply with the provisions
160 of this act.

161 (c) Notwithstanding the provisions of
162 subsections (a) and (b) of this section, during
163 the initial registration period following the
164 effective date of this act, the Commissioner of
165 Public Safety may phase in completion of the
166 registration procedure for persons released into

167 the community prior to said effective date over
168 the first three months following said effective
169 date, and no such person shall be prosecuted for
170 failure to register under this section during
171 those three months provided he complies with the
172 directives of said commissioner regarding
173 registration procedures.

174 (d) Any person who violates the provisions of
175 this section shall be guilty of a class D felony.

176 Sec. 4. (NEW) (a) Any person who has been
177 convicted or found not guilty by reason of mental
178 disease or defect in any other state, in a federal
179 or military court or in any foreign jurisdiction
180 of any crime, the essential elements of which are
181 substantially the same as any of the crimes
182 specified in subdivisions (2) and (10) of section
183 1 of this act and who establishes residence in
184 this state on and after the effective date of this
185 act, shall, within ten days of establishing such
186 residence, register with and provide a
187 photographic image and fingerprints to the
188 Commissioner of Public Safety in the same manner
189 as if he had been convicted or found not guilty by
190 reason of mental disease or defect of such crime
191 in this state, except that for purposes of
192 determining the ten-year period of registration
193 under sections 2 and 7 of this act, he shall be
194 deemed to have initially registered on the date of
195 his release into the community in such other
196 state, federal or military system or foreign
197 jurisdiction.

198 (b) Any person who violates the provisions of
199 this section shall be guilty of a class D felony.

200 Sec. 5. (NEW) (a) Any person who has been
201 convicted or found not guilty by reason of mental
202 disease or defect in this state on or after
203 October 1, 1998, of any felony that the court
204 finds was committed for sexual purposes, may be
205 required by the court upon release into the
206 community to register his name, identifying
207 factors, criminal record and residence address
208 with the Commissioner of Public Safety, on such
209 forms and in such locations as the commissioner
210 shall direct, and to maintain such registration
211 for ten years. If such person changes his address
212 he shall, within five days, register the new
213 address in writing with the Commissioner of Public
214 Safety, and, if he changes his address to another

215 state, he shall also register with an appropriate
216 law enforcement agency in the new state, provided
217 such state has a registration requirement for such
218 offenders. During such period of registration,
219 each registrant shall complete and return forms
220 mailed to him to verify his residence address.

221 (b) Any person who violates the provisions of
222 this section shall be guilty of a class D felony.

223 Sec. 6. (NEW) Notwithstanding the provisions
224 of sections 2 to 5, inclusive, of this act, the
225 court in which a person is convicted or found not
226 guilty by reason of mental disease or defect of an
227 offense requiring registration under said sections
228 may release such person from the obligation to
229 register if it finds that such person is not a
230 menace to the health and safety of other persons.

231 Sec. 7. (NEW) A person required to register
232 under section 3 of this act shall maintain his
233 registration for not less than ten years from the
234 date of his release into the community, after
235 which he may apply to the court in which he was
236 convicted or found not guilty by reason of mental
237 disease or defect for release from the obligation
238 to register. The court shall grant such
239 application and shall notify the Department of
240 Public Safety that the person is no longer subject
241 to registration under this act, provided the
242 person satisfies the court by clear and convincing
243 evidence that he does not suffer from a mental
244 abnormality or personality disorder that makes him
245 likely to engage in sexually violent offenses. The
246 court shall refer the application of such person
247 to a board of experts on the behavior and
248 treatment of sexual offenders, which shall examine
249 the person and make an assessment for the court
250 regarding the person's potential for further
251 violent sexual behavior. The court shall also give
252 notice to the chief police official and the
253 state's attorney for the jurisdiction in which the
254 offense for which the person is required to
255 register under section 3 of this act was
256 committed, and shall afford each an opportunity to
257 make a statement to the court regarding the
258 application. The court may require such applicant
259 to pay the costs reasonably associated with such
260 examination unless the person establishes that he
261 is indigent, or that the payment would constitute
262 an unreasonable financial hardship. In the event

263 that the court does not approve an application for
264 release from the obligation to register, such
265 applicant may not submit another application for a
266 period of five years from the date on which the
267 court enters its decision.

268 Sec. 8. (NEW) Any court, the Commissioner of
269 Correction, the Board of Parole or the Psychiatric
270 Security Review Board, prior to releasing into the
271 community any person convicted of a criminal
272 offense against a victim who is a minor, a
273 sexually violent offense or a felony found by the
274 sentencing court to have been committed for sexual
275 purposes, except a person being released
276 unconditionally at the conclusion of his sentence
277 or commitment or a person released from his
278 obligation to register by the court pursuant to
279 section 6 of this act, shall require as a
280 condition of such release that such person
281 complete the registration procedure established by
282 the Commissioner of Public Safety under sections
283 2, 3 and 5 of this act. The court, the
284 Commissioner of Correction, the Board of Parole or
285 the Psychiatric Security Review Board, as the case
286 may be, shall transmit the completed registration
287 package to the Commissioner of Public Safety who
288 shall enter the information into the registry
289 established under section 9 of this act. In the
290 case of a person being released unconditionally
291 who declines to complete the registration package
292 through the court or the releasing agency, the
293 court or agency shall: (1) Provide to the
294 Commissioner of Public Safety the person's name,
295 date of release into the community, anticipated
296 residence address, if known, criminal record, any
297 known treatment history and any other relevant
298 information; (2) inform the person that he has an
299 obligation to register, within three days, with
300 the Commissioner of Public Safety for a period of
301 ten years following the date of his release or
302 until released from such obligation in accordance
303 with section 7 of this act, as the case may be,
304 and that if such person changes his address he
305 shall, within five days, register the new address
306 in writing with the Commissioner of Public Safety
307 and, if he changes his address to another state,
308 he shall also register with an appropriate law
309 enforcement agency in the new state, provided such
310 state has a registration requirement for such

311 offenders; (3) provide the person with a written
312 summary of his obligations under this act as
313 explained to him under subdivision (2) of this
314 section, and (4) make a specific notation on the
315 record maintained by that agency with respect to
316 such person that the registration requirements
317 were explained to him and that he was provided
318 with a written summary of his obligations under
319 this act.

320 Sec. 9. (NEW) (a) The Department of Public
321 Safety shall, not later than January 1, 1999,
322 establish and maintain a registry of all persons
323 required to register under sections 2, 3, 4 and 5
324 of this act. The department shall, in cooperation
325 with the office of the Chief Court Administrator,
326 the Department of Correction, the Board of Parole
327 and the Psychiatric Security Review Board, develop
328 appropriate forms for use by agencies and
329 individuals to report registration information,
330 including changes of address. Upon receipt of
331 registration information, the department shall
332 enter the information into the registry and notify
333 the local police department or state police troop
334 having jurisdiction where the registrant resides
335 or plans to reside. If a registrant reports a
336 residence in another state, the department shall
337 notify the state police agency of that state or
338 such other agency in that state that maintains
339 registry information, if known. The department
340 shall also transmit all registration information,
341 conviction data, photographic images and
342 fingerprints to the Federal Bureau of
343 Investigation in such form as said bureau shall
344 require for inclusion in a national registry.

345 (b) The Department of Public Safety shall
346 verify the address of each registrant by mailing a
347 nonforwardable verification form to the registrant
348 at his last reported address. Such form shall
349 require the registrant to sign a statement that he
350 continues to reside at his last reported address
351 and return the form by mail by a date which is ten
352 days after the date such form was mailed to the
353 registrant. The form shall contain a statement
354 that failure to return the form or providing false
355 information is a violation of section 2, 3 or 5 of
356 this act, as the case may be. In any prosecution
357 for a violation of section 2, 3 or 5 of this act
358 for failure to return the form, it shall be an

359 affirmative defense that the registrant had in
360 fact resided at his last reported address during
361 the ten-day reporting period or that the
362 registrant had moved not more than five days prior
363 to the start of or during such period and had
364 provided notice of his change of address in
365 accordance with section 2, 3 or 5 of this act.
366 Each person required to register under section 2
367 or 5 of this act shall have his address verified
368 in such manner annually on the anniversary of his
369 initial registration date. Each person required to
370 register under section 3 of this act shall have
371 his address verified in such manner every ninety
372 days after his initial registration date. Each
373 person required to register under section 4 of
374 this act shall have his address verified in such
375 manner either annually on the anniversary of his
376 initial registration date or every ninety days
377 after his initial registration date depending upon
378 whether the essential elements of the crime for
379 which he was convicted or found not guilty by
380 reason of mental disease or defect in the other
381 jurisdiction are substantially the same as any of
382 the crimes specified in subdivision (2) of section
383 1 of this act or any of the crimes specified in
384 subdivision (10) of section 1 of this act. In the
385 event that a registrant fails to return his
386 address verification form, the Department of
387 Public Safety shall notify the local police
388 department or the state police troop having
389 jurisdiction over his last reported address, and
390 that agency shall apply for a warrant to be issued
391 for his arrest under section 2, 3 or 5 of this
392 act, as the case may be. The Department of Public
393 Safety shall not verify the address of registrants
394 whose last reported address was outside this
395 state.

396 Sec. 10. (NEW) (a) (1) Notwithstanding any
397 other provision of the general statutes, the
398 registry maintained by the Department of Public
399 Safety shall be a public record and shall be
400 accessible to the public during normal business
401 hours. The Department of Public Safety shall make
402 registry information available to the public
403 through the Internet. Not less than once per
404 calendar quarter, the Department of Public Safety
405 shall issue notices to all print and electronic
406 media in the state regarding the availability and

407 means of accessing the registry. Each local police
408 department and each state police troop shall keep
409 a record of all registration information
410 transmitted to it by the Department of Public
411 Safety, and shall make such information accessible
412 to the public during normal business hours. The
413 Department of Public Safety, any state police
414 troop or any local police department may, at its
415 discretion, notify any government agency, private
416 organization or individual of registration
417 information when the department or such troop or
418 department, as the case may be, believes such
419 notification is necessary to protect the public or
420 any individual in any jurisdiction from any person
421 who is subject to registration under section 2, 3,
422 4 or 5 of this act.

423 (2) Notwithstanding the provisions of
424 subdivision (1) of this subsection, the Department
425 of Public Safety, state police troops and local
426 police departments shall not disclose the identity
427 of any victim of a crime committed by a registrant
428 or treatment information provided by a registrant
429 pursuant to section 3 of this act, except to
430 government agencies for bona fide law enforcement
431 or security purposes.

432 (3) When any registrant is released from the
433 obligation to register under section 2, 3, 4 or 5
434 of this act, the Department of Public Safety shall
435 notify any state police troop or local police
436 department having jurisdiction over the
437 registrant's last reported residence address that
438 the person is no longer a registrant, and the
439 Department of Public Safety, state police troop
440 and local police department shall remove and
441 destroy all registration information pertaining to
442 the person, and shall make no further disclosure
443 of such information to any government agency,
444 private organization or individual.

445 (b) Neither the state nor any municipality,
446 nor any branch, agency or employee thereof, shall
447 be liable to any registrant by reason of
448 disclosure of any information regarding the
449 registrant that is released or disclosed in
450 accordance with subsection (a) of this section.

451 Sec. 11. (NEW) Any person who commits an
452 offense against a person who has registered under
453 section 2, 3, 4 or 5 of this act with intent to
454 deprive such registrant of his civil rights

455 because such registrant has been convicted or
456 found not guilty by reason of mental disease or
457 defect of a criminal offense against a victim who
458 is a minor, a sexually violent offense or a felony
459 found by the sentencing court to have been
460 committed for sexual purposes shall, in addition
461 to any penalty imposed for the commission of the
462 specific offense against such registrant, be
463 guilty of a class A misdemeanor.

464 Sec. 12. Section 54-102g of the general
465 statutes is repealed and the following is
466 substituted in lieu thereof:

467 (a) Any person who (1) is convicted of a
468 violation of section 53a-70, 53a-70a, 53a-70b,
469 53a-71, 53a-72a or 53a-72b on or after October 1,
470 1994, and is sentenced to the custody of the
471 Commissioner of Correction or (2) has been
472 convicted of a violation of section 53a-70,
473 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and
474 on October 1, 1994, is in the custody of the
475 Commissioner of Correction shall, prior to release
476 from such custody, have a sample of his blood
477 taken for DNA (deoxyribonucleic acid) analysis to
478 determine identification characteristics specific
479 to the person.

480 (b) Any person convicted of a violation of
481 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a
482 or 53a-72b on or after October 1, 1994, who is not
483 sentenced to a term of confinement shall, as a
484 condition of such sentence, have a sample of his
485 blood taken for DNA (deoxyribonucleic acid)
486 analysis to determine identification
487 characteristics specific to the person.

488 (c) ANY PERSON WHO IS FOUND NOT GUILTY BY
489 REASON OF MENTAL DISEASE OR DEFECT PURSUANT TO
490 SECTION 53a-13 OF ANY VIOLATION SPECIFIED IN
491 SUBSECTION (a) OR (b) OF THIS SECTION ON OR AFTER
492 OCTOBER 1, 1994, SHALL, PRIOR TO DISCHARGE FROM
493 CUSTODY IN ACCORDANCE WITH SUBSECTION (e) OF
494 SECTION 17a-582 OR SUBSECTION (g) OF SECTION
495 17a-593, HAVE A SAMPLE OF HIS BLOOD TAKEN FOR DNA
496 (DEOXYRIBONUCLEIC ACID) ANALYSIS TO DETERMINE
497 IDENTIFICATION CHARACTERISTICS SPECIFIC TO THE
498 PERSON.

499 [(c)] (d) The analysis shall be performed by
500 the state police forensic science laboratory. The
501 identification characteristics of the profile
502 resulting from the DNA analysis shall be stored

503 and maintained by the laboratory in a DNA data
504 bank and shall be made available only as provided
505 in section 54-102j.

506 Sec. 13. (NEW) (a) There is established a
507 sexual offender registration committee consisting
508 of the following members or their designees: The
509 Chief Court Administrator, the Chief State's
510 Attorney, the Commissioner of Public Safety, the
511 Commissioner of Correction, the Secretary of the
512 Office of Policy and Management, the chairman of
513 the Psychiatric Security Review Board, the
514 chairman of the Board of Parole, the director of
515 the Office of Adult Probation, the President of
516 the Connecticut Police Chiefs Association and two
517 persons appointed by the Governor, one of whom
518 shall be involved in the delivery of services to
519 victims of sexual assault and one of whom shall be
520 involved in the delivery of services to victims of
521 crime. The Chief Court Administrator shall serve
522 as chairperson of the committee. The Office of
523 Policy and Management shall, within available
524 resources, provide staff resources to the
525 committee.

526 (b) On or before January 15, 1999, the sexual
527 offender registration committee shall submit a
528 report to the Governor and the General Assembly.
529 Such report shall make recommendations concerning
530 the implementation of this act and shall address
531 issues including (1) assuring interagency
532 coordination to maximize the accuracy and
533 timeliness of information contained in the
534 registry, (2) complying with other applicable
535 state and federal laws and regulations, (3)
536 establishing a procedure by which registrants may
537 apply to the sentencing court, not sooner than ten
538 years after initial registration, to be relieved
539 of their obligation to register, (4) establishing
540 a board of experts in the behavior and treatment
541 of sexual offenders, to examine such applicants
542 and make recommendations to the court in
543 accordance with section 7 of this act, (5)
544 developing guidelines for the state police and
545 municipal police departments that shall set forth
546 the circumstances in which individuals, private
547 organizations and government agencies in their
548 respective jurisdictions should be directly
549 notified that a person subject to registration
550 under this act is residing near their locations,

551 and (6) any other fiscal, legislative and
552 programmatic matters which affect the successful
553 implementation of the registry.
554 Sec. 14. Section 54-102r of the general
555 statutes, as amended by section 1 of public act
556 97-183, is repealed.

557 JUD COMMITTEE VOTE: YEA 39 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER sSB 65

STATE IMPACT Implements a Provision in the Budget, Avoids Loss of Federal Funds, Indeterminate Costs, see below

MUNICIPAL IMPACT Potential Indeterminate Cost, see explanation below

STATE AGENCY(S) Department of Public Safety, Judicial Department, Office of Policy and Management, Various Criminal Justice Agencies

| | Current FY | 1998-99 | 1999-2000 |
|-----------------------|------------|-----------|-----------|
| State Cost (savings) | : | : 547,605 | : |
| St Revenue (loss) | : | : | : |
| Net St Cost (savings) | : | : | : |
| Municipal Impact | : | : | : |

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: Funds in the amount of \$547,605 have been included within sHB 5021 (the Revised Appropriations Act, as favorably reported from the Appropriations Committee) for FY '99. The bill repeals the existing sex offender registration law and

replaces it with a more detailed and comprehensive registration system. The most significant changes include 1. Increasing the number of offenses that require (or may require) registration, 2. Creating two levels of registration, one for violent crimes and one for crimes against minors, 3. Requiring offenders convicted of violent crimes, released back to October 1, 1988 to submit to registration, and 4. Requiring DPS to maintain the Sex Offender Registry and verify the information either quarterly or annually.

There are no firm numbers on the number of persons who would be required to register, but initial estimates are about 5,000. This is based on an analysis of sex offenses over the last 10 years, in which there were about 31,200 sex offense charges, resulting in about 4,050 persons being convicted. It is anticipated that the registry would increase over the years to include up to 10,000 offenders. An estimated 70% of the persons required to register would be for violent offenses. Violent offenders must have their addresses verified every 3 months, and they must continue registration unless, at least 10 years after their release, they apply to the court for termination of the registration requirement. Sex offenders involving minors must have their addresses verified annually and only for 10 years.

The passage of the bill would result in additional costs to the State, especially to the Department of Public Safety. The budget for the Department of Public Safety (DPS) includes \$323,142 for the Sex Offender Registry and \$224,463 for a Sex Offender Registration Enforcement Unit. This is sufficient funding to implement a computerized registry system, which is required to be functional by January 1, 1999. The Enforcement Unit would be used to locate and arrest those offenders who fail to notify law enforcement agencies of their address. The Judicial Department would incur additional costs resulting from making sex offense conviction information available to DPS. These computer-related costs are indeterminate. In addition, an increase in caseload is anticipated, which would result in additional costs to various criminal justice agencies.

The passage of the bill would also protect against the potential loss of Federal Funds. Unless State

legislation is adopted that is similar to Federal requirements on sex offender registration, the State could lose 10% of its annual \$6.5 million Federal grant for drug control and system improvements (Byrne Grant).

It could result in additional costs to municipal law enforcement agencies to the extent that they attempt to locate and arrest persons who have violated the registration requirements. It is assumed that municipalities will be able to utilize the services of the DPS Enforcement Unit in order to minimize their costs.

The bill also establishes an 11-member Sexual Offender Registration Committee chaired by the Chief Court Administrator. The Committee must report to the Governor and the General Assembly by January 15, 1999 on various fiscal, program and legislative matters relating to this bill. The Office of Policy and Management will provide staff to the Committee within available resources.

* * * * *

OLR BILL ANALYSIS

sSB 65

AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS

SUMMARY: This bill replaces the existing sex offender registration law with a more detailed and comprehensive registration system. It adds a number of crimes to the list of offenses that trigger registration and divides them into two categories: crimes against minors and sexually violent crimes. For some of the new crimes everyone convicted must register, while for others only those whose victims were minors must register. The bill also requires offenders who the court finds have committed a felony for sexual purposes to register.

The bill requires the offenders themselves to register (under current law the releasing agency does the registration), but it also directs the releasing agencies to attempt to register the offenders and, if they cannot, to send information about them to the Department of Public Safety (DPS), which must establish and maintain an offender registry.

The registration period remains 10 years for those convicted of offenses against minors and felonies committed for sexual purposes. But for offenders convicted of sexually violent offenses the period can be longer if they cannot satisfy the court that they are not likely to commit another offense. The bill establishes procedures for making this determination.

The bill requires the DPS to establish and maintain a sex-offender registry (not a requirement under current law) and to inform the local and state police where the registrant will reside. It requires the department to verify the address of each person required to register, annually for offenders who have committed crimes against minors and every 90 days for sexually violent offenders.

Under the bill, as under current law, registration information remains a public record accessible during normal business hours. The bill requires DPS to place the registration information on the Internet and to publicize its availability generally. It specifically authorizes police agencies to notify organizations and individuals about the presence of registered offenders when necessary to protect the public. The bill protects state and municipal employees from liability for releasing offender registration information.

The bill also (1) establishes penalties for violations of its provisions, (2) requires people convicted of certain serious sexual assault crimes and found not guilty by reason of mental disease or defect to provide a DNA sample prior to release, and (3) establishes an 11-member sex offender registration committee to report to the governor and General Assembly on the bill's implementation.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Crimes Covered by the Bill

The current sex offender registration law applies to offenders convicted of risk of injury involving sexual contact with a child; first, second, or third degree sexual assault; aggravated first degree sexual assault; sexual assault in a spousal or cohabiting relationship;

and third degree sexual assault with a firearm. The bill retains all of these crimes, but divides some of them into different categories, and adds a number of new crimes. It also subjects anyone convicted of conspiring or attempting to commit or soliciting, requesting, directing or assisting someone else to commit one of the crimes listed below to the registration requirement.

The bill defines a crime against a victim who is a minor as one of the following crimes (the first four are covered by current law, while the other five are new):

1. the portion of risk of injury to a minor involving having contact with the intimate parts of someone under age 16;
2. the portion of first degree sexual assault involving having sexual intercourse with someone under age 13;
3. the portions of second degree sexual assault involving having sexual intercourse with (a) someone age 13-15, (b) someone under age 18 if the actor is the person's guardian, and (c) a student if the actor is a school employee;
4. the portion of third degree sexual assault involving having intercourse with a relative;
5. the portions of fourth degree sexual assault involving having sexual contact with (a) someone under age 15, (b) someone under age 18 if the actor is the person's guardian, and (c) a student if the actor is a school employee;
6. promoting prostitution with someone under age 16 (first degree);
7. promoting prostitution with someone age 16 or 17 (second degree);
8. employing or promoting a minor in an obscene performance; or
9. first or second degree kidnapping, with or without a firearm, first or second degree

unlawful restraint, or public indecency when the victim is under age 18.

The bill defines a sexually violent offense as one of the following crimes (the first six are covered by current law, while the others are new):

1. first degree sexual assault, other than the portion covered under crimes against a minor;
2. first degree aggravated sexual assault;
3. sexual assault in a spousal or cohabiting relationship;
4. second degree sexual assault, other than the portion covered under crimes against minors;
5. third degree sexual assault, other than the portion covered under crimes against minors;
6. third degree sexual assault with a firearm;
7. fourth degree sexual assault, other than the portion covered under crimes against minors; and
8. first degree kidnapping with and without a firearm if the offense is committed with the intent of sexually violating or abusing the victim.

Definition of Mental Abnormality and Personality Disorder

The bill defines a mental abnormality as a congenital or acquired condition that predisposes a person to commit criminal sexual acts making them a menace to the health and safety of others.

It defines a personality disorder as a condition listed and defined in the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders. The manual groups personality disorders in three clusters: (1) paranoid or schizoid, (2) antisocial or narcissistic, and (3) dependent or obsessive-compulsive.

Registration of Offenders Against Minors

As under current law, the registration requirement applies to anyone convicted or found not guilty by reason of mental disease or defect. But while the releasing authority currently must register the person, under the bill, he must register himself (with the exception described below). He must do so within three days of his release. He must go to a location designated by the commissioner of public safety and register on forms the commissioner has developed. The bill's registration requirement applies to offenders released after September 30, 1998.

If the registrant moves, he must register his new address with the commissioner, in writing, within five days. If the move is out-of-state, he must also register with the appropriate law enforcement agency if that state has a registration law. He must maintain the registration for 10 years, and he must complete and return verification forms during that time. The penalty for violation is a class D felony (a fine of up to \$5,000, one to five years in prison, or both).

Registration of Sexually Violent Offenders

The bill contains essentially similar registration requirements for sexually violent offenders, but it applies to offenders released into the community going back to October 1, 1988. These offenders must include in their registration material documentation of any treatment they have received for mental abnormalities or personality disorders, and their registration requirement can last longer than 10 years. Anyone registered under the current sex offender registration law (CGS Sec. 54-102r) must register under the bill's provisions by October 6, 1998 (three working days after the bill's effective date).

Offenders released between October 1, 1988 and October 1, 1998 who are not registered under the current law must register by October 4, 1998, but the bill allows DPS to phase in these initial registrations over the last three months of 1998. The bill specifies that any offender who follows the department's directives for registration cannot be prosecuted for failure to register, if the registration is not completed by October 4.

Registration of People Committing Felonies for Sexual Purposes

The registration process and penalties for this class of offender is similar to those for offenders against minors. It applies to offenders convicted or found not guilty by reason of mental disease or defect commencing October 1, 1998. But in this case the court must find that they committed the felony for sexual purposes and may require them to register upon their release into the community.

Registration of Offenders from Other Jurisdictions

The bill requires anyone convicted or found not guilty because of mental disease or defect in any other state, in a federal or military court, or in a foreign country of a crime substantially the same as those covered under its provisions to register within 10 days of establishing residence in Connecticut. Those registering from other jurisdictions must also provide a photograph and fingerprints. For purposes of establishing how long the ex-offender must register, the 10-year period is deemed to have begun when the offender was released into the community in the other jurisdiction.

Commencement of Registration Requirement

Currently offenders must register when they are released (1) from the supervision of the Office of Adult Probation on completion of their probation sentence, (2) from a Department of Correction facility, or (3) from the Psychiatric Security Review Board (PSRB). Under the bill, offenders must register under the same circumstances, except people released to the supervision of the Office of Adult Probation must register when they begin probation.

Length of Sexual Offender Registration

People registered for sexually violent offenses must register for 10 years, after which time they can apply to the court where they were convicted or found not guilty because of mental disease or defect to have their registration terminated.

The court must refer the application to a board of

sex-offender experts who must examine the registrant and assess his potential for further sexually violent behavior. The court must notify the police and state's attorney where the original offense occurred and allow them to make a statement regarding the application. The court can require the applicant to pay the reasonable costs of the examination unless he is indigent or payment would be an unreasonable financial hardship.

The court must grant the request and so notify DPS if the registrant satisfies the court by clear and convincing evidence that he does not have a mental abnormality or personality disorder that makes him likely to commit a sexually violent offense. If the court refuses to end the registration, the registrant cannot apply again for five years.

Court Exemption From Registration Requirement

The bill allows the court that convicted someone or found him not guilty by reason of mental disease or defect for one of the crimes covered by the bill to release him from the obligation to register if it finds the person not to be a menace to the health and safety of others.

Duties of the Releasing Entity

Prior to the conditional release of any eligible offender into the community, any court, DOC, the Board of Parole, or the PSRB must require the offender, as a condition of release, to complete the registration procedure. The releasing entity must transmit the completed registration package to the public safety commissioner for inclusion in the registry.

For offenders unconditionally released when their sentence ends who decline to complete the registration package, the releasing entity must provide the commissioner with the subject's name, release date, anticipated address (if known), criminal record, known treatment history, and other relevant information. It must inform the subject of his registration obligation, including the details contained in the bill. It must give him a written summary of these obligations and make a specific notation in its records that the registration requirements were explained to him and that he was given a written copy of them.

Department of Public Safety's Obligations

The bill requires the department to establish and maintain a central registry by January 1, 1999. Under current law, the information is kept by each local police department or resident state trooper. The DPS must, in cooperation with the chief court administrator, DOC, the parole board, and PSRB, develop necessary forms. When it receives registration information, the department must enter it in the registry and notify the local police department or state police troop having jurisdiction where the registrant intends to live. Under current law, the resident state trooper receives the information when there is no local police department. If a registrant reports a residence in another state, DPS must inform the police or the agency that maintains the registry in that state. The department must also provide the registration information, including photographs and fingerprints, to the Federal Bureau of Investigation (FBI) in the form it requires for inclusion in the national registry.

Current law contains no provisions for periodic verification of the registration information. Under the bill, the department must verify the address of every registrant by mailing a nonforwardable verification form to his last reported address. The registrant must sign a statement that he continues to reside at that address and return the form by mail so that it arrives within 10 days of the date it was mailed to him. The form must contain a statement that failure to return it or providing false information is a D class felony. The bill makes it an affirmative defense to any prosecution under this provision that the person lived at the last residence during the 10-day period or moved not more than five days before it and followed the provisions for notifying DPS department concerning a change of residence.

The department must annually verify the address of people registered for committing a crime against a minor or a felony for sexual purposes on the anniversary of the original registration; it must verify the address of sexually violent offenders every 90 days. Offenders from other jurisdiction must have their address verified every year or every 90 days, depending on the nature of their crime. Whenever a

registrant fails to return the verification form, DPS must notify the local police or the state police troop, and that agency must apply for a warrant for the person's arrest. The DPS does not have to verify the addresses of registrants who reside out of state.

Public Information

The bill makes the department's sex offender registry a public record accessible during normal business hours. Under current law the registration information is a public record pursuant to the freedom of information law, but it is available only through the local police department or resident state trooper. The bill also requires each local police department and state police troop to keep registrations DPS transmits to them and make them available during normal business hours.

The DPS must put the registration information on the Internet. At least four times a year it must notify all electronic and print media in the state of the registry's availability and describe how to access it.

Notification

The bill authorizes DPS, any state police troop, and any local police department, at its discretion, to notify any (1) government agency, (2) private organization, or (3) individual of registration information when it believes the notification is necessary to protect the public or any individual from a registered person.

These entities are prohibited from disclosing the identity of any crime victim or treatment information about a registrant except to government agencies for legitimate law enforcement or security reasons.

Whenever a person's obligation to register ends, DPS must notify the appropriate local police department or state police troop. Any registration material held by any of these entities must be removed and destroyed and no further disclosure can be made of any of this information.

Immunity

The bill specifies that neither the state nor any

municipality, branch, agency, or employee thereof is liable to a registrant because of any registration information disclosed in accordance with its provisions.

Intentional Harm to Registrant

The bill makes it a class A misdemeanor (punishable by a fine of up to \$2,000, imprisonment for up to one year, or both) to commit an offense against a registrant intending to deprive him of his civil rights because he has committed a crime that requires him to register. This is an additional penalty to be imposed on top of the penalty for the offense itself.

DNA Blood Sample

The bill requires anyone found not guilty by reason of mental disease or defect for any of the crimes covered by the bill's registration requirement to submit prior to discharge to having a blood sample taken for deoxyribonucleic acid (DNA) analysis.

Sexual Offender Registration Committee

The bill establishes a sexual offender registration committee made up of the following members or their designees:

1. the chief court administrator,
2. the chief state's attorney,
3. the commissioner of public safety,
4. the commissioner of correction,
5. the secretary of the Office of Policy and Management (OPM),
6. the chairman of the PSRB,
7. the chairman of the Board of Parole,
8. the director of the Office of Adult Probation,
9. the president of the Connecticut Police Chiefs' Association, and

10. two members appointed by the governor, one involved in serving sexual assault victims and one in serving crime victims.

The chief court administrator is the chair of the committee, and OPM must provide staff within available resources.

By January 15, 1999 the committee must make recommendations to the governor and General Assembly concerning implementation of the bill's provisions. The report must address:

1. assuring interagency coordination to maximize accuracy and timeliness of registration information;
2. complying with state and federal laws and regulations;
3. establishing a procedure for registrants to apply to the sentencing court after 10 years for termination of their registration;
4. establishing a board of experts on sex offender behavior and treatment to examine applicants and make recommendations to the court;
5. guidelines for state and municipal police concerning when individuals or agencies should be directly notified of the presence of a registered offender; and
6. any other fiscal, legislative, and program matters.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 39 Nay 0