

SUMMARY
CONNECTICUT STATUTORY SCHEME RE: REGISTRATION OF SEX OFFENDERS

Hon. Robert J. Devlin, J.

Connecticut's statutory scheme providing for the registration of convicted sex offenders (§54-250 et seq.) is both complicated and densely worded. Fundamentally, however it is intended to accomplish seven things: (1) to define "criminal offense against a victim who is a minor" and require a ten year registration period for persons convicted of such an offense, (2) to define "nonviolent sex offense" and require a ten year registration period for persons convicted of such an offense, (3) to define "sexually violent offense" and require life registration for persons convicted of such an offense, (4) to define a "felony committed for a sexual purpose" and require a ten year registration for persons convicted of such an offense, (5) to identify the occasions where a court can exempt someone from registration, (6) to identify the circumstances where a court can limit the use of registration to law enforcement only and (7) to define the responsibilities of the court and agencies in the registration process.

The following is a summary of the relevant statutory provisions:

§54-250 – Definitions

"Criminal offense against a victim who is a minor" means violation of:

(A) §53-21(a)(2) - Risk of Injury to a Child -- contact with intimate parts of child under age 16

§53a-70(a)(2) - Sexual Assault 1st -- sexual intercourse with person under age 13 and actor more than two years older than victim

§53a-71(a) – Sexual Assault 2nd -- sexual intercourse with another person and person is:

(1) 13 or older but under 16 and actor is more than three years older than the victim

(4) less than 18 and actor is person's guardian

(8) actor is school employee and victim is a student enrolled in school where actor works

(9) actor is a coach and victim is under age 18

(10) actor is age 20 or older and stands in a position of authority over victim and victim is under 18

§53a-72a(a)(2) – Sexual Assault 3rd -- engages in sexual intercourse with person related to actor

§53a-86(a)(2) – Promoting Prostitution 1st – promoting prostitution of person under age 18

§53a-87(a)(2) – Promoting Prostitution 2nd [current statute has no (a)(2) subsection]

§53a-90a – Enticing a minor to engage in sexual activity

§53a-196a – Employing a minor in an obscene performance

§53a-196b – Promoting a minor in an obscene performance

§53a-196c – Importing child pornography

§53a-196d – Possession of child pornography 1st

§53a-196e – Possession of child pornography 2nd

§53a-196f – Possession of child pornography 3rd

(B) The following offenses provided the court makes a finding that at the time of the offense the victim was under age 18:

§53a-71(a)(9)(A) – Sexual Assault 2nd – sexual intercourse where actor is an athletic coach and victim is a secondary school student

§53a-92 – Kidnapping 1st

§53a-92a – Kidnapping 1st with a firearm

§53a-94 – Kidnapping 2nd

§53a-94a – Kidnapping 2nd with a firearm

§53a-95 – Unlawful Restraint 1st

§53a-96 – Unlawful Restraint 2nd

§53a-186 – Public Indecency

(C) Violation of any of the offenses listed in (A) or (B) where defendant liable under §53a-8 (accessory), §53a-48 (conspiracy) or §53a-49 (attempt)

D. Violation of predecessor statutes having substantially the same elements as offenses listed in (A), (B) or (C).

“ Nonviolent sexual offense” means violation of:

(A) §53a-73a – Sexual Assault 4th – sexual contact without consent or where victim has some special status

§53a-189a(a)(2) – Voyeurism – actor photographs/videos another without knowledge or consent of victim

(B) Violation of above offenses where defendant criminally liable under §53a-8 (accessory), §53a-48 (conspiracy) or §53a-49 (attempt).

“Sexually violent offense” means violation of:

(A) §53a-70 – Sexual Assault 1st (except §53a-70(a)(2) – sexual intercourse with person under age 13)

§53a-70a – Aggravated Sexual Assault 1st

§53a-70b – Sexual Assault in a Spousal Relationship

§53a-71 – Sexual Assault 2nd (except §53a-71(a)(1), (4), (8), (10) or (9)(B) or §53a-71 (a)(9)(A) if court makes a finding that victim was under age 18)

§53a-72a – Sexual Assault 3rd (except §53a-72a(a)(2) – incest)

§53a-72b -- Sexual Assault 3rd with a firearm

§53a-92 – Kidnapping 1st -- provided court makes finding that the offense was committed with intent to sexually violate or abuse the victim

§53a-92a Kidnapping 1st with a firearm – provided court makes finding that the offense was committed with intent to sexually violate or abuse victim

(B) Violation of the offenses specified in (A) where defendant criminally liable under §53a-8 (accessory), §53a-48 (conspiracy) or §53a-49 (attempt)

§54-251 – Registration of person who has committed a criminal offense against a victim who is a minor or a nonviolent sexual offense

Within three days of release, the person must register with the Department of Emergency Services and Public Protection (DESPP) and maintain such registration for **ten years**.

Exception: If the defendant has one or more convictions for a criminal offense against a victim who is a minor or a nonviolent sexual offense and is convicted of violation of §53a-70(a)(2) (sexual intercourse with person under age 13), the person shall maintain registration for **life**.

Exemption #1: Court may exempt from registration a person convicted of §53a-71(a)(1) (sexual intercourse with person age 13 or older but under 16 and actor is more than 3 years older than victim) if court finds:

defendant under 19 at time of offense, and

registration not required for public safety

Exemption #2: Court may exempt from registration a person convicted of §53a-73a(a)(2) (sexual contact without other person's consent) if court finds that registration not required for public safety

Penalty: violation of registration requirements is a class D felony.

§54-252 – Registration of person who has committed a sexually violent offense

Within three days of release, person must register with DESPP and maintain registration for **life**

Penalty: violation of registration requirements is a class D felony.

§54-252 – Registration of person who has committed a felony for a sexual purpose

Where person convicted of any felony that court finds was committed for a sexual purpose, person must register with DESPP for **ten years**.

§54-255 – Restriction on dissemination of registration information for certain offenders

For persons convicted of violating §53a-70b (sexual assault in a spousal relationship), court may order DESPP to restrict dissemination of registry information to law enforcement purposes only and not make information public provided court finds publication not required for public safety and publication would reveal identity of victim

For persons convicted of a criminal offense a minor or a nonviolent sexual offense where victim is under age 18 and related to the defendant, court may order DESPP to restrict dissemination of registry to law enforcement purposes only and not make information public provided court finds that dissemination of information not required for public safety and publication of information would likely reveal the identity of the victim

Note: for certain older cases of the same type, defendant may petition court to restrict dissemination of registry information to law enforcement only.

§54-256 – Responsibilities of courts and agencies in registration process

The court, Department of Correction or Psychiatric Security Review Board prior to releasing a person who is required to register, shall require as a condition of release that the person complete the registration requirements established by the DESPP.

Released person should be provided with a written summary of the registration obligations.

Upon conviction of an offense that will require registration, the court shall provide the DESPP with a written summary of the offense that includes the age and sex of any of the victims

and specific description of the offense. DESPP shall add this summary to information available to the public through the internet.

§54-258 – Availability of registration information

The registry maintained by DESPP shall be a public record and available to the public through the internet.

§54-259a – Risk Assessment Board. Development and use of risk assessment scale. Report

Repealed effective 7/1/13