

# SEX OFFENDER REGISTRY

# SPECIAL ACT NO. 15-2

- Required the Connecticut Sentencing Commission to study:
  - Registration
  - Assessment and Management
  - Sentencing
  - Victim & Community Needs  
of sex offenders in Connecticut

# SPECIAL COMMITTEE ON SEX OFFENDERS

- Established to carry out the directives from Special Act 15-2
- Two-year study
- Co-Chairs: Robert Farr and Gary Roberge (Steve Grant)

# SUBCOMMITTEES

- Community and Victim Needs
  - Co-Chairs: Laura Cordes and Matthew Garcia
- Sex Offender Sentencing
  - Co-Chairs: Brian Austin and Thomas Ullmann
- Sex Offender Assessment and Management
  - Co-Chairs: David Rentler and Gary Roberge

# PROPOSAL: OVERALL VIEW

- Categories of offenders who must register unchanged
  - Based on conviction for various sex crimes in penal code
- Length of time on Sex Offender Registry (SOR)
  - Determined based on risk
- Public Registry vs. Law Enforcement–Only Registry
  - Determined based on risk
- Result:
  - Fewer persons on public registry – only the high risk offenders who warrant public attention

# CURRENT LAW: REGISTRATION PERIODS

- Crime against a victim who is a minor
  - 10 years - first conviction
  - Life - subsequent conviction
  
- Nonviolent sexual offenders
  - 10 years - first conviction
  - Life – subsequent conviction
  
- Sexually violent offense
  - Life

# CURRENT LAW: REMOVAL / LAW ENFORCEMENT ONLY

- Very limited circumstances
- Connecticut stands out as one of only a very few jurisdictions that do not permit removal from the SOR

# CURRENT LAW: NUMBERS

- 5,389 – Offenders on the Registry. This includes approximately 641 who are currently incarcerated.
- 4,596 - Offenders with CT convictions
- 793 - Remainder represents those offenders convicted in another state and now residing in CT.
- 2,694 - Lifetime registration with CT convictions
- 1,902- 10 year registrants with CT conviction
- 80- Persons currently on law enforcement-only registry



# THE PROPOSAL

- Three areas:
  - Prospective Changes
  - Retroactive Changes
  - Other Details

# PROSPECTIVE CHANGES

# SEX OFFENDER REGISTRATION BOARD ("BOARD")

- The Board will consist of seven credentialed experts in the fields of sex offender risk assessment, sex offender management, and victim advocacy
- Board will evaluate each person required to register and designate placement and duration as follows:
  - Low risk: On law enforcement registry for 10 years
  - Moderate risk: On registry for 20 years
  - High risk: On public registry for life

# BOARD

- Board must consider:
  - Validated risk assessment score
  - Nature and circumstances of the offense
  - Impact on victim and community
- Board places person on law enforcement-only
  - No hearing
- Board places person on public registry
  - Registrant may request a hearing

# PRESUMPTIONS

- Persons who score high on validated risk assessment will be placed on the public registry
- Persons who score low on the validated risk assessment will be placed on law enforcement registry
- No presumption for moderate-risk offenders

# RECLASSIFICATION

- FROM PUBLIC REGISTRY TO LAW ENFORCEMENT REGISTRY
  - After 10 years on public registry, person may petition the Board to be moved to the 20-year law enforcement-only registry
  - Requires victim notification and permits victim input to Board re: reclassification
  - At time of request, person must be in compliance with SOR requirements
  - Probation, parole, and state's attorney can make a recommendation

# RECLASSIFICATION

- FROM LAW ENFORCEMENT-ONLY TO PUBLIC
  - Probation, parole, or state's attorney:
    - May request Board to change registration to public registry
  - Grounds:
    - Failure to meet conditions of parole
    - Failure to meet conditions of probation
    - Additional criminal activity

# REMOVAL

- 20-year law enforcement-only registrants
  - After 10 years may petition superior court for removal from SOR
- 10-year law enforcement-only registrants
  - After 5 years may petition superior court for removal from SOR
- Public Registry
  - No direct removal permitted
  - Must first be reclassified to law enforcement-only registry



# REMOVAL: EFFECT OF CRIMINAL CONVICTION

- Felony not requiring registration:
  - Not eligible to petition until 5 years after conviction
- Class A misdemeanor not requiring registration:
  - Not eligible to petition until 3 years after conviction
- Other misdemeanor not requiring registration
  - Not eligible to petition until 1 year after conviction

# REMOVAL PROCESS

- Office of Victims Services notified
- Public Defender assigned to indigent persons
- Risk assessment ordered by the court
  - Unless waived for good cause
- Court may make referral to Board for a recommendation
- Hearing:
  - Registrant may present evidence
  - State's attorney may present evidence
  - Victim may make statement at hearing or submit written statement

# REMOVAL PROCESS

- Standard:
  - Removal will assist the individual in his/her reintegration into the community
  - Removal is consistent with public safety
- Considerations:
  - Nature of offense
  - Petitioner's conduct since offense:
    - History of treatment, risk assessment, employment, education, compliance with probation / parole / SOR
- Burden:
  - On petitioner
  - Fair preponderance of the evidence

# RETROACTIVE CHANGES

- “Grandfathered” Registrants – about 800 persons
  - Convicted prior to 1999
  - Persons who would not be required to register but for retroactive changes in the law
  - These persons may seek removal from the SOR
- Process:
  - Victims notified
  - Same removal procedure
  - Court may
    - Deny removal
    - Order complete removal
    - Order reclassification to law enforcement-only registry

# RETROACTIVE CHANGES

- All others currently on the registry
  - Not eligible to petition for removal
  - May petition Board for reclassification to law enforcement-only registry

# OTHER DETAILS

- Board: 7 members, panels of 3
- Appointed by Governor:
  - Person with experience providing advocacy for sexual assault victims
- Nominated by Chief Court Administrator and appointed by Governor:
  - 3 clinicians – credentialed with 5 years experience in assessment of sex offenders
  - 3 clinicians – credentialed with 5 years experience in management of sex offenders

# REGISTRY COMPLIANCE

- Public Registry:
  - Quarterly reporting
  - Annual in-person verification of residence
- 20-year law enforcement-only registry:
  - Semi-annual reporting
- 10-year law enforcement-only registry:
  - Annual reporting
- Law enforcement-only registry
  - Notification to victims
  - No public website