



General Assembly

February Session, 2020

Raised Bill No. 404

LCO No. 2561



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT ESTABLISHING A PUBLIC REGISTRY OF PERSONS FOUND RESPONSIBLE FOR ASSAULT OR ABUSE OF ELDERLY PERSONS.

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

1 Section 1. (NEW) (*Effective October 1, 2020*) For purposes of this
2 section and sections 2 to 6, inclusive, of this act:

3 (1) "Commissioner" means the Commissioner of Emergency Services
4 and Public Protection.

5 (2) "Convicted" means that a person has a judgment entered in this
6 state against the person by a court upon a plea of guilty, a plea of nolo
7 contendere or a finding of guilty by a jury or the court notwithstanding
8 any pending appeal or habeas corpus proceeding arising from such
9 judgment.

10 (3) "Crime against an elderly person" means a violation of section 53a-
11 59a, 53a-60b, 53a-60c, 53a-61a, 53a-321, 53a-322 or 53a-323 of the general
12 statutes in which the victim is an elderly person.

13 (4) "Department" means the Department of Emergency Services and

14 Public Protection.

15 (5) "Elderly person" means a person sixty years of age or older.

16 (6) "Identifying factor" means fingerprints, a photographic image and
17 a description of any other identifying characteristic as may be required
18 by the commissioner. The commissioner shall also require a sample of
19 the registrant's blood or other biological sample be taken for DNA
20 (deoxyribonucleic acid) analysis, unless such sample has been
21 previously obtained in accordance with section 54-102g of the general
22 statutes.

23 (7) "Not guilty by reason of mental disease or defect" means a finding
24 by a court or jury of not guilty by reason of mental disease or defect,
25 pursuant to section 53a-13 of the general statutes, notwithstanding any
26 pending appeal or habeas corpus proceeding arising from such finding.

27 (8) "Registrant" means a person required to register pursuant to
28 section 3 of this act.

29 (9) "Registry" means the registry established in section 2 of this act.

30 (10) "Release into the community" means, with respect to a conviction
31 or a finding of not guilty by reason of mental disease or defect of a crime
32 against an elderly person, any:

33 (A) Release by a court after such conviction or finding of not guilty
34 by reason of mental disease or defect, a sentence of probation or any
35 other sentence under section 53a-28 of the general statutes that does not
36 result in the offender's immediate placement in the custody of the
37 Commissioner of Correction;

38 (B) Release from a correctional facility, at the discretion of the Board
39 of Pardons and Paroles, by the Department of Correction to a program
40 authorized by section 18-100c of the general statutes or upon completion
41 of the maximum term or terms of the offender's sentence or sentences,
42 or to the supervision of the Court Support Services Division of the
43 Judicial Branch in accordance with the terms of the offender's sentence;

44 or

45 (C) (i) Temporary leave to an approved residence by the Psychiatric
46 Security Review Board pursuant to section 17a-587 of the general
47 statutes, (ii) conditional release from a hospital for mental illness or a
48 facility for persons with intellectual disability by the Psychiatric Security
49 Review Board pursuant to section 17a-588 of the general statutes, or (iii)
50 release upon termination of commitment to the Psychiatric Security
51 Review Board.

52 Sec. 2. (NEW) (*Effective October 1, 2020*) (a) The department shall, not
53 later than January 1, 2021, establish and maintain a registry of all
54 persons required to register under section 3 of this act as offenders
55 convicted or found not guilty by reason of mental disease or defect of a
56 crime against an elderly person. The department shall, in cooperation
57 with the Office of the Chief Court Administrator, the Department of
58 Correction and the Psychiatric Security Review Board, develop
59 appropriate forms for use by agencies and individuals to report
60 registration information, including changes of address or electronic mail
61 address. Upon receipt of registration information, the department shall
62 enter the information into the registry and notify the local police
63 department or state police troop having jurisdiction where the registrant
64 resides or plans to reside.

65 (b) Upon receiving notification pursuant to section 3 of this act that a
66 registrant has changed his or her residence address or electronic mail
67 address, the department shall enter the information into the registry
68 and, when the registrant changes his or her residence address, notify the
69 local police department or state police troop having jurisdiction where
70 the registrant previously resided and the jurisdiction where the
71 registrant has relocated. The commissioner shall ensure that the name
72 and residence address of each registrant is available through the
73 Connecticut On-Line Law Enforcement Communications
74 Teleprocessing System maintained by the department. If a registrant
75 reports a residence in another state, the department may notify the state
76 police agency of that state or such other agency in that state that

77 maintains registry information, if known.

78 (c) The department may suspend the registration of any person
79 registered under section 3 of this act while such person is incarcerated,
80 under civil commitment or residing outside this state. During the period
81 that such registration is under suspension, the department may
82 withdraw the registration information from public access and such
83 person shall not be required to verify and update his or her registration
84 pursuant to subsection (b) of section 3 of this act. Upon the release of the
85 registrant from incarceration or civil commitment or resumption of
86 residency in this state by the registrant, the department shall reinstate
87 the registration and redistribute the registration information in
88 accordance with subsections (a) and (b) of this section. Suspension of
89 registration shall not affect the date of expiration of the registration
90 obligation of the registrant under section 3 of this act.

91 (d) The department shall include in the registry the most recent
92 photographic image of each registrant taken by the department, the
93 Department of Correction, a law enforcement agency or the Court
94 Support Services Division of the Judicial Department.

95 (e) Whenever the commissioner receives notice from the Superior
96 Court pursuant to section 52-11 of the general statutes, as amended by
97 this act, or Probate Court pursuant to section 45a-99 of the general
98 statutes, as amended by this act, that such court has ordered the change
99 of name of a person, and the department determines that such person is
100 listed in the registry, the department shall revise such person's
101 registration information accordingly.

102 (f) The commissioner shall develop a protocol for the notification of
103 other state agencies, the Judicial Department and local police
104 departments whenever a person listed in the registry changes such
105 person's name and notifies the commissioner of the new name pursuant
106 to section 3 of this act or whenever the commissioner determines,
107 pursuant to subsection (e) of this section, that a person listed in the
108 registry has changed such person's name.

109 (g) (1) The information in the registry shall be a public record for the
110 purposes of section 1-200 of the general statutes and the department
111 shall make such information accessible to the public through a secure
112 Internet web site maintained by the department.

113 (2) Notwithstanding the provisions of subdivision (1) of this
114 subsection, a registrant's electronic mail address shall not be a public
115 record, except that the department may release such address for law
116 enforcement or security purposes in accordance with regulations
117 adopted by the department. The department shall adopt regulations in
118 accordance with chapter 54 of the general statutes to specify the
119 circumstances under which and the persons to whom such addresses
120 may be released, including, but not limited to, providers of electronic
121 communication service or remote computing service, as those terms are
122 defined in section 54-260b of the general statutes, and operators of
123 Internet web sites, and the procedure therefor.

124 (h) Neither the state nor any political subdivision of the state nor any
125 officer or employee thereof shall be held civilly liable to any registrant
126 by reason of disclosure of any information regarding the registrant that
127 is released or disclosed in accordance with subsection (g) of this section.

128 Sec. 3. (NEW) (*Effective October 1, 2020*) (a) (1) Any person who has
129 been convicted or found not guilty by reason of mental disease or defect
130 of a crime against an elderly person and is released into the community
131 on or after January 1, 2021, shall, (A) within fourteen calendar days
132 following such release, or (B) if such person is in the custody of the
133 Commissioner of Correction, at such time prior to release as the
134 Commissioner of Correction directs, register with the Commissioner of
135 Emergency Services and Public Protection for five years. Such person
136 shall register, whether or not such person's place of residence is in this
137 state, such person's name, identifying factors, criminal history record,
138 residence address and electronic mail address on such forms and in such
139 locations as the Commissioner of Emergency Services and Public
140 Protection directs.

141 (2) Prior to accepting a plea of guilty or nolo contendere from a
142 person with respect to a crime against an elderly person, the court shall
143 (A) inform the person that the entry of a finding of guilty after
144 acceptance of the plea will subject the person to the registration
145 requirements of this section, and (B) determine that the person fully
146 understands the consequences of the plea.

147 (3) If any person who is subject to registration under this section
148 changes such person's name, such person shall, without undue delay,
149 notify the commissioner, in writing, of the new name. If any person who
150 is subject to registration under this section changes such person's
151 address or establishes or changes an electronic mail address, such
152 person shall, without undue delay, notify the commissioner, in writing,
153 of the new address. During such period of registration, each registrant
154 shall complete and return any forms mailed to such registrant to verify
155 and update such registrant's residence address and shall submit to the
156 retaking of a photographic image upon request of the commissioner.

157 (b) Except during any period during which a person's registration is
158 suspended pursuant to subsection (c) of section 2 of this act, any person
159 required to register under this section shall, not later than twenty
160 calendar days after each anniversary date of such initial registration,
161 until the date such registration requirement expires under subdivision
162 (1) of subsection (a) of this section, personally appear at the local police
163 department or state police troop having jurisdiction where the registrant
164 resides to verify and update, as appropriate, the contents of his or her
165 registration. The local police department or state police troop, as the case
166 may be, may defer such requirement to personally appear to a later date
167 for good cause shown. Not later than thirty calendar days prior to such
168 anniversary date, the department shall mail written notice of the
169 personal appearance requirement of this subsection to the registrant and
170 the local police department or state police troop having jurisdiction
171 where the registrant resides. Not later than thirty calendar days after the
172 anniversary date of each registrant, the local police department or state
173 police troop having jurisdiction where the registrant resides shall notify
174 the commissioner, on such form as the commissioner may prescribe, (1)

175 whether the registrant complied with the personal appearance
176 requirement of this subsection or whether such personal appearance
177 requirement was deferred to a later date for good cause shown, and (2)
178 if the personal appearance requirement was deferred to a later date for
179 good cause shown, the local police department or state police troop shall
180 indicate the later date established for such personal appearance and
181 describe the good cause shown.

182 (c) Any person who is subject to registration under this section who
183 violates any provisions of subsection (a) or (b) of this section, and any
184 person who fails to notify the commissioner of a change of name or
185 address not later than five business days after such change of name or
186 address, shall be guilty of a class D felony.

187 Sec. 4. (NEW) (*Effective October 1, 2020*) (a) The registration
188 information for each registrant required to register under section 3 of
189 this act shall include:

190 (1) The registrant's name, including any other name by which the
191 registrant has been legally known, and any aliases used by the
192 registrant;

193 (2) Identifying information, including a physical description of the
194 registrant;

195 (3) The current residence address of the registrant;

196 (4) The date of conviction of the offense;

197 (5) A description of the offense; and

198 (6) If the registrant was sentenced to a term of incarceration for such
199 offense, a portion of which was not suspended, the date the registrant
200 was released from such incarceration.

201 (b) The registrant shall sign and date the registration.

202 (c) At the time that the registrant appears for the purpose of

203 registering, the department shall photograph the registrant and arrange
204 for the fingerprinting of the registrant and include such photograph and
205 a complete set of fingerprints in the registry.

206 (d) The department may require the registrant to provide
207 documentation to verify the contents of his or her registration.

208 Sec. 5. (NEW) (*Effective October 1, 2020*) (a) Any court, the
209 Commissioner of Correction or the Psychiatric Security Review Board,
210 prior to releasing into the community any person convicted or found
211 not guilty by reason of mental disease or defect of a crime against an
212 elderly person, except a person being released unconditionally at the
213 conclusion of such person's sentence or commitment, shall require as a
214 condition of such release that such person complete the registration
215 procedure established by the Commissioner of Emergency Services and
216 Public Protection under section 3 of this act. The court, the
217 Commissioner of Correction or the Psychiatric Security Review Board,
218 as the case may be, shall provide the person with a written summary of
219 the person's obligations under section 3 of this act, and transmit the
220 completed registration package to the Commissioner of Emergency
221 Services and Public Protection, who shall enter the information into the
222 registry established under section 2 of this act. If a court transmits the
223 completed registration package to the Commissioner of Emergency
224 Services and Public Protection with respect to a person released by the
225 court, such package need not include identifying factors for such
226 person. If a person being released unconditionally declines to complete
227 the registration package through the court or the releasing agency, the
228 court or agency shall: (1) Except with respect to information that is not
229 available to the public pursuant to court order, rule of court or any
230 provision of the general statutes, provide to the Commissioner of
231 Emergency Services and Public Protection the person's name, date of
232 release into the community, anticipated residence address, if known,
233 and criminal history record, any electronic mail address, if known, and
234 any other relevant information; (2) inform the person that (A) such
235 person has an obligation to register with the Commissioner of
236 Emergency Services and Public Protection for five years, and (B) if such

237 person changes such person's residence address or establishes or
 238 changes an electronic mail address, such person shall, within five days,
 239 register the new address in writing with the Commissioner of
 240 Emergency Services and Public Protection; (3) provide the person with
 241 a written summary of the person's obligations under section 3 of this act,
 242 as explained to the person under subdivision (2) of this subsection; and
 243 (4) make a specific notation on the record maintained by that agency
 244 with respect to such person that the registration requirements were
 245 explained to such person and that such person was provided with a
 246 written summary of such person's obligations under section 3 of this act.

247 (b) Whenever a person is convicted or found not guilty by reason of
 248 mental disease or defect of a crime against an elderly person that will
 249 require such person to register under section 3 of this act, the court shall
 250 provide to the Department of Emergency Services and Public Protection
 251 a written summary of the offense that includes the age and sex of any
 252 victim of the offense and a specific description of the offense. Such
 253 summary shall be added to the registry information made available to
 254 the public through the Internet.

255 Sec. 6. (NEW) (*Effective October 1, 2020*) Any agency of the state or any
 256 political subdivision thereof that provides public access to information
 257 contained in the registry shall post a warning that states: "Any person
 258 who uses information in this registry to injure, harass or commit a
 259 criminal act against any person included in the registry or any other
 260 person is subject to criminal prosecution." Such warning shall be in a
 261 suitable size and location to ensure that it will be seen by any person
 262 accessing registry information.

263 Sec. 7. Section 45a-99 of the general statutes is repealed and the
 264 following is substituted in lieu thereof (*Effective October 1, 2020*):

265 (a) The courts of probate shall have concurrent jurisdiction with the
 266 Superior Court, as provided in section 52-11, as amended by this act, to
 267 grant a change of name, except a change of name granted in accordance
 268 with subsection (a) of section 46b-63, except that no court of probate may

269 issue an order or otherwise allow for the change of name of a person
 270 who is required to register with the Commissioner of Emergency
 271 Services and Public Protection as a sexual offender, [or] as an offender
 272 convicted of committing a crime with a deadly weapon or as an offender
 273 convicted of a crime against an elderly person unless such person
 274 complies with the requirements of subdivision (1) of subsection (b) of
 275 this section.

276 (b) (1) Any person who is required to register with the Commissioner
 277 of Emergency Services and Public Protection as a sexual offender, [or]
 278 as an offender convicted of committing a crime with a deadly weapon
 279 or as an offender convicted of a crime against an elderly person who
 280 files an application with the Court of Probate for a change of name shall
 281 (A) prior to filing such application, notify the Commissioner of
 282 Emergency Services and Public Protection, on such form as the
 283 commissioner may prescribe, that the person intends to file an
 284 application for a change of name, indicating the change of name sought,
 285 and (B) include with such application a sworn statement that such
 286 change of name is not being sought for the purpose of avoiding the legal
 287 consequences of a criminal conviction, including, but not limited to, a
 288 criminal conviction that requires such person to register as a sexual
 289 offender, [or] as an offender convicted of committing a crime with a
 290 deadly weapon or as an offender convicted of a crime against an elderly
 291 person.

292 (2) The Commissioner of Emergency Services and Public Protection
 293 shall have standing to challenge such person's application for a change
 294 of name in the court of probate where such change of name is sought.
 295 The commissioner shall challenge the change of name through the
 296 Attorney General. The court of probate may deny such person's
 297 application for a change of name if the court finds, by a preponderance
 298 of the evidence, that the person is applying for such change of name for
 299 the purpose of avoiding the legal consequences of a criminal conviction.

300 (c) Whenever the court, pursuant to this section, orders a change of
 301 name of a person, the court shall notify the Commissioner of Emergency

302 Services and Public Protection of the issuance of such order if the court
 303 finds that such person is listed in the registry established and
 304 maintained pursuant to section 54-257, [or] in the registry established
 305 and maintained pursuant to section 54-280 or in the registry established
 306 and maintained pursuant to section 2 of this act.

307 Sec. 8. Section 52-11 of the general statutes is repealed and the
 308 following is substituted in lieu thereof (*Effective October 1, 2020*):

309 (a) The superior court in each judicial district shall have jurisdiction
 310 of complaints praying for a change of name, brought by any person
 311 residing in the judicial district, and may change the name of the
 312 complainant, who shall thereafter be known by the name prescribed by
 313 said court in its decree, except that no superior court may issue an order
 314 or otherwise allow for the change of name of a person who is required
 315 to register with the Commissioner of Emergency Services and Public
 316 Protection as a sexual offender, [or] as an offender convicted of
 317 committing a crime with a deadly weapon or as an offender convicted
 318 of a crime against an elderly person unless such person complies with
 319 the requirements of subdivision (1) of subsection (b) of this section.

320 (b) (1) Any person who is required to register with the Commissioner
 321 of Emergency Services and Public Protection as a sexual offender, [or]
 322 as an offender convicted of committing a crime with a deadly weapon
 323 or as an offender convicted of a crime against an elderly person who
 324 files an application with the Superior Court for a change of name shall
 325 (A) prior to filing such application, notify the Commissioner of
 326 Emergency Services and Public Protection, on such form as the
 327 commissioner may prescribe, that the person intends to file an
 328 application for a change of name, indicating the change of name sought,
 329 and (B) include with such application a sworn statement that such
 330 change of name is not being sought for the purpose of avoiding the legal
 331 consequences of a criminal conviction, including, but not limited to, a
 332 criminal conviction that requires such person to register as a sexual
 333 offender, [or] as an offender convicted of committing a crime with a
 334 deadly weapon or as an offender convicted of a crime against an elderly

335 person.

336 (2) The Commissioner of Emergency Services and Public Protection
 337 shall have standing to challenge such person's application for a change
 338 of name in the superior court where such change of name is sought. The
 339 commissioner shall challenge the change of name through the Attorney
 340 General. The superior court may deny such person's application for a
 341 change of name if the court finds, by a preponderance of the evidence,
 342 that the person is applying for such change of name for the purpose of
 343 avoiding the legal consequences of a criminal conviction.

344 (c) Whenever the court, pursuant to this section, orders a change of
 345 name of a person, the clerk of the court shall notify the Commissioner
 346 of Emergency Services and Public Protection of the issuance of such
 347 order if the clerk finds that such person is listed in the registry
 348 established and maintained pursuant to section 54-257, [or] in the
 349 registry established and maintained pursuant to section 54-280 or in the
 350 registry established and maintained pursuant to section 2 of this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	New section
Sec. 3	<i>October 1, 2020</i>	New section
Sec. 4	<i>October 1, 2020</i>	New section
Sec. 5	<i>October 1, 2020</i>	New section
Sec. 6	<i>October 1, 2020</i>	New section
Sec. 7	<i>October 1, 2020</i>	45a-99
Sec. 8	<i>October 1, 2020</i>	52-11

Statement of Purpose:

To provide the public with access to a searchable database of perpetrators of crimes of assault or abuse of elderly persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]