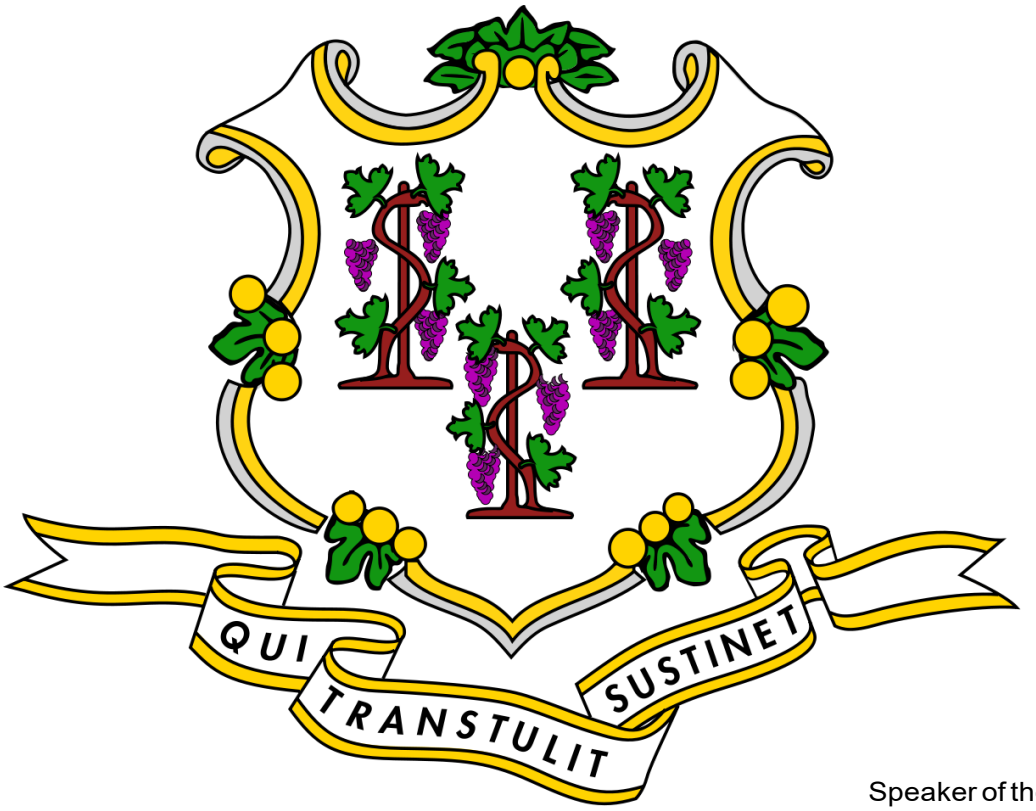
2018

ANNUAL REPORT

CONNECTICUT SENTENCING COMMISSION

Annual Report 2018

Connecticut Sentencing Commission



Report to the Governor,
Speaker of the House of Representatives,
President of the Senate,
and Chief Justice of the Supreme Court,
pursuant to Conn. Gen. Stat. § 54-300(p)

Alex Tsarkov
Executive Director

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Acknowledgements

In 2018, the Connecticut Sentencing Commission commemorated its eighth year of work. The Commission was established by PA 10-129, codified at CGS § 54-300, and became effective on February 1, 2011. In April 2017, Chief Justice Chase Rogers appointed Judge J. Robert Devlin, Jr. as the chair of the Commission.

While the Commission receives assistance in its work from sources too numerous to mention, we recognize in particular the dedication of the Steering Committee, subcommittees, and working group members. Their consistent commitment and exceptional public service promote the success of the Sentencing Commission and its accomplishments. The Commission and its staff thank all the chairs of the committees, subcommittees, and working groups. Their tireless contributions and support are invaluable to the Sentencing Commission's work.

We also especially thank John Santa and Judge Devlin for their leadership. Judge Devlin graciously agreed to chair the Commission despite his numerous and demanding Judicial Branch responsibilities. Under Judge Devlin's leadership, with his years of experience on the bench and a tremendous talent for understanding and managing complex criminal justice matters, the Commission is tackling difficult issues such as the comprehensive reforms of the bail system, the sex offender registry, and the automatic erasure of certain criminal records.

Finally, the Connecticut Sentencing Commission takes this opportunity to extend its sincere appreciation to state agencies and other organizations for the support they have provided to the Commission. The Commission's partnerships with the National Institute of Corrections, the Quinnipiac University School of Law, the University of Connecticut School of Law, the Connecticut Immigrant Rights Alliance,Yale Law School Worker & Immigrant Rights Advocacy Clinic, the Connecticut Association for the Treatment of Sexual Offenders, and the Children with Incarcerated Parents Initiative among others, have been tremendous. Through collaboration with all branches of government, the Sentencing Commission considers input from all criminal justice system stakeholders in its efforts to advance best practices to improve the quality of public policy in the State of Connecticut.

Commission Members

Robert J. Devlin, Jr.
Chair
Chief Administrative Judge for Criminal Matters
Appointed by: Chief Justice of the Supreme Court

John Santa
Vice Chair
Appointed by: Minority Leader of the Senate

Marc Pelka
Undersecretary, Office of Policy and Management
Criminal Justice Policy and Planning Division
Ex officio: Undersecretary for Criminal Justice Policy and Planning Division

Patrick L. Carroll, III
Chief Court Administrator
Appointed by: Chief Justice of the Supreme Court

Gary White
Administrative Judge
J.D. and GA. 1 Courthouse
Appointed by: Chief Justice of the Supreme Court

Hillary Strackbein
Judge
New London Judicial District
Appointed by: Chief Justice of the Supreme Court

Gary Roberge
Executive Director
Judicial Branch Court Support Services Division
Appointed by: Chief Justice of the Supreme Court

Sarah Russell
Professor of Law
Quinnipiac University
Appointed by: Governor

William R. Dyson
William A. O'Neil Endowed Chair
Central Connecticut State University
Appointed by: Speaker of the House of Representatives

Michael Chase
Attorney
Shipman & Goodwin LLP
Appointed by: Majority Leader of the House of Representatives

Thomas Kulhawik
Chief of Police
Norwalk Police Department
Appointed by: Majority Leader of the Senate

Robert Farr
Attorney (Retired)
Appointed by: Minority Leader of the House of Representatives

Jennifer L. Zito
Attorney
Appointed by: President of the Connecticut Criminal Defense Lawyers Association

David Shepack
State's Attorney
Judicial District of Litchfield
Appointed by: Chief State's Attorney; Qualification: State's Attorney

Mark A. Palmer
Chief of Police
Coventry Police Department
Appointed by: President of the CT Police Chiefs Association

Kevin Kane
Chief State's Attorney
Ex officio: Chief State's Attorney

Christine Rapillo
Chief Public Defender
Ex officio: Division of Public Defender Services

Miriam Delphin-Rittmon, Ph.D.
Commissioner
Department of Mental Health and Addiction Services
Ex officio: Commissioner of the Department of Mental Health and Addiction Services

James Rovella
Commissioner
Department of Emergency Services & Public Protection
Ex officio: Commissioner of Emergency Services & Public Protection

Rollin Cook
Commissioner
Department of Correction
Ex officio: Commissioner of the Department of Correction

Natasha Pierre
State Victim Advocate
Ex officio: State Victim Advocate

Carleton Giles
Chair
Board of Pardons and Paroles
Ex officio: Chair of the Board of Pardons and Paroles

Committee & Work Group Members

Steering Committee

Name	Affiliation
Robert J. Devlin, Jr., *Chair*	Judicial Branch
John Santa, *Vice-chair*	
Patrick Carroll	Chief Court Administrator
Bill Dyson	
Robert Farr	
Kevin Kane	Office of the Chief State's Attorney
Marc Pelka	Office of Policy and Management
Christine Rapillo	Division of Public Defender Services
Sarah Russell	Quinnipiac University School of Law

Pretrial Release and Detention Advisory Group

Name	Affiliation
Robert J. Devlin, Jr., *Chair*	Chief Administrative Judge for Criminal Matters
Theresa Dalton	Division of Public Defender Services
Thomas Kulhawik	Norwalk Police Department
Natasha Pierre	Office of the Victim Advocate
Gary Roberge	Judicial Branch Court Support Services Division
Sarah Russell	Quinnipiac University School of Law
John Santa	
David Shepack	Litchfield State's Attorney's Office
Bryan Sperry	Judicial Branch Court Support Services Division
Alex Tsarkov	Connecticut Sentencing Commission

Working Group to Reform the Child Pornography Statutes

Name	Affiliation
Robert J. Devlin, Jr.,	Chief Administrative Judge for Criminal Matters
Erin Miller	
Deborah Del Prete Sullivan	Division of Public Defender Services
John Smriga	Office of the Chief State's Attorney
Robert Farr	Connecticut Sentencing Commission

Special Committee on Sex Offenders

Name	Affiliation
Robert Farr, *Chair*	
Brian Austin	Office of the Chief State's Attorney
Linda J. Cimino	Office of Victim Services
Laura Cordes	Connecticut Alliance to End Sexual Violence
David D'Amora	Council of State Governments
Robert J. Devlin, Jr.	Chief Administrative Judge for Criminal Matters
Karen Martucci	Department of Correction
David McGuire	American Civil Liberties Union
Mark Palmer	Coventry Police Department
Natasha Pierre	Office of the Victim Advocate
David Rentler	Board of Pardons and Paroles
Lisa Tepper Bates	Connecticut Coalition to End Homelessness
Antoinette Webster	Department of Emergency Services and Public Protection

Advisory Committee on the Collateral Consequences of Criminal Conviction

Name	Affiliation
Sarah Russell, *Co-Chair*	Quinnipiac University School of Law
John Santa, *Co-Chair*	
Brian Austin	Office of the Chief State's Attorney
Deborah Del Prete Sullivan	Division of Public Defender Services
Robert J. Devlin, Jr.	Chief Administrative Judge for Criminal Matters
Christine Rapillo	Division of Public Defender Services
Gary Roberge, (Michael Hines, Designee)	Judicial Branch Court Support Services Division
Jennifer Zito	Connecticut Criminal Defense Lawyers Association

Work Group on Sentence Review, Sentence Modification, and Motions to Correct an Illegal Sentence

Name	Affiliation
Gary White, *Chair*	Administrative Judge
Deborah Del Prete Sullivan	Division of Public Defender Services
Robert J. Devlin, Jr.	Chief Administrative Judge for Criminal Matters
Joseph Lopez	Division of Public Defender Services
Sarah Russell	Quinnipiac University School of Law
Robert Satti	Office of the Chief State's Attorney
Jennifer Zito	Connecticut Criminal Defense Lawyers Association

Commission Staff

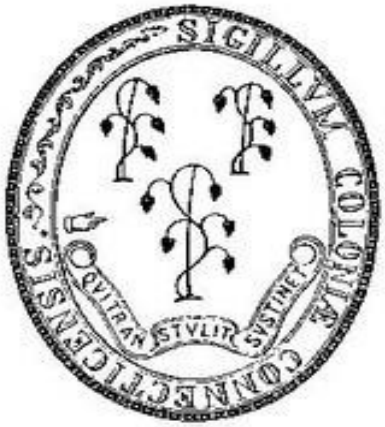
Alex Tsarkov
Executive Director

Andrew Clark
Commission Advisor

Mary M. Janicki
Senior Research and Policy Analyst

Renee La Mark Muir
Senior Research and Policy Analyst

Melissa Perez-Constantine
Intern



I. Executive Summary

This year, 2018, was another busy year for the Connecticut Sentencing Commission.

The Commission proposed two bills that introduced important debates to the General Assembly. *HB 5544, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences* would have reduced the penalty for offenses defined in our state as misdemeanors. This legislation is important given the heavy immigration consequences the current penalty could carry in federal immigrant law.

The second bill, *HB 5578, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry* would have moved the state's registry from an offense-based registry to a risk-based registry and made changes to the management and maintenance of the registry. The General Assembly did not pass these bills, but the Commission continues to work to get them passed in the next legislative session.

The Commission developed an ambitious agenda for the 2019 General Assembly legislative session. It proposed reintroducing the bills reforming the sex offender registry and the misdemeanor sentences. Resulting from its two-year study on the registration, management, and sentencing of sex offenders in Connecticut as required by Special Act 15-2, the Commission developed a new proposal to reform the outdated child pornography statutes. Other statutory recommendations include automatic erasure of certain records, changes to the sentence modification and sentence review statutes, allowing parolees the right to vote, and other significant policy proposals.

This year, the Commission hosted a symposium on sex offender registry, management and sentencing at the University of Connecticut School of Law. The symposium included presentations by the leading experts in the country on these complicated topics. The diverse audience of 150 individuals included practitioners, advocates, treatment providers, and policy-makers among other stakeholders.

The Commission continues to conduct the studies on diversionary programs, the impact of criminal records on state licensure applications, firearm offenses, and pretrial release and detention.

This annual report provides details on the Commission's activities, efforts, and achievements over the past year. It describes the status of ongoing studies and projects, including legislative proposals for the 2019 session of the Connecticut General Assembly.

II. Mission and Membership

The Connecticut Sentencing Commission was established on February 1, 2011 by Public Act 10-129. Its mission, as stated in the statute, is to "review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies" (see Appendix A for the text of the public act, codified at CGS § 54-300).

The Commission works at the state level to create policy changes that will improve Connecticut's criminal justice system. The Commission draws upon its members' expertise and experience and works closely with elected officials and state agency leaders to ensure comprehensive polices that enhance public safety, hold the offender accountable, and ultimately reduce criminal activity overall.

During each session of the Connecticut General Assembly, the Commission takes an active role in drafting legislation, organizing testimony, and educating the general public on its proposals. After the public has been informed and had an opportunity to provide feedback, Connecticut law requires that the Commission submit its recommendations to the Joint Committee on Judiciary.

The Consensus Process

The Commission utilizes a consensus decision-making process when considering new proposals. The Commission strives for consensus on all recommendations.

The Commission consists of 23 voting members, including judges, prosecutors, criminal defense counsel, the commissioners of the departments of Correction (DOC), Emergency Services and Public Protection (DESPP), and Mental Health and Addiction Services (DMHAS), the victim advocate, the executive director of the Court Support Services Division of the Judicial Branch, a municipal police chief, the chairperson of the Board of Pardons and Paroles, the undersecretary of the Criminal Justice Policy and Planning Division of the Office of Policy and Management (OPM) and members of the public appointed by the governor and the leaders of the General Assembly.

New members joining the Commission in 2018 and with the new executive branch administration in 2019 were Michael Chase (Shipman & Goodwin LLP), Marc Pelka (OPM), James Rovella (DESPP), and Rollin Cook (DOC). There is currently one vacancy on the Commission.

III. National Overview

NATIONAL ASSOCIATION OF SENTENCING COMMISSIONS (NASC)

NASC

The National Association of Sentencing Commissions ("NASC") is a non-profit organization whose mission is "to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate individuals on issues related to sentencing policies, guidelines, and commissions.

NASC does not endorse any single sentencing structure but rather supports the development of rational and effective sentencing policy, which can be achieved in various forms. NASC membership includes states with or without sentencing guidelines, states with presumptive or voluntary guidelines, and states with determinate or indeterminate sentencing practices. It is not the structure of the sentencing system but rather the goals of that system that are important to the development of good sentencing policy

NASC concentrates on providing its membership with the tools to develop a sentencing system that reflects the priorities and values of individual states. By sharing research findings on topics associated with sentencing policy, such as the use of intermediate punishment options, the effectiveness of substance abuse treatment, and recidivism rates, states are able to incorporate these findings into the development of a sentencing system that appropriately addresses specific areas of concern or need.

In addition, NASC provides a forum to exchange experiences among the states regarding both successes and failures in sentencing reform. Seldom does a state face a problem that has not been dealt with in some fashion or form by another state. Sharing information and learning from one another has been the primary focus of NASC activities since its inception. Additional information about NASC is available at http://www.thenasc.org/aboutnasc.html.

Connecticut Sentencing Commission's executive director, Alex Tsarkov, has been appointed to the NASC Executive Committee for a term that expires in 2020. In that role, Mr. Tsarkov provides direction and input for the national commission's activities and conference program offerings.

2018 Annual Conference

The National Association of Sentencing Commissions' annual conference was hosted by the Ohio Criminal Sentencing Commission in Columbus, Ohio, August 13-15, 2018. The conference, *Sentencing Commissions: Intersections, Influences and Intercepts*, featured presentations on promising innovations, research, and policy development designed to deliver effective sentencing and criminal justice policies.

Alex Tsarkov, the Connecticut Sentencing Commission's executive director and Commission member Robert Farr participated in panel discussions at the conference.

Conference Highlights

The three-day conference brought together a diverse group of criminal justice professionals, researchers, and academics from across the country. The conference consisted of a keynote and six plenary sessions, and seven different breakout sessions. Below is a list of the topics addressed during the conference.

Keynote and Plenary Sessions

- The Impact for Sentencing Commissions – Marijuana Reform and Changes in Drug Laws and Drug Use
- Using Evidence in Sentencing: Some Lessons Learned from Evaluating Correctional Programs
- Constitutional Issues in Sentencing Reform
- Sex Offender Sentencing, Registries and Management
- Effective Partnerships: Legal Academics, Law Schools and Sentencing Commissions
- Working with the Legislature

Breakout Sessions

- Highlights of Evaluating Sentencing Guideline Systems
- Juvenile Court Assessment and Sentencing Research
- Bail Reform: Towards Legal and Evidence-Based Practices
- An Overview of Juvenile Sentencing
- The Reality of Sentence Calculation Errors
- Diversion and Reentry Program Evaluation
- Community Supervision: Probation and Parole

IV. Activities of the Commission

Commission Meetings

By law, the Commission must meet at least four times a year. In 2018, the Commission held five regular meetings on March 8, June 20, September 13, November 15, and December 6.

In addition, the Steering Committee, advisory committees, and work groups met to review research, consider findings, and develop recommendations to present to the Commission for its consideration.

Public Hearing

On Thursday, December 6, 2018, the Connecticut Sentencing Commission held a public hearing on several of its potential legislative proposals:

- Reform of the sex offender registry and other recommendations from the Commission's report on sex offender sentencing, registration, and management system
- Reform of the sentence modification and sentence review statues
- An Act Concerning Misdemeanor Sentences
- An Act Concerning the Adoption and Safe Families Act
- An Act Concerning Automatic Erasure of Certain Records
- An Act Concerning Voting Rights
- An Act Concerning Accelerated Pretrial Rehabilitation
- Reform of the child pornography statues

Click here to read testimony.
Click here to see the public hearing video.

Advisory Committees and Work Groups

Steering Committee

The Steering Committee is established in the Commission's bylaws (Article VI, Section 6.1) to supervise the Commission's affairs between its regular meetings. Nine members of the Commission serve on the Steering Committee. Generally, it supervises the Commission's budget and administration, sets the schedule and agenda, oversees projects and subcommittee research activities, and approves recommendations and legislation for the entire Commission to consider.

Pretrial Release and Detention

Since the enactment of An Act Concerning Pretrial Justice Reform PA 17-145, which was based on the Commission's study and incorporated some of its recommendations, the Commission continues to discuss and analyze reform proposals that include a constitutional amendment and implementing legislation that would (1) permit the denial of release for high-risk defendants and (2) deny detention of defendants for lack of funds to secure a bail bond.

On January 28, 2019, the Commission sent a request to the Rules Committee of the Superior Court asking for a rules change to the *Connecticut Practice Book* to give defendants an automatic ten percent cash bail option any time a surety bond of $20,000 or less is imposed (see Appendix B).

Sex Offender Registry

Special Act 15-2 required the Commission to take a comprehensive look at the registration, management, and sentencing of sex offenders in Connecticut and submit reports to the General Assembly on February 1, 2016 and December 15, 2017.

On November 3, 2017, the Special Committee on Sex Offenders approved and forwarded its report and recommendations to the entire Commission. The Commission then introduced legislation for the 2018 legislative session based on those recommendations.

For the 2019 legislative session, the Commission reintroduced, with some revisions, the proposal to reform the sex offender registry. In addition, the Commission worked out a proposal to modify outdated child pornography statutes, which would (1) allow for an enhanced penalty for those convicted of a possession of child pornography who have also been previously convicted of a contact offense and (2) allow superior court judges to depart from a minimum mandatory sentence for good cause shown. The proposal would also allow for a departure when the offender is younger than 21 years of age from the current minimum mandatory sentence for 2nd degree sexual assault for sexual intercourse with a person who is 13 to 15 years old and the offender is more than three years older.

Collateral Consequences of Criminal Conviction

Since September 2017 when the full Commission approved this advisory committee, this working group has studied the impact of a conviction on issues such as employability, occupational licensure laws and housing that can affect rehabilitation, reentry into the community, and public safety. In 2018, it has considered these issues:

1. the maximum sentence for misdemeanor convictions as it relates to immigrant status;
2. the Adoption and Safe Families Act (in particular, amendments to the state's child welfare law to address the safety and best interests of children with incarcerated parents);
3. the erasure of criminal records;
4. family impact statements in court proceedings prior to sentencing;
5. voting rights for justice-involved citizens;
6. certificates of employability and restrictions on licensure applications for convicted felons.

The Commission approved submitting a misdemeanor sentencing proposal, the erasure proposal, and a child welfare proposal to the Judiciary Committee for the 2018 session (see "2018 Legislative Session Proposed Commission Bills" below).

Pretrial Diversionary Programs Study

The Commission has (1) developed and approved a scope for this study; (2) summarized the details of the nine diversionary programs that are the subject of the evaluation; and (3) requested from the JB-CSSD and the Department of Mental Health and Addiction Services the data required to analyze program outcomes on program capacity and utilization rates, program outcomes, and participants' rate of recidivism. Once the data analysis is complete, the Commission will review the findings and make its recommendations.

Impact of Criminal Records on State Licensure Applications

The Commission is examining ways in which a criminal conviction can impact whether and how an individual can obtain and maintain employment. The state's occupational licensure and certification laws regulate the education, experience, and examination criteria as well as suitability requirements.

The study will attempt to determine the impact of these laws and regulations by assessing the frequency with which people with criminal records are issued occupational licenses or certifications for selected professions and skilled trades.

Sentencing Outcomes for Firearm Offenses

This study will compile and review data on arrests for, the dispositions of, and sentences imposed in firearm-related offenses. The Commission is interested in the state's firearms laws, the permitting process, violation statistics, and sentencing outcomes imposed for convictions for permit violations as well as criminal offenses that are firearms-related.

Evidence-Based Sentencing

To conduct this non-funded study, the Commission issued an Invitation for Proposals on October 5, 2015, with a due date of December 4, 2015. On January 12, 2016, the Research, Measurement, and Evaluation Committee considered the findings of the proposal review committee and voted to forward its recommendation to the Steering Committee. On March 10, the full Commission voted to approve the University of Maryland's proposal to study an evidence-based assessment of sentencing practices in Connecticut. The Maryland researchers in the Department of Criminology and Criminal Justice are evaluating the potential impact of needs- and risk-based sentencing.

The preliminary report was released in January 2018.

Certificates of Employability Program Evaluation

On October 1, 2014, the Board of Pardons and Paroles (BOPP) and JB-CSSD were authorized to award certificates of employability to eligible individuals. Pursuant to the same act that authorized the program, the Commission is required to collect and disseminate data on the program and conduct a four-year longitudinal evaluation of its effectiveness. The act also required the Commission to submit three annual reports due in January 2016, 2017, and 2018 respectively. The first report, presented to the Commission and approved at its June 9, 2016 regular meeting provided an overview of JB-CSSD and BOPP policies and program implementation and a data-driven description of the applicants and certificate holders. The report contained the Commission staff's findings and recommendations based on the program's first year.

The 2017 preliminary report for this project was completed in July 2017. Combined with the third year's data and analysis, the study's final report with recommendations was released in December 2018.

Symposium

On Friday, December 7, 2018, the Connecticut Sentencing Commission held a Symposium on Sex Offender Registration and Management: Legal and Evidence-Based Practice at the University of Connecticut School of Law. In collaboration with the Connecticut Association for the Treatment of Sexual Offenders and the National Institute of Corrections, the symposium facilitated an open and informational dialogue for sex offender registry and management. This symposium featured presentations from some of the best national experts on these topics.

Presentation Highlights

- Deconstructing the Myth of Sexual Offenders:
  Hon. Judge Mary Kate Huffman of Common Pleas Court in Ohio presented her perspective on the sex offender registry and management.

- Designing Better Sexual Harm Prevention:
  Professor Eric Janus from the Mitchell Hamline School of Law explored options for policies to improve sexual harm prevention.

- Collateral Consequences of Sexual Offender Registration and Management:
  Family members of offenders affected by the Sex Offender Registry shared their personal experience, moderated by Eileen Redden of the Connecticut Association for the Treatment of Sexual Offenders.

- Best Practices in the Management of Persons who have Sexually Offended:
  Dr. Robin J. Wilson from Wilson Psychology Service LLC presented on the best practices in treatment and management for people convicted of sexual offenses.

Panel Discussion Session

- Conversation on Lessons Learned and the Path Ahead
  Panelists Judge Robert J. Devlin, Jr., Chair of the Connecticut Sentencing Commission; Laura Cordes, Executive Director Connecticut Alliance to End Sexual Violence; State Senator of the 7th District John Kissel; State Rep. of the 129th District Steve Stafstrom moderated by Alex Tsarkov, Executive Director of the Connecticut Sentencing Commission discussed the recommendations of the Sentencing Commission and the legislators' approach to issues of sex offender management and registry.

Click here to see videos of the conference presentations.

2018 Legislation and 2019 Proposals

The Commission proposed two bills for the General Assembly's consideration during the 2018 session. They were referred to the Judiciary Committee. Neither bill was passed.

2018 Legislative Session Commission Bills

Bill Number	Title (and originating Commission recommendation)
House Bill 5544 Died on the House calendar	An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences would have reduced the maximum sentence for misdemeanors from one year to 364 days.
House Bill 5578 Died in committee	An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry would have moved the state's registry from an offense-based registry to a risk-based registry and made changes to the management and maintenance of the registry.

2019 Legislative Session Proposed Commission Bills

The Sentencing Commission submitted eleven proposals to the Judiciary Committee organized in three bills (see Appendices C, D, and E, respectively). They are:

1. An Act Concerning Various Recommendations of the Sentencing Commission includes
    - SB 948, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences
    - HB 5349, An Act Concerning Identity Theft Victim Access to Records, which is identical to the Commission proposal that would allow victims access to certain sealed information necessary to correct identity theft matters
    - a proposal concerning the Adoption and Safe Families Act
    - a voting rights proposal
    - a recommendation on the automatic erasure of certain records
    - a proposal on the unlawful dissemination of an intimate image
    - the sentence modification and sentence review proposals recommended by that work group.

2. An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sex Offender Registry includes:
    - the recommendations on reforming the sex offender sentencing, registration, and management system as proposed by the Special Committee on Sex Offenders.

3. An Act Concerning Recommendations of the Sentencing Commission with Respect to Penalties for Sex Offenders includes
    - a proposal to revise the child pornography statutes
    - a proposal to amend the Sexual Assault 2 statute

To date, the Judiciary Committee has raised three bills that incorporate provisions in the Sentencing Commission's various recommendations, including two that have been drafted (SB 948 and HB 5349).

Appendices

Appendix A: C.G.S. § 54-300

Appendix B: Letter to Members of the Judicial Branch Rules Committee

Appendix C: An Act Concerning Various Recommendations of the Sentencing Commission

Appendix D: An Act Concerning the Recommendations of the Connecticut Sentencing Commission With Respect to the Sexual Offender Registry

Appendix E: An Act Concerning Recommendations of the Sentencing Commission with Respect to Penalties for Sex Offenders

Appendix A

§ 54-300 Sentencing Commission

(a) There is established, within existing budgetary resources, a Connecticut Sentencing Commission which shall be within the Office of Policy and Management for administrative purposes only.

(b) The mission of the commission shall be to review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies.

(c) In fulfilling its mission, the commission shall recognize that: (1) The primary purpose of sentencing in the state is to enhance public safety while holding the offender accountable to the community, (2) sentencing should reflect the seriousness of the offense and be proportional to the harm to victims and the community, using the most appropriate sanctions available, including incarceration, community punishment and supervision, (3) sentencing should have as an overriding goal the reduction of criminal activity, the imposition of just punishment and the provision of meaningful and effective rehabilitation and reintegration of the offender, and (4) sentences should be fair, just and equitable while promoting respect for the law.

(d) The commission shall be composed of the following members:

(1) Eight persons appointed one each by: (A) The Governor, (B) the Chief Justice of the Supreme Court, (C) the president pro tempore of the Senate, (D) the speaker of the House of Representatives, (E) the majority leader of the Senate, (F) the majority leader of the House of Representatives, (G) the minority leader of the Senate, and (H) the minority leader of the House of Representatives, all of whom shall serve for a term of four years;

(2) Two judges appointed by the Chief Justice of the Supreme Court, one of whom shall serve for a term of one year and one of whom shall serve for a term of three years;

(3) One representative of the Court Support Services Division of the Judicial Branch appointed by the Chief Justice of the Supreme Court, who shall serve for a term of two years;

(4) The Commissioner of Correction, who shall serve for a term coterminous with his or her term of office;

(5) The Chief State's Attorney, who shall serve for a term coterminous with his or her term of office;

(6) The Chief Public Defender, who shall serve for a term coterminous with his or her term of office;

(7) One state's attorney appointed by the Chief State's Attorney, who shall serve for a term of three years;

(8) One member of the criminal defense bar appointed by the president of the Connecticut Criminal Defense Lawyers Association, who shall serve for a term of three years;

(9) The Victim Advocate, who shall serve for a term coterminous with his or her term of office;

(10) The chairperson of the Board of Pardons and Paroles, who shall serve for a term coterminous with his or her term of office;

(11) The Commissioner of Emergency Services and Public Protection, who shall serve for a term coterminous with his or her term of office;

(12) A municipal police chief appointed by the president of the Connecticut Police Chiefs Association, who shall serve for a term of two years;

(13) The Commissioner of Mental Health and Addiction Services, who shall serve for a term coterminous with his or her term of office;

(14) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, who shall serve for a term coterminous with his or her term of office; and

(15) An active or retired judge appointed by the Chief Justice of the Supreme Court, who shall serve as chairperson of the commission and serve for a term of four years.

(e) The commission shall elect a vice-chairperson from among the membership. Appointed members of the commission shall serve for the term specified in subsection (d) of this section and may be reappointed. Any vacancy in the appointed membership of the commission shall be filled by the appointing authority for the unexpired portion of the term.

(f) The commission shall:

(1) Facilitate the development and maintenance of a state-wide sentencing database in collaboration with state and local agencies, using existing state databases or resources where appropriate;

(2) Evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis;

(3) Conduct sentencing trends analyses and studies and prepare offender profiles;

(4) Provide training regarding sentencing and related issues, policies and practices;

(5) Act as a sentencing policy resource for the state;

(6) Preserve judicial discretion and provide for individualized sentencing;

(7) Evaluate the impact of pretrial, sentencing diversion, incarceration and post-release supervision programs;

(8) Perform fiscal impact analyses on selected proposed criminal justice legislation; and

(9) Identify potential areas of sentencing disparity related to racial, ethnic, gender and socioeconomic status.

(g) Upon completing the development of the state-wide sentencing database pursuant to subdivision (1) of subsection (f) of this section, the commission shall review criminal justice legislation as requested and as resources allow.

(h) The commission shall make recommendations concerning criminal justice legislation, including proposed modifications thereto, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary which shall hold a hearing thereon.

(i) The commission shall have access to confidential information received by sentencing courts and the Board of Pardons and Paroles including, but not limited to, arrest data, criminal history records, medical records and other non-conviction information.

(j) The commission shall obtain full and complete information with respect to programs and other activities and operations of the state that relate to the criminal sentencing structure in the state.

(k) The commission may request any office, department, board, commission or other agency of the state or any political subdivision of the state to supply such records, information and assistance as may be necessary or appropriate in order for the commission to carry out its duties. Each officer or employee of such office, department, board, commission or other agency of the state or any political subdivision of the state is authorized and directed to cooperate with the commission and to furnish such records, information and assistance.

(l) The commission may accept, on behalf of the state, any grants of federal or private funds made available for any purposes consistent with the provisions of this section.

(m) Any records or information supplied to the commission that is confidential in accordance with any provision of the general statutes shall remain confidential while in the custody of the commission and shall not be disclosed. Any penalty for the disclosure of such records or information applicable to the officials, employees and authorized representatives of the office, department, board, commission or other agency of the state or any political subdivision of the state that supplied such records or information shall apply in the same manner and to the same extent to the members, staff and authorized representatives of the commission.

(n) The commission shall be deemed to be a criminal justice agency as defined in subsection (b) of section 54-142g.

(o) The commission shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary.

(p) Not later than January 15, 2012, and annually thereafter, the commission shall submit a report, in accordance with the provisions of section 11-4a, to the Governor, the General Assembly and the Chief Justice of the Supreme Court.

Appendix B

Hon. Robert J. Devlin
Chair

Alex Tsarkov
Executive Director

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Room 212
185 Main ST
New Britain, CT 06051

CONNECTICUT SENTENCING COMMISSION

January 28, 2019

Rules Committee of the Superior Court
Connecticut Supreme Court Building
231 Capitol Avenue
Hartford, CT 06106

Dear Members of the Rules Committee,

On behalf of the Connecticut Sentencing Commission, we are writing to request that you consider a rule change to the *Connecticut Practice Book* to make the ten percent cash bail provision an automatic option for defendants whenever a surety bond of $20,000 or less is imposed. Enclosed please see the draft of the proposed rule.

As you know, the ten percent cash option is already authorized in the *Practice Book,* and is available if requested by the defendant and granted by a judge. If granted, defendants receive their money back once their case is disposed.

An automatic option of ten percent to the court would assist indigent persons to make a bond. It would lessen the burden on those who could barely afford it and it may help those defendants who are detained on low-level charges to make their bond.

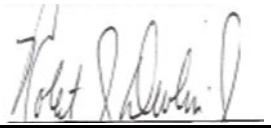
This proposal was endorsed by the Connecticut Sentencing Commission in its 2017 report on pretrial release and detention. As you know, the Commission's membership consists of all the major stakeholders in the criminal justice system of Connecticut including superior court judges, the Chief State's Attorney, the Chief Public Defender, the Victim Advocate, the commissioners of Corrections, Emergency Services and Public Protection, and Mental Health and Addiction Services; community activists interested in the criminal justice system, the chair of the Board of Pardons and Paroles, municipal police chiefs, the undersecretary of the criminal justice policy and planning division, as well as others vitally engaged in the criminal justice system.

We realize that expanded utilization of ten percent cash is not a long-term solution to pretrial justice issues. The Sentencing Commission is examining whether Connecticut should move to a no-money bail, in-or-out type of system where persons are detained only upon a finding of flight risk or dangerousness after an on-the-record hearing conducted with the proper due process considerations.

The Sentencing Commission will continue its efforts to explore a no money bail system. In the meantime, we ask that you amend the *Practice Book* to expand the ten percent cash option and improve the pretrial justice system in the state.

Thank you in advance for your consideration. If you have any questions, we would be glad to provide further information.

Sincerely,



Honorable Robert J. Devlin, Jr.
Chair

Alex Tsarkov
Executive Director

Proposed Sec. 38-8. Ten Percent Cash Bail

Unless otherwise ordered by the judicial authority, 10 percent cash bail shall be automatically available for surety bonds not exceeding $20,000. For surety bond amounts exceeding $20,000, 10% cash bail may be granted pursuant to an order of the judicial authority. This 10 percent option applies to bonds set in court as well as bonds set at the police department.

When 10 percent cash bail is authorized either automatically or pursuant to court order, upon the [When 10 percent cash bail is granted, upon] the depositing in cash, by the defendant or any person in his or her behalf other than a paid surety, of 10 percent of the surety bond set, the defendant shall thereupon be admitted to bail in the same manner as a defendant who has executed a bond for the full amount. If such bond is forfeited, the defendant shall be liable for the full amount of them bond. Upon discharge of the bond, the 10 percent cash deposit made with the clerk shall be returned to the person depositing the same, less any fee that may be required by statute.

Appendix C

An Act Concerning Various Recommendations of the Sentencing Commission

Sec. 1. Section 17a-111a of the general statutes is repealed and the following is submitted in lieu thereof: (*Effective October 1, 2019*):

(a) The Commissioner of Children and Families shall file a petition to terminate parental rights pursuant to section 17a-112 if (1) the child has been in the custody of the commissioner for at least fifteen consecutive months, or at least fifteen months during the twenty-two months, immediately preceding the filing of such petition; (2) the child has been abandoned as defined in subsection (j) of section 17a-112; or (3) a court of competent jurisdiction has found that (A) the parent has killed, through deliberate, nonaccidental act, a sibling of the child or has requested, commanded, importuned, attempted, conspired or solicited to commit the killing of the child or a sibling of the child; or (B) the parent has assaulted the child or a sibling of a child, through deliberate, nonaccidental act, and such assault resulted in serious bodily injury to such child.

(b) Notwithstanding the provisions of subsection (a) of this section, the commissioner is not required to file a petition to terminate parental rights in such cases if the commissioner determines that: (1) The child has been placed under the care of a relative of such child; (2) there is a compelling reason to believe that filing such petition is not in the best interests of the child; or (3) the parent has not been offered the services contained in the permanency plan to reunify the parent with the child or such services were not available <u>or reasonably accessible</u>, unless a court has determined that efforts to reunify the parent with the child are not required.

<u>(c) For purposes of this section, (1) a compelling reason to believe that a petition to terminate the parental rights of an incarcerated parent is not in the best interests of the child may include: (A) such parent maintains a meaningful role in the child's life, (B) such parent's incarceration is the primary reason why the child has been in foster care for fifteen of the last twenty-two months, and (C) there is no other applicable ground for filing such petition; and (2) the commissioner's assessment of whether an incarcerated parent maintains a meaningful role in the child's life may include consideration of the following factors: (A)the parent's expressions or acts of manifesting concerns for the child, such as letters, telephone calls, visits and other forms of communication with the child; (B) the parent's efforts to communicate and work with the commissioner or other individuals for the purpose of complying with the case plan developed pursuant to section 17a-15 and repairing, maintaining or building the parent-child relationship;(C) a positive response by the parent to the reasonable efforts of the commissioner; (D) information provided by individuals or agencies in a reasonable position to assist the commissioner in making this assessment, including, but not limited to, the parent's attorney, correctional and mental health personnel or other individuals providing services to the parent; (E) limitations in the parent's access to family support programs, therapeutic services and visiting opportunities, restrictions to telephone and mail services, inability to participate in case plan review meetings held in accordance with section 17a-15 and difficulty participating meaningfully in court proceedings; and (F)whether the continued involvement of the parent in the child's life is in the child's best interests.</u>

Sec. 2. Subsection (k) of Sec. 17a-112 of the general statutes is repealed and the following is submitted in lieu thereof: (*Effective October 1, 2019*):

(k) Except in the case where termination of parental rights is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make

written findings regarding: (1) The timeliness, nature and extent of services offered, provided and made available to the parent and the child by an agency to facilitate the reunion of the child with the parent; (2) whether the Department of Children and Families has made reasonable efforts to reunite the family pursuant to the federal Adoption and Safe Families Act of 1997, as amended from time to time; (3) the terms of any applicable court order entered into and agreed upon by any individual or agency and the parent, and the extent to which all parties have fulfilled their obligations under such order; (4) the feelings and emotional ties of the child with respect to the child's parents, any guardian of such child's person and any person who has exercised physical care, custody or control of the child for at least one year and with whom the child has developed significant emotional ties; (5) the age of the child; (6) the efforts the parent has made to adjust such parent's circumstances, conduct, or conditions to make it in the best interest of the child to return such child home in the foreseeable future, including, but not limited to, (A) the extent to which the parent has maintained contact with the child as part of an effort to reunite the child with the parent, provided the court may give weight to incidental visitations, communications or contributions, and (B) the maintenance of regular contact or communication with the guardian or other custodian of the child; [and] (7) the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of the other parent of the child, or the unreasonable act of any other person or by the economic circumstances of the parent; and (8) if a parent is incarcerated, (A) whether that parent has maintained a meaningful role in the life of the child considering the factors enumerated in section 17a-111a, and (B) any delays or barriers that parent may have experienced in keeping the Department of Children and Families apprised of his or her location and in accessing visitation or other contact with the child.

Sec. 3. Section 46b-129 of the general statutes is repealed and the following is submitted in lieu thereof: (*Effective October 1, 2019*):

(a) Any selectman, town manager, or town, city or borough welfare department, any probation officer, or the Commissioner of Social Services, the Commissioner of Children and Families or any child-caring institution or agency approved by the Commissioner of Children and Families, a child or such child's representative or attorney or a foster parent of a child, having information that a child or youth is neglected, uncared for or abused may file with the Superior Court that has venue over such matter a verified petition plainly stating such facts as bring the child or youth within the jurisdiction of the court as neglected, uncared for or abused within the meaning of section 46b-120, the name, date of birth, sex and residence of the child or youth, the name and residence of such child's parents or guardian, and praying for appropriate action by the court in conformity with the provisions of this chapter. Upon the filing of such a petition, except as otherwise provided in subsection (k) of section 17a-112, the court shall cause a summons to be issued requiring the parent or parents or the guardian of the child or youth to appear in court at the time and place named, which summons shall be served not less than fourteen days before the date of the hearing in the manner prescribed by section 46b-128, and the court shall further give notice to the petitioner and to the Commissioner of Children and Families of the time and place when the petition is to be heard not less than fourteen days prior to the hearing in question.

(b) If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition and application, or subsequent thereto, that there is reasonable cause to believe that (1) the child or youth is suffering from serious physical illness or serious physical injury or is in immediate physical danger from the child's or youth's surroundings, and (2) as a result of said conditions, the child's or youth's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's or youth's safety, the court shall either (A)

issue an order to the parents or other person having responsibility for the care of the child or youth to appear at such time as the court may designate to determine whether the court should vest the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency pending disposition of the petition, or (B) issue an order ex parte vesting the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency. A preliminary hearing on any ex parte custody order or order to appear issued by the court shall be held not later than ten days after the issuance of such order. The service of such orders may be made by any officer authorized by law to serve process, or by any probation officer appointed in accordance with section 46b-123, investigator from the Department of Administrative Services, state or local police officer or indifferent person. Such orders shall include a conspicuous notice to the respondent written in clear and simple language containing at least the following information: (i) That the order contains allegations that conditions in the home have endangered the safety and welfare of the child or youth; (ii) that a hearing will be held on the date on the form; (iii) that the hearing is the opportunity to present the parents' position concerning the alleged facts; (iv) that an attorney will be appointed for parents who cannot afford an attorney; (v) that such parents may apply for a court-appointed attorney by going in person to the court address on the form and are advised to go as soon as possible in order for the attorney to prepare for the hearing; (vi) that such parents, or a person having responsibility for the care and custody of the child or youth, may request the Commissioner of Children and Families to investigate placing the child or youth with a person related to the child or youth by blood or marriage who might serve as a licensed foster parent or temporary custodian for such child or youth. The commissioner, where practicable, shall investigate such relative or relatives prior to the preliminary hearing and provide a report to the court at such hearing as to such relative's suitability; and (vii) that if such parents have any questions concerning the case or appointment of counsel, any such parent is advised to go to the court or call the clerk's office at the court as soon as possible. Upon application for appointed counsel, the court shall promptly determine eligibility and, if the respondent is eligible, promptly appoint counsel. The expense for any temporary care and custody shall be paid by the town in which such child or youth is at the time residing, and such town shall be reimbursed for such expense by the town found liable for the child's or youth's support, except that where a state agency has filed a petition pursuant to the provisions of subsection (a) of this section, the agency shall pay such expense. The agency shall give primary consideration to placing the child or youth in the town where such child or youth resides. The agency shall file in writing with the clerk of the court the reasons for placing the child or youth in a particular placement outside the town where the child or youth resides. Upon issuance of an ex parte order, the court shall provide to the commissioner and the parent or guardian specific steps necessary for each to take to address the ex parte order for the parent or guardian to retain or regain custody of the child or youth, including any services available and reasonably accessible by an incarcerated parent or guardian at the facility where such parent or guardian is confined. Upon the issuance of such order, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety. Any person or agency in which the temporary care and custody of a child or youth is vested under this section shall have the following rights and duties regarding the child or youth: (I) The obligation of care and control; (II) the authority to make decisions regarding emergency medical, psychological, psychiatric or surgical treatment; and (III) such other rights and duties that the court having jurisdiction may order.

(c) The preliminary hearing on the order of temporary custody or order to appear or the

first hearing on a petition filed pursuant to subsection (a) of this section shall be held in order for the court to:

(1) Advise the parent or guardian of the allegations contained in all petitions and applications that are the subject of the hearing and the parent's or guardian's right to counsel pursuant to subsection (b) of section 46b-135;

(2) Ensure that an attorney, and where appropriate, a separate guardian ad litem has been appointed to represent the child or youth in accordance with subsection (b) of section 51-296a and sections 46b-129a and 46b-136;

(3) Upon request, appoint an attorney to represent the respondent when the respondent is unable to afford representation, in accordance with subsection (b) of section 51-296a;

(4) Advise the parent or guardian of the right to a hearing on the petitions and applications, to be held not later than ten days after the date of the preliminary hearing if the hearing is pursuant to an order of temporary custody or an order to show cause;

(5) Accept a plea regarding the truth of the allegations;

(6) Make any interim orders, including visitation orders, that the court determines are in the best interests of the child or youth. The court, after a hearing pursuant to this subsection, shall order specific steps the commissioner and the parent or guardian shall take for the parent or guardian to regain or to retain custody of the child or youth, including any services available and reasonably accessible by an incarcerated parent or guardian at the facility where such parent or guardian is confined;

(7) Take steps to determine the identity of the father of the child or youth, including, if necessary, inquiring of the mother of the child or youth, under oath, as to the identity and address of any person who might be the father of the child or youth and ordering genetic testing, and order service of the petition and notice of the hearing date, if any, to be made upon him;

(8) If the person named as the father appears and admits that he is the father, provide him and the mother with the notices that comply with section 17b-27 and provide them with the opportunity to sign a paternity acknowledgment and affirmation on forms that comply with section 17b-27. Such documents shall be executed and filed in accordance with chapter 815y and a copy delivered to the clerk of the superior court for juvenile matters. The clerk of the superior court for juvenile matters shall send the original paternity acknowledgment and affirmation to the Department of Public Health for filing in the paternity registry maintained under section 19a-42a, and shall maintain a copy of the paternity acknowledgment and affirmation in the court file;

(9) If the person named as a father appears and denies that he is the father of the child or youth, order genetic testing to determine paternity in accordance with section 46b-168. If the results of the genetic tests indicate a ninety-nine per cent or greater probability that the person named as father is the father of the child or youth, such results shall constitute a rebuttable presumption that the person named as father is the father of the child or youth, provided the court finds evidence that sexual intercourse occurred between the mother and the person named as father during the period of time in which the child was conceived. If the court finds such rebuttable presumption, the court may issue judgment adjudicating paternity after providing the father an opportunity for a hearing. The clerk of the court shall send a certified copy of any judgment adjudicating paternity to the

Department of Public Health for filing in the paternity registry maintained under section 19a-42a. If the results of the genetic tests indicate that the person named as father is not the biological father of the child or youth, the court shall enter a judgment that he is not the father and the court shall remove him from the case and afford him no further standing in the case or in any subsequent proceeding regarding the child or youth;

(10) Identify any person or persons related to the child or youth by blood or marriage residing in this state who might serve as licensed foster parents or temporary custodians and order the Commissioner of Children and Families to investigate and report to the court, not later than thirty days after the preliminary hearing, the appropriateness of placing the child or youth with such relative or relatives; and

(11) In accordance with the provisions of the Interstate Compact on the Placement of Children pursuant to section 17a-175, identify any person or persons related to the child or youth by blood or marriage residing out of state who might serve as licensed foster parents or temporary custodians, and order the Commissioner of Children and Families to investigate and determine, within a reasonable time, the appropriateness of placing the child or youth with such relative or relatives.

(d) (1) (A) If not later than thirty days after the preliminary hearing, or within a reasonable time when a relative resides out of state, the Commissioner of Children and Families determines that there is not a suitable person related to the child or youth by blood or marriage who can be licensed as a foster parent or serve as a temporary custodian, and the court has not granted temporary custody to a person related to the child or youth by blood or marriage, any person related to the child or youth by blood or marriage may file, not later than ninety days after the date of the preliminary hearing, a motion to intervene for the limited purpose of moving for temporary custody of such child or youth. If a motion to intervene is timely filed, the court shall grant such motion except for good cause shown.

(B) Any person related to a child or youth may file a motion to intervene for purposes of seeking temporary custody of a child or youth more than ninety days after the date of the preliminary hearing. The granting of such motion shall be solely in the court's discretion, except that such motion shall be granted absent good cause shown whenever the child's or youth's most recent placement has been disrupted or is about to be disrupted.

(C) A relative shall appear in person, with or without counsel, and shall not be entitled to court appointed counsel or the assignment of counsel by the office of Chief Public Defender, except as provided in section 46b-136.

(2) Upon the granting of intervenor status to such relative of the child or youth, the court shall issue an order directing the Commissioner of Children and Families to conduct an assessment of such relative and to file a written report with the court not later than forty days after such order, unless such relative resides out of state, in which case the assessment shall be ordered and requested in accordance with the provisions of the Interstate Compact on the Placement of Children, pursuant to section 17a-175. The court may also request such relative to release such relative's medical records, including any psychiatric or psychological records and may order such relative to submit to a physical or mental examination. The expenses incurred for such physical or mental examination shall be paid as costs of commitment are paid. Upon receipt of the assessment, the court shall schedule a hearing on such relative's motion for temporary custody not later than fifteen days after the receipt of the assessment. If the Commissioner of Children and Families, the

child's or youth's attorney or guardian ad litem, or the parent or guardian objects to the vesting of temporary custody in such relative, the agency or person objecting at such hearing shall be required to prove by a fair preponderance of the evidence that granting temporary custody of the child or youth to such relative would not be in the best interests of such child or youth.

(3) If the court grants such relative temporary custody during the period of such temporary custody, such relative shall be subject to orders of the court, including, but not limited to, providing for the care and supervision of such child or youth and cooperating with the Commissioner of Children and Families in the implementation of treatment and permanency plans and services for such child or youth. The court may, on motion of any party or the court's own motion, after notice and a hearing, terminate such relative's intervenor status if such relative's participation in the case is no longer warranted or necessary.

(4) Any person related to a child or youth may file a motion to intervene for purposes of seeking guardianship of a child or youth more than ninety days after the date of the preliminary hearing. The granting of such motion to intervene shall be solely in the court's discretion, except that such motion shall be granted absent good cause shown whenever the child's or youth's most recent placement has been disrupted or is about to be disrupted. The court may, in the court's discretion, order the Commissioner of Children and Families to conduct an assessment of such relative granted intervenor status pursuant to this subdivision.

(5) Any relative granted intervenor status pursuant to this subsection shall not be entitled to court-appointed counsel or representation by Division of Public Defender Services assigned counsel, except as provided in section 46b-136.

(e) If any parent or guardian fails, after service of such order, to appear at the preliminary hearing, the court may enter or sustain an order of temporary custody.

(f) Upon request, or upon its own motion, the court shall schedule a hearing on the order for temporary custody or the order to appear to be held not later than ten days after the date of the preliminary hearing. Such hearing shall be held on consecutive days except for compelling circumstances or at the request of the parent or guardian.

(g) At a contested hearing on the order for temporary custody or order to appear, credible hearsay evidence regarding statements of the child or youth made to a mandated reporter or to a parent may be offered by the parties and admitted by the court upon a finding that the statement is reliable and trustworthy and that admission of such statement is reasonably necessary. A signed statement executed by a mandated reporter under oath may be admitted by the court without the need for the mandated reporter to appear and testify unless called by a respondent or the child, provided the statement: (1) Was provided at the preliminary hearing and promptly upon request to any counsel appearing after the preliminary hearing; (2) reasonably describes the qualifications of the reporter and the nature of his contact with the child; and (3) contains only the direct observations of the reporter, and statements made to the reporter that would be admissible if the reporter were to testify to them in court and any opinions reasonably based thereupon. If a respondent or the child gives notice at the preliminary hearing that he intends to cross-examine the reporter, the person filing the petition shall make the reporter available for such examination at the contested hearing.

(h) If any parent or guardian fails, after due notice of the hearing scheduled pursuant to subsection (g) of this section and without good cause, to appear at the scheduled date for a

contested hearing on the order of temporary custody or order to appear, the court may enter or sustain an order of temporary custody.

(i) When a petition is filed in said court for the commitment of a child or youth, the Commissioner of Children and Families shall make a thorough investigation of the case and shall cause to be made a thorough physical and mental examination of the child or youth if requested by the court. The court after hearing may also order a thorough physical or mental examination, or both, of a parent or guardian whose competency or ability to care for a child or youth before the court is at issue. The expenses incurred in making such physical and mental examinations shall be paid as costs of commitment are paid.

(j) (1) For the purposes of this subsection and subsection (k) of this section, (A) "permanent legal guardianship" means a permanent guardianship, as defined in section 45a-604, and (B) "caregiver" means (i) a fictive kin caregiver, as defined in section 17a-114, who is caring for a child, (ii) a relative caregiver, as defined in section 17a-126, or (iii) a person who is licensed or approved to provide foster care pursuant to section 17a-114.

(2) Upon finding and adjudging that any child or youth is uncared for, neglected or abused the court may (A) commit such child or youth to the Commissioner of Children and Families, and such commitment shall remain in effect until further order of the court, except that such commitment may be revoked or parental rights terminated at any time by the court; (B) vest such child's or youth's legal guardianship in any private or public agency that is permitted by law to care for neglected, uncared for or abused children or youths or with any other person or persons found to be suitable and worthy of such responsibility by the court, including, but not limited to, any relative of such child or youth by blood or marriage; (C) vest such child's or youth's permanent legal guardianship in any person or persons found to be suitable and worthy of such responsibility by the court, including, but not limited to, any relative of such child or youth by blood or marriage in accordance with the requirements set forth in subdivision (5) of this subsection; or (D) place the child or youth in the custody of the parent or guardian with protective supervision by the Commissioner of Children and Families subject to conditions established by the court.

(3) If the court determines that the commitment should be revoked and the child's or youth's legal guardianship or permanent legal guardianship should vest in someone other than the respondent parent, parents or former guardian, or if parental rights are terminated at any time, there shall be a rebuttable presumption that an award of legal guardianship or permanent legal guardianship upon revocation to, or adoption upon termination of parental rights by, any caregiver or person or who is, pursuant to an order of the court, the temporary custodian of the child or youth at the time of the revocation or termination, shall be in the best interests of the child or youth and that such caregiver is a suitable and worthy person to assume legal guardianship or permanent legal guardianship upon revocation or to adopt such child or youth upon termination of parental rights. The presumption may be rebutted by a preponderance of the evidence that an award of legal guardianship or permanent legal guardianship to, or an adoption by, such caregiver would not be in the child's or youth's best interests and such caregiver is not a suitable and worthy person. The court shall order specific steps that the parent must take to facilitate the return of the child or youth to the custody of such parent.

(4) The commissioner shall be the guardian of such child or youth for the duration of the commitment, provided the child or youth has not reached the age of eighteen years, or until another guardian has been legally appointed, and in like manner, upon such vesting of the care of such child or youth, such other public or private agency or individual shall be the guardian of such child or

youth until such child or youth has reached the age of eighteen years or, in the case of a child or youth in full-time attendance in a secondary school, a technical high school, a college or a state-accredited job training program, until such child or youth has reached the age of twenty-one years or until another guardian has been legally appointed. The commissioner may place any child or youth so committed to the commissioner in a suitable foster home or in the home of a fictive kin caregiver, relative caregiver, or in a licensed child-caring institution or in the care and custody of any accredited, licensed or approved child-caring agency, within or without the state, provided a child shall not be placed outside the state except for good cause and unless the parents or guardian of such child are notified in advance of such placement and given an opportunity to be heard, or in a receiving home maintained and operated by the Commissioner of Children and Families. In placing such child or youth, the commissioner shall, if possible, select a home, agency, institution or person of like religious faith to that of a parent of such child or youth, if such faith is known or may be ascertained by reasonable inquiry, provided such home conforms to the standards of said commissioner and the commissioner shall, when placing siblings, if possible, place such children together. Upon the issuance of an order committing the child or youth to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall determine whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety.

(5) A youth who is committed to the commissioner pursuant to this subsection and has reached eighteen years of age may remain in the care of the commissioner, by consent of the youth and provided the youth has not reached the age of twenty-one years of age, if the youth is (A) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (B) enrolled full time in an institution which provides postsecondary or vocational education; or (C) participating full time in a program or activity approved by said commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. Not more than one hundred twenty days after the youth's eighteenth birthday, the department shall file a motion in the superior court for juvenile matters that had jurisdiction over the youth's case prior to the youth's eighteenth birthday for a determination as to whether continuation in care is in the youth's best interest and, if so, whether there is an appropriate permanency plan. The court, in its discretion, may hold a hearing on said motion.

(6) Prior to issuing an order for permanent legal guardianship, the court shall provide notice to each parent that the parent may not file a motion to terminate the permanent legal guardianship, or the court shall indicate on the record why such notice could not be provided, and the court shall find by clear and convincing evidence that the permanent legal guardianship is in the best interests of the child or youth and that the following have been proven by clear and convincing evidence:

(A) One of the statutory grounds for termination of parental rights exists, as set forth in subsection (j) of section 17a-112, or the parents have voluntarily consented to the establishment of the permanent legal guardianship;

(B) Adoption of the child or youth is not possible or appropriate;

(C) (i) If the child or youth is at least twelve years of age, such child or youth consents to the proposed permanent legal guardianship, or (ii) if the child is under twelve years of age, the

proposed permanent legal guardian is: (I) A relative, (II) a caregiver, or (III) already serving as the permanent legal guardian of at least one of the child's siblings, if any;

(D) The child or youth has resided with the proposed permanent legal guardian for at least a year; and

(E) The proposed permanent legal guardian is (i) a suitable and worthy person, and (ii) committed to remaining the permanent legal guardian and assuming the right and responsibilities for the child or youth until the child or youth attains the age of majority.

(7) An order of permanent legal guardianship may be reopened and modified and the permanent legal guardian removed upon the filing of a motion with the court, provided it is proven by a fair preponderance of the evidence that the permanent legal guardian is no longer suitable and worthy. A parent may not file a motion to terminate a permanent legal guardianship. If, after a hearing, the court terminates a permanent legal guardianship, the court, in appointing a successor legal guardian or permanent legal guardian for the child or youth shall do so in accordance with this subsection.

(k) (1) (A) Nine months after placement of the child or youth in the care and custody of the commissioner pursuant to a voluntary placement agreement, or removal of a child or youth pursuant to section 17a-101g or an order issued by a court of competent jurisdiction, whichever is earlier, the commissioner shall file a motion for review of a permanency plan if the child or youth has not reached his or her eighteenth birthday. Nine months after a permanency plan has been approved by the court pursuant to this subsection or subdivision (5) of subsection (j) of this section, the commissioner shall file a motion for review of the permanency plan. Any party seeking to oppose the commissioner's permanency plan, including a relative of a child or youth by blood or marriage who has intervened pursuant to subsection (d) of this section and is licensed as a foster parent for such child or youth or is vested with such child's or youth's temporary custody by order of the court, shall file a motion in opposition not later than thirty days after the filing of the commissioner's motion for review of the permanency plan, which motion shall include the reason therefor. A permanency hearing on any motion for review of the permanency plan shall be held not later than ninety days after the filing of such motion. The court shall hold evidentiary hearings in connection with any contested motion for review of the permanency plan and credible hearsay evidence regarding any party's compliance with specific steps ordered by the court shall be admissible at such evidentiary hearings. The commissioner shall have the burden of proving that the proposed permanency plan is in the best interests of the child or youth. After the initial permanency hearing, subsequent permanency hearings shall be held not less frequently than every twelve months while the child or youth remains in the custody of the Commissioner of Children and Families or, if the youth is over eighteen years of age, while the youth remains in voluntary placement with the department. The court shall provide notice to the child or youth, the parent or guardian of such child or youth, and any intervenor of the time and place of the court hearing on any such motion not less than fourteen days prior to such hearing.

(B) (i) If a child is at least twelve years of age, the child's permanency plan, and any revision to such plan, shall be developed in consultation with the child. In developing or revising such plan, the child may consult up to two individuals participating in the department's case plan regarding such child, neither of whom shall be the foster parent or caseworker of such child. One individual so selected by such child may be designated as the child's advisor for purposes of developing or revising the permanency plan.

(ii) If a child is at least twelve years of age, the commissioner shall notify the parent or guardian, foster parent and child of any administrative case review regarding such child's commitment not less than five days prior to such review and shall make a reasonable effort to schedule such review at a time and location that allows the parent or guardian, foster parent and child to attend.

(iii) If a child is at least twelve years of age, such child shall, whenever possible, identify not more than three adults with whom such child has a significant relationship and who may serve as a permanency resource. The identity of such adults shall be recorded in the case plan of such child.

(iv) Not later than January 1, 2016, and annually thereafter, the commissioner shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to children and the judiciary, on the number of case plans in which children have identified adults with whom they have a significant relationship and who may serve as a permanency resource.

(2) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The child's or youth's health and safety shall be of paramount concern in formulating such plan. Such permanency plan may include the goal of (A) revocation of commitment and reunification of the child or youth with the parent or guardian, with or without protective supervision; (B) transfer of guardianship or permanent legal guardianship; (C) filing of termination of parental rights and adoption; or (D) for a child sixteen years of age or older, another planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interests of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (C), inclusive, of this subdivision. Such other planned permanent living arrangement shall, whenever possible, include an adult who has a significant relationship with the child, and who is willing to be a permanency resource, and may include, but not be limited to, placement of a youth in an independent living program or long term foster care with an identified foster parent.

(3) When a parent has been sentenced to a long-term period of incarceration and has maintained a meaningful role in the child's life considering the factors enumerated in section 17a-111a, and it is in the best interests of the child, the court shall consider a permanency plan that allows such parent to maintain a relationship with the child, including, but not limited to, transfer of guardianship or permanent legal guardianship.

[(3)](4) If the permanency plan for a child sixteen years of age or older includes the goal of another planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection or subdivision (3) of subsection (c) of section 17a-111b, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the child home or to secure placement for the child with a fit and willing relative, legal guardian or adoptive parent; and (B) the steps the department has taken to ensure (i) the child's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 17a-114d; and (ii) the child has regular opportunities to engage in age appropriate and developmentally appropriate activities, as defined in section 17a-114d.

[(4)](5) At a permanency hearing held in accordance with the provisions of subdivision (1)

of this subsection, the court shall (A) (i) ask the child or youth about his or her desired permanency outcome, or (ii) if the child or youth is unavailable to appear at such hearing, require the attorney for the child or youth to consult with the child or youth regarding the child's or youth's desired permanency outcome and report the same to the court, (B) review the status of the child or youth, (C) review the progress being made to implement the permanency plan, (D) determine a timetable for attaining the permanency plan, (E) determine the services to be provided to the parent [if the court approves a permanency plan of reunification] and the timetable for such services, including services available and reasonably accessible by an incarcerated parent at any facility where such parent is confined, and (F) determine whether the commissioner has made reasonable efforts to achieve the permanency plan. If a parent is incarcerated, such reasonable efforts determination shall include a review of (i) the services available and reasonably accessible by the parent at the facility where the parent is confined, and (ii) visitation provided for the parent and child or youth, unless visitation is not in the best interests of such child or youth. The court may revoke commitment if a cause for commitment no longer exists and it is in the best interests of the child or youth.

[(5)] (6) If the permanency plan for a child sixteen years of age or older includes the goal of another planned permanent living arrangement pursuant to subparagraph (D) of subdivision (2) of this subsection, the court shall (A) (i) ask the child about his or her desired permanency outcome, or (ii) if the child is unavailable to appear at a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, require the attorney for the child to consult with the child regarding the child's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, another planned permanent living arrangement is the best permanency plan for the child; and (C) document the compelling reasons why it is not in the best interest of the child to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

[(6)](7) If the court approves the permanency plan of adoption: (A) The Commissioner of Children and Families shall file a petition for termination of parental rights not later than sixty days after such approval if such petition has not previously been filed; (B) the commissioner may conduct a thorough adoption assessment and child-specific recruitment; and (C) the court may order that the child be photo-listed within thirty days if the court determines that such photo-listing is in the best interests of the child or youth. As used in this subdivision, "thorough adoption assessment" means conducting and documenting face-to-face interviews with the child or youth, foster care providers and other significant parties and "child specific recruitment" means recruiting an adoptive placement targeted to meet the individual needs of the specific child or youth, including, but not limited to, use of the media, use of photo-listing services and any other in-state or out-of-state resources that may be used to meet the specific needs of the child or youth, unless there are extenuating circumstances that indicate that such efforts are not in the best interests of the child or youth.

(l) The Commissioner of Children and Families shall pay directly to the person or persons furnishing goods or services determined by said commissioner to be necessary for the care and maintenance of such child or youth the reasonable expense thereof, payment to be made at intervals determined by said commissioner; and the Comptroller shall draw his or her order on the Treasurer, from time to time, for such part of the appropriation for care of committed children or youths as may be needed in order to enable the commissioner to make such payments. The commissioner shall include in the department's annual budget a sum estimated to be sufficient to carry out the provisions of this section. Notwithstanding that any such child or youth has income or estate, the commissioner may pay the cost of care and maintenance of such child or youth. The commissioner may bill to and collect from the person in charge of the estate of any child or youth aided under this

chapter, or the payee of such child's or youth's income, the total amount expended for care of such child or youth or such portion thereof as any such estate or payee is able to reimburse, provided the commissioner shall not collect from such estate or payee any reimbursement for the cost of care or other expenditures made on behalf of such child or youth from (1) the proceeds of any cause of action received by such child or youth; (2) any lottery proceeds due to such child or youth; (3) any inheritance due to such child or youth; (4) any payment due to such child or youth from a trust other than a trust created pursuant to 42 USC 1396p, as amended from time to time; or (5) the decedent estate of such child or youth.

(m) The commissioner, a parent or the child's attorney may file a motion to revoke a commitment, and, upon finding that cause for commitment no longer exists, and that such revocation is in the best interests of such child or youth, the court may revoke the commitment of such child or youth. No such motion shall be filed more often than once every six months.

(n) If the court has ordered legal guardianship of a child or youth to be vested in a suitable and worthy person pursuant to subsection (j) of this section, the child's or youth's parent or former legal guardian may file a motion to reinstate guardianship of the child or youth in such parent or former legal guardian. Upon the filing of such a motion, the court may order the Commissioner of Children and Families to investigate the home conditions and needs of the child or youth and the home conditions of the person seeking reinstatement of guardianship, and to make a recommendation to the court. A party to a motion for reinstatement of guardianship shall not be entitled to court-appointed counsel or representation by Division of Public Defender Services assigned counsel, except as provided in section 46b-136. Upon finding that the cause for the removal of guardianship no longer exists, and that reinstatement is in the best interests of the child or youth, the court may reinstate the guardianship of the parent or the former legal guardian. No such motion may be filed more often than once every six months.

(o) Upon service on the parent, guardian or other person having control of the child or youth of any order issued by the court pursuant to the provisions of subsections (b) and (j) of this section, the child or youth concerned shall be surrendered to the person serving the order who shall forthwith deliver the child or youth to the person, agency, department or institution awarded custody in the order. Upon refusal of the parent, guardian or other person having control of the child or youth to surrender the child or youth as provided in the order, the court may cause a warrant to be issued charging the parent, guardian or other person having control of the child or youth with contempt of court. If the person arrested is found in contempt of court, the court may order such person confined until the person complies with the order, but for not more than six months, or may fine such person not more than five hundred dollars, or both.

(p) A foster parent, prospective adoptive parent or relative caregiver shall receive notice and have the right to be heard for the purposes of this section in Superior Court in any proceeding concerning a foster child living with such foster parent, prospective adoptive parent or relative caregiver. A foster parent, prospective adoptive parent or relative caregiver who has cared for a child or youth shall have the right to be heard and comment on the best interests of such child or youth in any proceeding under this section which is brought not more than one year after the last day the foster parent, prospective adoptive parent or relative caregiver provided such care.

(q) Upon motion of any sibling of any child committed to the Department of Children and Families pursuant to this section, such sibling shall have the right to be heard concerning visitation with, and placement of, any such child. In awarding any visitation or modifying any placement, the court shall be guided by the best interests of all siblings affected by such determination.

(r) The provisions of section 17a-152, regarding placement of a child from another state, and section 17a-175, regarding the Interstate Compact on the Placement of Children, shall apply to placements pursuant to this section. In any proceeding under this section involving the placement of a child or youth in another state where the provisions of section 17a-175 are applicable, the court shall, before ordering or approving such placement, state for the record the court's finding concerning compliance with the provisions of section 17a-175. The court's statement shall include, but not be limited to: (1) A finding that the state has received notice in writing from the receiving state, in accordance with subsection (d) of Article III of section 17a-175, indicating that the proposed placement does not appear contrary to the interests of the child, (2) the court has reviewed such notice, (3) whether or not an interstate compact study or other home study has been completed by the receiving state, and (4) if such a study has been completed, whether the conclusions reached by the receiving state as a result of such study support the placement.

(s) In any proceeding under this section, the Department of Children and Families shall provide notice to each attorney of record for each party involved in the proceeding when the department seeks to transfer a child or youth in its care, custody or control to an out-of-state placement.

Sec. 4. Sec. 17a-15 of the general statutes is repealed and the following is submitted in lieu thereof: (*Effective October 1, 2019*):

(a) The commissioner shall prepare and maintain a written case plan for care, treatment and permanent placement of every child under the commissioner's supervision, which shall include, but not be limited to, a diagnosis of the problems of each child, the proposed plan of treatment services and temporary placement and a goal for permanent placement of the child, which may include reunification with the parent, transfer of guardianship, adoption or, for a child sixteen years of age or older, another planned permanent living arrangement. The child's health and safety shall be the paramount concern in formulating the plan. <u>If the parent is incarcerated, the proposed plan of treatment services shall include the services reasonably available and accessible by the parent at the facility where the parent is confined and provide for visitation with the child unless visitation is not in the best interest of the child.</u>

(b) The commissioner shall at least every six months, review the plan of each child under the commissioner's supervision for the purpose of determining whether such plan is appropriate and make any appropriate modifications to such plan. <u>If a parent is unable to participate in person in such review due to incarceration, such parent shall have the option to participate through the use of a teleconference or videoconference.</u>

(c) Any child or the parent or guardian of such child aggrieved by any provision of a plan prepared under subsection (a) of this section, or by the commissioner's decision upon review under subsection (b) of this section, or any child or the parent or guardian of such child aggrieved by a refusal of any other service from the commissioner to which the child is entitled, shall be provided a hearing within thirty days following a written request for the same directed to the commissioner.

(d) Upon motion of any sibling of any child committed to the Department of Children and Families pursuant to section 46b-129, in any pending hearing held pursuant to subsection (c) of this section, such sibling shall have the right to be heard concerning visitation with, and placement of, any such child.

(e) Any hearing held pursuant to a request made under subsection (c) or (d) of this section shall be conducted as a contested case in accordance with chapter 54 provided: (1) A final decision shall be rendered within fifteen days following the close of evidence and filing of briefs; and (2) any appeal of a decision pursuant to section 4-183 shall be to the district of the superior court for juvenile matters, where the child is located, as established in section 46b-142.

Sec. 7. Section 9-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):
(a) A person who has been convicted of a felony and committed to confinement in a federal or other state correctional institution or facility or community residence shall have such person's electoral privileges restored upon the payment of all fines in conjunction with the conviction and once such person has been [discharged] released from confinement. [, and, if applicable, parole.]

(b) Upon the release from confinement in a correctional institution or facility or a community residence of a person who has been convicted of a felony and committed to the custody of the Commissioner of Correction, [and, if applicable, the discharge of such person from parole,] (1) the person shall have the right to become an elector, (2) the Commissioner of Correction shall give the person a document certifying that the person has been released from such confinement, [and, if applicable, has been discharged from parole,] (3) if the person was an elector at the time of such felony conviction and, after such release, [and any such discharge,] is residing in the same municipality in which the person resided at the time of such felony conviction, the person's electoral privileges shall be restored, and (4) if the person was an elector at the time of such felony conviction and, after such release, [and any such discharge,] is residing in a different municipality or if the person was not an elector at the time of such felony conviction, the person's electoral privileges shall be restored or granted upon submitting to an admitting official satisfactory proof of the person's qualifications to be admitted as an elector. The provisions of subdivisions (1) to (4), inclusive, of this subsection shall not apply to any person convicted of a felony for a violation of any provision of this title until such person has been discharged from any parole or probation for such felony.

(c) The registrars of voters of the municipality in which a person is admitted as an elector pursuant to subsection (a) or (b) of this section, within thirty days after the date on which such person is admitted, shall notify the registrars of voters of the municipality wherein such person resided at the time of such person's conviction that such person's electoral rights have been so restored.

(d) The Commissioner of Correction shall establish procedures to inform those persons who have been convicted of a felony and committed to the custody of said commissioner for confinement in a correctional institution or facility or a community residence, and are eligible to have their electoral privileges restored or granted pursuant to subsection (b) of this section, of the right and procedures to have such privileges restored. The Office of Adult Probation shall, within available appropriations, inform such persons who are on probation on January 1, 2002, of their right to become electors and procedures to have their electoral privileges restored, which shall be in accordance with subsections (b) and (c) of this section.

(e) The Commissioner of Correction shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons convicted of a felony and committed to the custody of said commissioner who, during the preceding calendar month, have been released from confinement in a correctional institution or facility or a community residence. [and, if applicable, discharged from parole.] Such lists shall include the names, birth dates and addresses of such

persons, with the dates of their convictions and the crimes of which such persons have been convicted. The Secretary of the State shall transmit such lists to the registrars of the municipalities in which such convicted persons resided at the time of their convictions and to the registrars of any municipalities where the secretary believes such persons may be electors.

Sec. 5. Section 51-195 of the general statutes is repealed and the following is substituted in lieu thereof: *(Effective October 1, 2019*):

Any person sentenced on one or more counts of an information to a term of imprisonment for which the total sentence of all such counts amounts to confinement for three years or more, may, within thirty days from the date such sentence was imposed or if the offender received a suspended sentence with a maximum confinement of three years or more, within thirty days of revocation of such suspended sentence, except in any case in which a different sentence could not have been imposed or in any case in which the sentence or commitment imposed resulted from the court's acceptance of a plea agreement, [or] in any case in which the sentence imposed was for a lesser term than was proposed in a plea agreement, or in instances when the plea agreement provides that the term of imprisonment will not exceed an agreed upon maximum term, but provides that the person sentenced may request a term of imprisonment lower than the agreed upon maximum term, file with the clerk of the court for the judicial district in which the judgment was rendered an application for review of the sentence by the review division. Upon imposition of sentence or at the time of revocation of such suspended sentence, the clerk shall give written notice to the person sentenced of his right to make such a request. Such notice shall include a statement that review of the sentence may result in decrease or increase of the term within the limits fixed by law. A form for making such application shall accompany the notice. The clerk shall forthwith transmit such application to the review division and shall notify the judge who imposed the sentence. Such judge may transmit to the review division a statement of his reasons for imposing the sentence, and shall transmit such a statement within seven days if requested to do so by the review division. The filing of an application for review shall not stay the execution of the sentence.

Sec. 6. Section 53a-39 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2019):* (a) At any time during [the period of a definite sentence] a sentence in which a defendant has been sentenced to an executed period of incarceration of three years or less, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, order the defendant discharged, or order the defendant discharged on probation or conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced.

(b) At any time during [the period of a definite sentence] a sentence in which a defendant has been sentenced to an executed period of incarceration of more than three years, upon agreement of the defendant and the state's attorney to seek review of the sentence, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, order the defendant discharged, or order the defendant discharged on probation or conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced.

(c)The provisions of this section shall not apply to any portion of a sentence imposed that is a mandatory minimum sentence for an offense which may not be suspended or reduced by the court.

(d) At a hearing held by the sentencing court or judge under this section, such court or judge shall permit any victim of the crime to appear before the court or judge for the purpose of making a statement for the record concerning whether or not the sentence of the defendant should be reduced,

the defendant should be discharged or the defendant should be discharged on probation or conditional discharge pursuant to subsection (a) or (b) of this section. In lieu of such appearance, the victim may submit a written statement to the court or judge and the court or judge shall make such statement a part of the record at the hearing. For the purposes of this subsection, "victim" means the victim, the legal representative of the victim or a member of the deceased victim's immediate family.

Appendix D

AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO THE SEXUAL OFFENDER REGISTRY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:
Section 1. Section 54-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
For the purposes of this section, sections 2 to 7, inclusive, of this act, and sections 54-102g and **[**54-250**]** 54-251 to 54-258a, inclusive, as amended by this act:
"Conviction" means a judgment entered by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment.
"Criminal offense against a victim who is a minor" means (A) a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, subdivision (2) of subsection (a) of section 53-21, subdivision (2) of subsection (a) of section 53a-70, subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a) of section 53a-71, subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87, section 53a-90a, 53a196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a violation of subparagraph (A) of subdivision (9) of subsection (a) of section 53a71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, (C) a violation of any of the offenses specified in subparagraph (A) or (B) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a49, or (D) a violation of any predecessor statute to any offense specified in subparagraph (A), (B) or (C) of this subdivision the essential elements of which are substantially the same as said offense.
"Highest-risk offender" means an offender who has been assessed and determined by a placement panel of the Sexual Offender Registration Board under section 2 of this act to pose a high risk to re-offend sexually or violently.–

[(3)**]** (4) "Identifying factors" means fingerprints, a photographic image, and a description of any other identifying characteristics as may be required by the Commissioner of Emergency Services and Public Protection. The commissioner shall also require a sample of the registrant's blood or other biological sample be taken for DNA (deoxyribonucleic acid) analysis, unless such sample has been previously obtained in accordance with section 54-102g.

(5) "Law enforcement agency registry" means the registry for which registration is required pursuant to section 3 of this act.

(6) "Lowest-risk offender" means an offender who has been assessed and determined by a placement panel of the Sexual Offender Registration Board under section 2 of this act to pose a low risk to re-offend sexually or violently.-

[(4)**]** (7) "Mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(8) "Moderate-risk offender" means an offender who has been assessed and determined by a placement panel of the Sexual Offender Registration Board under section 2 of this act to pose a

moderate risk to re-offend sexually or violently.-

[(5)**]** (9) "Nonviolent sexual offense" means (A) a violation of section 53a-73a or subdivision (2), (3) or (4) of subsection (a) of section 53a189a, or (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49.

[(6)**]** (10) "Not guilty by reason of mental disease or defect" means a finding by a court or jury of not guilty by reason of mental disease or defect pursuant to section 53a-13 notwithstanding any pending appeal or habeas corpus proceeding arising from such finding.

[(7)**]** (11) "Personality disorder" means a condition as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(12) "Public registry" means the registry for which registration is required pursuant to section 4 of this act.

[(8)**]** (13) "Registrant" means a person required to register under section 2 of this act, or section 54-251, 54-252, 54-253 or 54-254, as amended by this act.

[(9)**]** (14) "Registry" means a central record system in this state, any other state or the federal government that receives, maintains and disseminates information on persons convicted or found not guilty by reason of mental disease or defect of criminal offenses against victims who are minors, nonviolent sexual offenses, sexually violent offenses and felonies found by the sentencing court to have been committed for a sexual purpose.

[(10)**]** (15) "Release into the community" means, with respect to a conviction or a finding of not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense, a sexually violent offense or a felony found by the sentencing court to have been committed for a sexual purpose, (A) any release by a court after such conviction or finding of not guilty by reason of mental disease or defect, a sentence of probation or any other sentence under section 53a-28 that does not result in the offender's immediate placement in the custody of the Commissioner of Correction; (B) release from a correctional facility at the discretion of the Board of Pardons and Paroles, by the Department of Correction to a program authorized by section 18-100c or upon completion of the maximum term or terms of the offender's sentence or sentences, or to the supervision of the Court Support Services Division in accordance with the terms of the offender's sentence; or (C) temporary leave to an approved residence by the Psychiatric Security Review Board pursuant to section 17a-587, conditional release from a hospital for mental illness or a facility for persons with intellectual disability by the Psychiatric Security Review Board pursuant to section 17a-588, or release upon termination of commitment to the Psychiatric Security Review Board.

(16) "Sexual offender" means a person convicted of a sexual offense.

(17) "Sexual offense" means any criminal offense against a victim who is a minor, nonviolent sexual offense, sexually violent offense or felony committed for a sexual purpose.

[(11)**]** (18) "Sexually violent offense" means (A) a violation of section 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a, 53a-70b, 53a-71, except subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a) of said section or subparagraph (A) of subdivision (9) of subsection (a) of said section if the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, 53a-72a, except subdivision (2) of subsection (a) of said section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim, (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a

violation of any predecessor statute to any of the offenses specified in subparagraph (A) or (B) of this subdivision the essential elements of which are substantially the same as said offense.

[(12)**]** (19) "Sexual purpose" means that a purpose of the defendant in committing the felony was to engage in sexual contact or sexual intercourse with another person without that person's consent. A sexual purpose need not be the sole purpose of the commission of the felony. The sexual purpose may arise at any time in the course of the commission of the felony.

[(13)**]** (20) "Employed" or "carries on a vocation" means employment that is full-time or part-time for more than fourteen days, or for a total period of time of more than thirty days during any calendar year, whether financially compensated, volunteered or for the purpose of government or educational benefit.

[(14)**]** (21) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher learning.

Sec. 2. (NEW) (*Effective October 1, 2019*) (a) There is established a Sexual Offender Registration Board within the Department of Correction, for administrative purposes only. The Sexual Offender Registration Board shall consist of nine members, including a part-time chairperson and eight part-time members compensated on a per diem basis. The Governor shall appoint the chairperson and all part-time members of the board. The part-time members of the board shall include: (1) Two persons with substantial experience in providing sexual assault victims with victim advocacy services; (2) three persons recommended by the Chief Court Administrator, who have at least five years of experience in the assessment of sexual offenders and meet the criteria for clinical membership in an organization in this state (A) that provides evaluations and treatment to persons with problem sexual behaviors, or (B) dedicated to preventing sexual abuse; and (3) three persons recommended by the Chief Court Administrator, who have at least five years of experience in sexual offender management and supervision and who have received training in evidence-based supervision of sexual offenders. The chairperson of the board shall be qualified by education, experience, or training, in sexual offender management, supervision or treatment, and may sit in place of any member of the board on hearings.

(b) The term of each of the appointed members of the board shall be co-terminus with the term of the Governor, or until a successor is chosen, whichever is later. Any vacancy in the membership of the board shall be filled for the unexpired term of such member by the Governor.

(c) The compensation for the chairperson, the executive director, and the board members shall be an amount as the Commissioner of Administrative Services determines, subject to the provisions of Section 4-40.

(d) The part-time members of the board shall be reimbursed for necessary expenses incurred in the performance of such duties. The chairperson, or in the chairperson's absence, a member designated by the chairperson, shall be present at all meetings of the board.

(e) The chairperson of the board shall appoint an executive director. The executive director shall oversee the administration of the agency and, at the discretion of the chairperson, shall: (1) direct and supervise all administrative affairs of the board; (2) prepare the budget and annual operation plan; (3) assign staff to administrative reviews; (4) organize hearing calendars; (5) implement a uniform case filing and processing system; and (6) create programs for staff and board member development, training and education.

(f) The board shall adopt policies and procedures, in accordance with chapter 54, concerning placement hearings.

(g) In the event of the temporary inability of any member other than the chairperson to perform his or her duties, the Governor, at the request of the board, may appoint a qualified person to serve as a temporary member during such period of inability.

(h) The chairperson of the board shall: (1) Adopt an annual budget and plan of operation, (2) adopt such rules as deemed necessary for the internal affairs of the board, and (3) submit an annual report to the Governor and General Assembly.

(i) The chairperson of the Sexual Offender Registration Board shall appoint placement panels from its members. Each such panel shall have at least three persons, including one each as described in subdivisions (1) to (3), inclusive, of subsection (a) of this section. Each placement panel shall determine whether (1) a person convicted of a sexual offense on or after July 1, 2020 , shall register on the public registry pursuant to section 54-257 of the general statutes or on the law enforcement agency registry pursuant to section 13 of this act, and for how long such offender shall maintain such registration, or (2) whether a person convicted of a sexual offense on or after July 1, 2020, may be reclassified from the public registry to the law enforcement agency registry or from the law enforcement agency registry to the public registry.

(j) A placement panel shall assess each sexual offender and determine whether the offender is lowest risk, moderate risk or highest risk. In making such a risk classification, said board shall use scoring from validated actuarial risk assessment instruments, with the exception of moderate risk scoring. The panel may override the risk classification based on other factors, including the nature and circumstance of the sexual offense, any other aggravating or mitigating factors, and the impact to the victim, if known, and to the community.

(k) There shall be a presumption that any sexual offender who scores (1) low on the actuarial risk assessment shall be required to register on the law enforcement agency registry, or (2) high on the actuarial risk assessment shall be required to register on the public registry.

(l) A placement panel shall direct the lowest-risk offenders, based on an actuarial risk assessment, to register on the law enforcement agency registry and to maintain such registration for ten years from the date of such person's release into the community.

(m) (1) A placement panel shall direct the moderate-risk offenders, based on an actuarial risk assessment, to register on either the public registry and maintain such registration for life or the law enforcement agency registry and maintain such registration for twenty years from the date of such person's release into the community, based on the panel's determination concerning each moderate-risk offender pursuant to subdivision (2) of this subsection. (2) For any offender who scored moderate risk on the actuarial assessment, the placement panel shall determine placement on the public or law enforcement agency registry by considering the actuarial assessment and certain additional factors determined by a further assessment of such offender's risk using a set of evidence-based criteria and a structured decision-making tool, determined and developed by said board, that takes into account the factors relevant to determine whether a moderate-risk offender would be best placed on the public registry or the law enforcement agency registry. There shall be no presumption of assignment to either the public registry for life or the law enforcement agency registry for twenty years.

(n) A placement panel shall direct the highest-risk offenders, based on an actuarial risk assessment, to register on the public registry and maintain such registration for life.

(o) A placement panel's decision to place an offender on the law enforcement agency registry may not be appealed.

(p) A placement panel's decision to place an offender on the public registry may be appealed if a registrant requests a hearing before the board.

(q) Said board-shall notify each offender's victim or victims who are known to the board, of any determination concerning such offender to be made by said board or any panel of said board

pursuant to this section. Any such victim may provide input prior to the making of any such determination and the board or panel, as appropriate, shall consider such input in making any such determination.

Sec. 3. (NEW) (*Effective July 1, 2020*) (a) Any person directed by the board or any panel of said board under section 2 of this act to register on the law enforcement agency registry shall, not later than three days following such person's release into the community or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for ten years from the date of such person's release into the community, unless (1) directed by the Sexual Offender Registration Board or a placement panel of said board to maintain such registration for twenty years, or (2) otherwise directed by the court pursuant to section 5 of this act, or by the Sexual Offender Registration Board pursuant to section 4 or 6 of this act. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a sexual offense, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section or section 4 of this act, and (B) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection, in writing, of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection, in writing, of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection, in writing, of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. Each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection. The commissioner shall notify any known victim of a registrant of the residential address of such registrant and any changes to such address.

(b) Any person subject to registration under this section who violates the provisions of subsection (a) of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

(c) At any time, a probation or parole officer or a state's attorney may request of the Sexual Offender Registration Board that an offender on the law enforcement agency registry be moved to the public registry because of the registrant's failure to meet conditions of parole or probation or new criminal activity. Said board or a placement panel of said board shall review each such request and issue a determination.

Sec. 4. (NEW) (*Effective July 1, 2020*) (a) Any person required under section 2 of this act to register on the public registry shall, not later than three days following such person's release into the community or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for life or as otherwise directed by the court under section 5 of this act, or the Sexual Offender Registration Board under subsection (b) of this section or section 3 or 6 of this act. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a sexual offense, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section or section 3 of this act, and (B) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection, in writing, of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection, in writing, of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection, in writing, of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. Each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection. The commissioner shall notify any known victim of a registrant of the residential address of such registrant and any changes to such address.

(b) A person registered on the public registry may, after ten years on such registry, petition the Sexual Offender Registration Board established under section 2 of this act to be moved to the law enforcement agency registry for twenty years. Any offender petitioning for a change in registration requirements shall be in compliance with the registry at the time of the request. A probation or parole officer or a state's attorney may make a recommendation at the time of the petition regarding an offender who is or has been under probation or parole supervision. Said board shall review each such petition and any evidence in support of or opposed to the petition and issue its determination.

(c) Any person who files an application with the Sexual Offender Registration Board established under section 2 of this act, to be exempted from the registration requirements of this section and instead, be made subject to the registration requirements of section 3 of this act, shall, pursuant to subsection (b) of section 54-227 of the general statutes, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such application. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a of the general statutes, notify any victim who has requested notification of the filing of such application. Prior to granting or denying such application, said board shall consider any information or statement provided by the victim.

(d) Any person subject to registration under this section who violates the provisions of subsection (a) of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 5. (NEW) (*Effective July 1, 2020*): (a) Any person subject to registration by the board or a panel thereof under section 3 of this act for a period of ten years may apply to the court and the court may exempt such person from the registration requirements of section 3 of this act, if the court finds that such person has been compliant with the registration requirements of section 3 of this act for a period of at least five years.

(b) Any person subject to registration by the board or a panel thereof under section 3 of this act for a period of twenty years may apply to the court and the court may exempt such person from the registration requirements of section 3 of this act, if the court finds that such person has been compliant with the registration requirements of section 3 of this act for a period of at least ten years.

(c) No person may apply for exemption from registration requirements pursuant to subsection (a), (b) or (i) of this section, if such person has been convicted of (1) any felony offense during the five-year period prior to such application, (2) any class A misdemeanor offense during the three-year period prior to such application, or (3) any misdemeanor offense during the one-year period prior to such application.

(d) Prior to hearing any person's application to be exempted from the registration requirements of this section pursuant to subsection (a), (b) or (i) of this section, the court shall notify the office of Chief Public Defender, the appropriate state's attorney, the Victim Services Unit within the Department of Correction, the Office of the Victim Advocate and the Office of Victim Services within the Judicial Department of such person's hearing date for such application. The office of Chief Public Defender shall assign counsel for such person pursuant to section 51-296 of the general statutes if such person is indigent. The court shall order a risk assessment of such person, unless the requirement is waived for good cause. The court may refer such application to the Sexual Offender Registration Board established pursuant to section 2 of this act for a risk assessment and a recommendation concerning such person's application for exemption. As part of such hearing, the court shall permit (1) such person to make a statement on such person's behalf, (2) counsel for such person and the state's attorney to present evidence, and (3) any victim of the crime or crimes to

make a statement or to submit a statement in writing. Prior to granting or denying such application, the court shall consider any information or statement provided by the victim.

(e) The court may order an applicant's removal from the registry if, in the opinion of the court, such removal shall assist the applicant in reintegration into the community and shall be consistent with public safety. The court shall consider the nature of the offense and the applicant's conduct since the commission of the sexual offense causing such applicant to register, including (1) the applicant's history of sex offender or behavioral health treatment; (2) the results of any relevant risk assessments and evaluations by behavioral health professionals; (3) the applicant's history of employment and education; (4) the applicant's compliance with the terms of parole, probation and compliance with registry requirements; and (5) any other factors bearing on the applicant's reintegration into the community. The applicant shall have the burden of proof by a preponderance of the evidence.

(f) If the court orders an offender removed from the registry, the court shall notify the Department of Emergency Services and Public Protection, the Court Support Services Division, if applicable, the Office of Victim Services within the Judicial Branch, the Parole and Community Services Division, if applicable, the Victim Services Unit within the Department of Correction, and the local police department or the state police troop having jurisdiction over the applicant's address.

(g) The applicant and the state's attorney shall have the right to appeal the decision of the court and the decision of the court shall be subject to review for abuse of discretion.

(h) In the case of a denial of application, the applicant may reapply pursuant to subsection (a) of this section ten years after such denial. An applicant may request and the court may consider an earlier period for reapplication for good cause shown.

(i) Any person required to register pursuant to sections 54-251, 54-252 and 54-254 of the general statutes, as amended by this act, who (1) was convicted prior to January 1, 1998, of a sexual offense, or (2) was convicted on or after January 1, 1998, of a sexual offense, and is required to maintain a registration because the registration period has increased due to changes in the law following such person's conviction, may apply to the court to be exempted from the registration requirements under sections 54-251, 54-252 and 54-254 of the general statutes, as amended by this act. Such application shall be subject to the provisions of subsections (c) to (h), inclusive, of this section.

Sec. 6. (NEW) (*Effective July1, 2020*) Any person (1) required to register pursuant to sections 54-251, 54-252 and 54-254 of the general statutes, as amended by this act, (2) (A) who has been compliant with the registration requirements of said sections for a period of at least five years in the case of a person required to maintain such registration for ten years, or (B) who has been compliant with the registration requirements of said sections for a period of at least ten years in the case of a person required to maintain such registration for life, and who (3) is not described in subsection (i) of section 5 of this act, may petition the Sexual Offender Registration Board established under section 2 of this act to be moved from the public registry to the law enforcement agency registry.

Such petition shall be subject to the same criteria as an application for exemption under section 5 of this act. If said board grants such petition, the petitioner shall register on the law enforcement agency registry and maintain such registry for the remaining period of time such person was to maintain such registry pursuant to section 54-251, 54-252 or 54-254 of the general statutes, as amended by this act. No such person may apply for exemption from the registration requirements of the law enforcement agency registration.

Sec. 7. Section 54-251 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) **[**Any**]** Except as provided in section 5 or 6 of this act, any person who, prior to July 1, 2020, has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor or a nonviolent sexual offense, and is released into the community on or after October 1, 1998, shall, within three days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for ten years from the date of such person's release into the community, except that any person who has one or more prior convictions of any such offense or who is convicted of a violation of subdivision (2) of subsection (a) of section 53a-70 shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a criminal offense against a victim who is a minor or a nonviolent sexual offense, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms

mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection.

(b) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 from the registration requirements of this section if the court finds that such person was under nineteen years of age at the time of the offense and that registration is not required for public safety.

(c) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, from the registration requirements of this section if the court finds that registration is not required for public safety.

(d) Any person who files an application with the court to be exempted from the registration requirements of this section pursuant to subsection (b) or (c) of this section shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such application. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, notify any victim who has requested notification of the filing of such application. Prior to granting or denying such application, the court shall consider any information or statement provided by the victim.

(e) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 8. Section 54-252 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) **[**Any**]** Except as provided in section 5 or 6 of this act, any person who, prior to July 1, 2020, has been convicted or found not guilty by reason of mental disease or defect of a sexually violent offense, and (1) is released into the community on or after October 1, 1988, and prior to October 1, 1998, and resides in this state, shall, on October 1, 1998, or within three days of residing in this state, whichever is later, or (2) is released into the community on or after October 1, 1998, shall, within three days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, register such person's name, identifying factors and criminal history record, documentation of any treatment received by such person for mental abnormality or personality disorder, and such person's residence address and electronic mail address, instant message address or other similar Internet

communication identifier, if any, with the Commissioner of Emergency Services and Public Protection on such forms and in such locations as said commissioner shall direct, and shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a sexually violent offense, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (B) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection.

(b) Any person who has been subject to the registration requirements of section 54-102r of the general statutes, revised to January 1, 1997, as amended by section 1 of public act 97-183, shall, not later than three working days after October 1, 1998, register under this section and thereafter comply with the provisions of sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, except that any person who was convicted or found not guilty by reason of mental disease or defect of an offense that is classified as a criminal offense against a victim who is a minor under subdivision (2) of section 54-250, as amended by this act, and that is subject to a ten-year period of registration under section 54-251, as amended by this act, shall maintain such registration for ten years from the date of such person's release into the community.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, during the initial registration period following October 1, 1998, the Commissioner of Emergency Services and Public Protection may phase in completion of the registration procedure for persons released into the community prior to said date over the first three months following said date, and no such person

shall be prosecuted for failure to register under this section during those three months provided such person complies with the directives of said commissioner regarding registration procedures.

(d) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 9. Section 54-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) **[**Any**]** Except as provided in section 5 or 6 of this act, any person who, prior to July 1, 2020, has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction of any crime (1) the essential elements of which are substantially the same as any of the crimes specified in subdivisions (2), **[**(5)**]** (9) and **[**(11)**]** (18) of section 54-250, as amended by this act, or (2) which requires registration as a sexual offender in such other state or in the federal or military system, and who resides in this state on and after October 1, 1998, shall, without undue delay upon residing in this state, register with the Commissioner of Emergency Services and Public Protection in the same manner as if such person had been convicted or found not guilty by reason of mental disease or defect of such crime in this state, except that the commissioner shall maintain such registration until such person is released from the registration requirement in such other state, federal or military system or foreign jurisdiction.

(b) If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the

retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection.

(c) Any person not a resident of this state who is registered as a sexual offender under the laws of any other state and who is employed in this state, carries on a vocation in this state or is a student in this state, shall, without undue delay after the commencement of such employment, vocation or education in this state, register such person's name, identifying factors and criminal history record, locations visited on a recurring basis, and such person's residence address, if any, in this state, residence address in such person's home state and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection on such forms and in such locations as said commissioner shall direct and shall maintain such registration until such employment, vocation or education terminates or until such person is released from registration as a sexual offender in such other state. If such person terminates such person's employment, vocation or education in this state, changes such person's address in this state or establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such termination, new address or identifier.

(d) Any person not a resident of this state who is registered as a sexual offender under the laws of any other state and who travels in this state on a recurring basis for periods of less than five days shall notify the Commissioner of Emergency Services and Public Protection of such person's temporary residence in this state and of a telephone number at which such person may be contacted.

(e) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to register with the Commissioner of Emergency Services and Public Protection without undue delay or notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 10. Section 54-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) **[**Any**]** Except as provided in section 5 or 6 of this act, any person who, prior to July 1, 2020, has been convicted or found not guilty by reason of mental disease or defect in this state on or after October 1, 1998, of any felony that the court finds was committed for a sexual purpose, may be required by the court upon release into the community or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct to register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and to maintain such registration for ten years from

the date of such person's release into the community. If the court finds that a person has committed a felony for a sexual purpose and intends to require such person to register under this section, prior to accepting a plea of guilty or nolo contendere from such person with respect to such felony, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection.

(b) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 11. Section 54-255 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) Upon the conviction or finding of not guilty by reason of mental disease or defect of any person <u>prior to July 1, 2020,</u> for a violation of section 53a-70b, the court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety and that publication of the registration information would be likely to reveal the identity of the victim within the community where the victim resides. The court shall

remove the restriction on the dissemination of such registration information if, at any time, the court finds that public safety requires that such person's registration information be made available to the public or that a change of circumstances makes publication of such registration information no longer likely to reveal the identity of the victim within the community where the victim resides. Prior to ordering or removing the restriction on the dissemination of such person's registration information, the court shall consider any information or statements provided by the victim.

(b) Upon the conviction or finding of not guilty by reason of mental disease or defect of any person prior to July 1, 2020, of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21, the court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety and that publication of the registration information would be likely to reveal the identity of the victim within the community where the victim resides. The court shall remove the restriction on the dissemination of such registration information if, at any time, it finds that public safety requires that such person's registration information be made available to the public or that a change in circumstances makes publication of the registration information no longer likely to reveal the identity of the victim within the community where the victim resides.

(c) Any person who: (1) Has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 between October 1, 1988, and June 30, 1999, and was under nineteen years of age at the time of the offense; (2) has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a73a between October 1, 1988, and June 30, 1999; (3) has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, between October 1, 1988, and June 30, 1999, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21; (4) has been convicted or found not guilty by reason of mental disease or defect of a violation of section 53a-70b between October 1, 1988, and June 30, 1999; or (5) has been convicted or found not guilty by reason of mental disease or defect of any crime between October 1, 1988, and September 30, 1998, which requires registration under sections 54-250 to 54-258a, inclusive, as amended by this act, and (A) served no jail or prison time as a result of such conviction or finding of not guilty by reason of mental disease or defect, (B) has not been subsequently convicted or found not guilty by reason of mental disease or defect of any crime which would require registration under sections 54-250 to 54-258a, inclusive, as amended by this act, and (C) has registered with the Department of Emergency Services and Public Protection in accordance with sections 54-250 to 54-258a, inclusive, as amended by this act; may petition the court to order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make

such information available for public access. Any person who files such a petition shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such petition. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, notify any victim who has requested notification pursuant to subsection (b) of section 54228 of the filing of such petition. Prior to granting or denying such petition, the court shall consider any information or statements provided by the victim. The court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety.

Sec. 12. Section 54-256 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) Any court, the Commissioner of Correction or the Psychiatric Security Review Board, prior to releasing into the community any person convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense, a sexually violent offense or a felony found by the sentencing court to have been committed for a sexual purpose, except a person being released unconditionally at the conclusion of such person's sentence or commitment, shall require as a condition of such release that such person complete the registration procedure established by the Commissioner of Emergency Services and Public Protection under sections 3 and 4 of this act, or 54-251, 54-252 and 54-254, as amended by this act. The court, the Commissioner of Correction or the Psychiatric Security Review Board, as the case may be, shall provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, and transmit the completed registration package to the Commissioner of Emergency Services and Public Protection who shall enter the information into the registry established under section 13 of this act or section 54-257, as amended by this act. If a court transmits the completed registration package to the Commissioner of Emergency Services and Public Protection with respect to a person released by the court, such package need not include identifying factors for such person. In the case of a person being released unconditionally who declines to complete the registration package through the court or the releasing agency, the court or agency shall: (1) Except with respect to information that is not available to the public pursuant to court order, rule of court or any provision of the general statutes, provide to the Commissioner of Emergency Services and Public Protection the person's name, date of release into the community, anticipated residence address, if known, and criminal history record, any known treatment history of such person, any electronic mail address, instant message address or other similar Internet communication identifier for such person, if known, and any other relevant information; (2) inform the person that such person has an obligation to register within three days with the Commissioner of Emergency Services and Public Protection for a period of years determined by the board ~~ten years~~ following the date of such person's release or for life, as the case may be, that if such person changes such person's address such person shall within five days register the new address in writing with the Commissioner of Emergency Services and Public Protection and, if the new address is in another state or if such person is employed in another state,

carries on a vocation in another state or is a student in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders, and that if such person establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier such person shall, within five days, register such identifier with the Commissioner of Emergency Services and Public Protection; (3) provide the person with a written summary of the person's obligations under sections 3 and 4 of this act, or sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, as explained to the person under subdivision (2) of this subsection; and (4) make a specific notation on the record maintained by that agency with respect to such person that the registration requirements were explained to such person and that such person was provided with a written summary of such person's obligations under sections 3 and 4 of this act, or sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act.

(b) Whenever a person is convicted or found not guilty by reason of mental disease or defect of an offense that will require such person to register under section 3 or 4 of this act, or section 54-251, 54-252 or 54254, as amended by this act, the court shall provide to the Department of Emergency Services and Public Protection a written summary of the offense that includes the age and sex of any victim of the offense and a specific description of the offense. Such summary shall be added to the registry information made available to the public through the Internet.

Sec. 13. (NEW) (*Effective July 1, 2020*) (a) The Department of Emergency Services and Public Protection shall establish and maintain a law enforcement agency registry of all persons required to register on such registry under section 3 of this act. Such registry shall not be a public document and shall be released only to law enforcement agencies, except as otherwise provided in this section or section 3 of this act. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. If a registrant notifies the Department of Emergency Services and Public Protection that such registrant is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, the department shall notify the law enforcement agency with jurisdiction over such institution. The Department of Emergency Services and Public Protection may suspend the registration of any person registered on the law enforcement agency registration while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department is not required to verify the address of the registrant pursuant to subsection (c) of this section and may withdraw the registration information from public access. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration, redistribute the registration information in accordance with subsection (a) of this section and resume verifying the address of the registrant in accordance with subsection (c) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 3 of this act.

(b) Except as provided in subsection (b) of this section, the Department of Emergency Services and Public Protection shall verify the address of each registrant by mailing a nonforwardable

verification form to the registrant at the registrant's last reported address. Such form shall require the registrant to sign a statement that the registrant continues to reside at the registrant's last reported address and return the form by mail by a date which is ten days after the date such form was mailed to the registrant. The form shall contain a statement that failure to return the form or providing false information is a violation of section 3 of this act. Each person required to register on the law enforcement agency registration shall have such person's address verified in such manner annually in the case of a person who has to maintain such registration for ten years or semiannually in the case of a person who has to maintain such registration for twenty years. In the event that a registrant fails to return the address verification form, the Department of Emergency Services and Public Protection shall notify the local police department or the state police troop having jurisdiction over the registrant's last reported address, and that agency may ~~shall~~ apply for a warrant to be issued for the registrant's arrest under section 3 of this act. The Department of Emergency Services and Public Protection shall not verify the address of registrants whose last reported address was outside this state.

(c) The Department of Emergency Services and Public Protection shall include in the registry the most recent photographic image of each registrant taken by the department, the Department of Correction, a law enforcement agency or the Court Support Services Division of the Judicial Department and shall retake the photographic image of each registrant at least once every five years.

(e) Whenever the Commissioner of Emergency Services and Public Protection receives notice from a superior court pursuant to section 5211 of the general statutes or a probate court pursuant to section 45a-99 of the general statutes that such court has ordered the change of name of a person, and the department determines that such person is listed in the registry, the department shall revise such person's registration information accordingly.

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

Sec. 14. Section 54-257 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) The Department of Emergency Services and Public Protection shall, not later than January 1, 1999, establish and maintain a <u>public</u> registry of all persons required to register <u>on the public registry under</u> <u>section 4 of this act and</u> under sections 54-251, 54-252, 54-253 and 54-254<u>, as amended by this act</u>. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. If a registrant notifies the Department of Emergency Services and Public Protection that such registrant is employed at, carries on a vocation

at or is a student at a trade or professional institution or institution of higher learning in this state, the department shall notify the law enforcement agency with jurisdiction over such institution. If a registrant reports a residence in another state, the department shall notify the state police agency of that state or such other agency in that state that maintains registry information, if known. The department shall also transmit all registration information, conviction data, photographic images and fingerprints to the Federal Bureau of Investigation in such form as said bureau shall require for inclusion in a national registry.

(b) The Department of Emergency Services and Public Protection may suspend the registration of any person registered under section 4 of this act or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department is not required to verify the address of the registrant pursuant to subsection (c) of this section and may withdraw the registration information from public access. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration, redistribute the registration information in accordance with subsection (a) of this section and resume verifying the address of the registrant in accordance with subsection (c) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 4 of this act, or section 54-251, 54-252 or 54-253, as amended by this act.

(c) Except as provided in subsection (b) of this section, the Department of Emergency Services and Public Protection shall verify the address of each registrant by mailing a nonforwardable verification form to the registrant at the registrant's last reported address. Such form shall require the registrant to sign a statement that the registrant continues to reside at the registrant's last reported address and return the form by mail by a date which is ten days after the date such form was mailed to the registrant. The form shall contain a statement that failure to return the form or providing false information is a violation of section 4 of this act or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, as the case may be. Each person required to register under section 4 of this act or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, shall have such person's address verified in such manner every ninety days after such person's initial registration date. The Department of Emergency Services and Public Protection shall annually conduct an in-person verification of registrant's reported address. Such in-person address verification may be conducted by the Department of Emergency Services and Public Protection or a municipal police department. In the event that a registrant fails to return the address verification form, the Department of Emergency Services and Public Protection shall notify the local police department or the state police troop having jurisdiction over the registrant's last reported address, and that agency may ~~shall~~ apply for a warrant to be issued for the registrant's arrest under section 4 of this act or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, as the case may be. The Department of Emergency Services and Public Protection shall not verify the address of registrants whose last reported address was outside this state.

(d) The Department of Emergency Services and Public Protection shall include in the registry the most recent photographic image of each registrant taken by the department, the Department of Correction, a law enforcement agency or the Court Support Services Division of the Judicial Department and shall retake the photographic image of each registrant at least once every five years.

(e) Whenever the Commissioner of Emergency Services and Public Protection receives notice from a superior court pursuant to section 5211 or a probate court pursuant to section 45a-99 that such court has ordered the change of name of a person, and the department determines that such person is listed in the registry, the department shall revise such person's registration information accordingly.

(f) The Commissioner of Emergency Services and Public Protection shall develop a protocol for the notification of other state agencies, the Judicial Department and local police departments whenever a person listed in the registry changes such person's name and notifies the commissioner of the new name pursuant to section 4 of this act or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, or whenever the commissioner determines pursuant to subsection (e) of this section that a person listed in the registry has changed such person's name.

Sec. 15. Section 54-258 of the general statutes, Availability of registration information. Immunity, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) (1) Notwithstanding any other provision of the general statutes, except subdivisions (3), (4) and (5) of this subsection, the public registry under section 54-257, as amended by this act, maintained by the Department of Emergency Services and Public Protection shall be a public record and shall be accessible to the public during normal business hours. The Department of Emergency Services and Public Protection shall make registry information available to the public through the Internet. Not less than once per calendar quarter, the Department of Emergency Services and Public Protection shall issue notices to all print and electronic media in the state regarding the availability and means of accessing the public registry. Each local police department and each state police troop shall keep a record of all registration information transmitted to it by the Department of Emergency Services and Public Protection, and shall make such information accessible to the public during normal business hours.

(2) (A) Any state agency, the Judicial Department, any state police troop or any local police department may, at its discretion, notify any government agency, private organization or individual of registration information when such agency, said department, such troop or such local police department, as the case may be, believes such notification is necessary to protect the public or any individual in any jurisdiction from any person who is subject to public registration under section 4 of this act, or section 54-251, 54-252, 54-253 or 54-254, as amended by this act.

(B) (i) Whenever a registrant is released into the community, or whenever a registrant changes such registrant's address and notifies the Department of Emergency Services and Public Protection of such change pursuant to section 4 of this act or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, the Department of Emergency Services and Public Protection shall, by electronic mail, notify the superintendent of schools for the school district in which the registrant resides, or plans to reside, of such release or new address, and provide such superintendent with the same registry information for such registrant that the department makes available to the public through the Internet under subdivision (1) of this subsection.

(ii) Whenever a registrant is released into the community, or whenever a registrant changes such registrant's address and notifies the Department of Emergency Services and Public Protection of such change pursuant to section 4 of this act or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, the Department of Emergency Services and Public Protection shall, by

electronic mail, notify the chief executive officer of the municipality in which the registrant resides, or plans to reside, of such release or new address, and provide such chief executive officer with the same registry information for such registrant that the department makes available to the public through the Internet under subdivision (1) of this subsection.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, state agencies, the Judicial Department, state police troops and local police departments shall not disclose the identity of any victim of a crime committed by a registrant or treatment information provided to the registry pursuant to sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, except to government agencies for bona fide law enforcement or security purposes.

(4) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, registration information the dissemination of which has been restricted by court order pursuant to section 54-255, as amended by this act, and which is not otherwise subject to disclosure, shall not be a public record and shall be released only for law enforcement purposes until such restriction is removed by the court pursuant to said section.

(5) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a registrant's electronic mail address, instant message address or other similar Internet communication identifier shall not be a public record, except that the Department of Emergency Services and Public Protection may release such identifier for law enforcement or security purposes in accordance with regulations adopted by the department. The department shall adopt regulations in accordance with chapter 54 to specify the circumstances under which and the persons to whom such identifiers may be released including, but not limited to, providers of electronic communication service or remote computing service, as those terms are defined in section 54-260b, as amended by this act, and operators of Internet web sites, and the procedure therefor.

(6) When any registrant completes the registrant's term of registration or is otherwise released from the obligation to register under section 4 of this act, or section 54-251, 54-252, 54-253 or 54-254, as amended by this act, the Department of Emergency Services and Public Protection shall notify any state police troop or local police department having jurisdiction over the registrant's last reported residence address that the person is no longer a registrant, and the Department of Emergency Services and Public Protection, state police troop and local police department shall remove the registrant's name and information from the registry.

(b) Neither the state nor any political subdivision of the state nor any officer or employee thereof, shall be held civilly liable to any registrant by reason of disclosure of any information regarding the registrant that is released or disclosed in accordance with subsection (a) of this section. The state and any political subdivision of the state and, except in cases of wanton, reckless or malicious conduct, any officer or employee thereof, shall be immune from liability for good faith conduct in carrying out the provisions of subdivision (2) of subsection (a) of this section.

Sec. 16. Section 54-260b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) For the purposes of this section:

(1) "Basic subscriber information" means: (A) Name, (B) address, (C) age or date of birth, (D) electronic mail address, instant message address or other similar Internet communication identifier, and (E) subscriber number or identity, including any assigned Internet protocol address;

(2) "Electronic communication" means "electronic communication" as defined in 18 USC 2510, as amended from time to time;

(3) "Electronic communication service" means "electronic communication service" as defined in 18 USC 2510, as amended from time to time;

(4) "Registrant" means a person required to register under section 3 or 4 of this act, or section 54-251, 54-252, 54-253 or 54-254, as amended by this act; and

(5) "Remote computing service" means "remote computing service" as defined in section 18 USC 2711, as amended from time to time.

(b) The Commissioner of Emergency Services and Public Protection shall designate a sworn law enforcement officer to serve as liaison between the Department of Emergency Services and Public Protection and providers of electronic communication services or remote computing services to facilitate the exchange of non-personally identifiable information concerning registrants.

(c) Whenever such designated law enforcement officer ascertains from such exchange of non-personally-identifiable information that there are subscribers, customers or users of such providers who are registrants, such officer shall initiate a criminal investigation to determine if such registrants are in violation of the registration requirements of section 3 or 4 of this act, or section 54-251, 54-252, 54253 or 54-254, as amended by this act, or of the terms and conditions of their parole or probation by virtue of being subscribers, customers or users of such providers.

(d) Such designated law enforcement officer may request an ex parte order from a judge of the Superior Court to compel a provider of electronic communication service or remote computing service to disclose basic subscriber information pertaining to subscribers, customers or users who have been identified by such provider to be registrants. The judge shall grant such order if the law enforcement officer offers specific and articulable facts showing that there are reasonable grounds to believe that the basic subscriber information sought is relevant and material to the ongoing criminal investigation. The order shall state upon its face the case number assigned to such investigation, the date and time of issuance and the name of the judge authorizing the order. The law enforcement officer shall have any ex parte order issued pursuant to this subsection signed by the authorizing judge within forty-eight hours or not later than the next business day, whichever is earlier.

(e) A provider of electronic communication service or remote computing service shall disclose basic subscriber information to such designated law enforcement officer when an order is issued pursuant to subsection (d) of this section.

(f) A provider of electronic communication service or remote computing service that provides information in good faith pursuant to an order issued pursuant to subsection (d) of this section shall be afforded the legal protections provided under 18 USC 3124, as amended from time to time, with regard to such actions.

Sec. 17. (NEW) (*Effective October 1, 2019*) (a) The Judicial Branch shall, in collaboration with the Department of Emergency Services and Public Protection, produce an annual report to the General Assembly, enumerating the number of sexual assault cases presented in Connecticut criminal courts, including initial charge, plea, conviction, sentence, and indicating whether the person was on the sexual offender registry at the time of the offense; the report shall also include Sexual Offender Registry data as it pertains to conviction and registration terms.

Sec. 18 (NEW) (*Effective October 1, 2019)* By February 1, 2020, the board shall produce a report to the General Assembly indicating its preparedness to begin by July 1, 2020, the classifications, processing and matters covered by this act.

Sec. 19 (NEW) The Connecticut Sentencing Commission in consultation with the Alliance to End Sexual Violence and the Department of Emergency Services and Public Protection shall oversee the implementation of this act.

Sec. 20 (NEW) (*Effective October 1, 2019*) The board shall seek to expand the notification provided to the victim or victims through the Judicial Branch's CT SAVIN to include sex offender supervision classification and sexual offender registry status.

Section 1	*October 1,2019*	54-250
Sec. 2	*October 1, 2019*	New section
Sec. 3	*July 1, 2020*	New section
Sec. 4	*July 1, 2020*	New section
Sec. 5	*July 1, 2020*	New section
Sec. 6	*July 1, 2020*	New section
Sec. 7	*July 1, 2020*	54-251
Sec. 8	*July 1, 2020*	54-252
Sec. 9	*July 1, 2020*	54-253
Sec. 10	*July 1, 2020*	54-254
Sec. 11	*July 1, 2020*	54-255
Sec. 12	*July 1, 2020*	54-256
Sec. 13	*July 1, 2020*	New section
Sec. 14	*July 1, 2020*	54-257
Sec. 15	*July 1, 2020*	54-258
Sec. 16	*October 1, 2019*	54-260b
Sec. 17	*October 1, 2019*	New section

Sec. 18	*October 1,2019*	New section
Sec. 19	*Upon passage*	New section
Sec. 20	*October 1, 2019*	New section

Statement of Purpose:
To enact the recommendations of the Connecticut Sentencing Commission with respect to the sex offender registry.

Appendix E

An Act Concerning Recommendations of the Sentencing Commission with Respect to Penalties for Sex Offenders

Section 1. (NEW) (Effective October 1, 2019): Any person convicted of a violation of C.G.S. §53a-196d, §53a-196e or §53a-196f who has previously been convicted of a violation of C.G.S. §53a-70, §53a-70a, §53a-70c, subsection (a)(1) of C.G.S. 53a-71 provided the offender was at least 21 years of age or older at the time of the offense, subsections (a) (2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), or (a)(11) of §53a-71, §53a-72a, §53a-72b, subsection (a)(1)(B) of 53a-73a provided the offender was at least 21 years of age or older at the time of the offense or subsection (a)(2) of §53-21, and the victim of any such offense was under sixteen years of age, shall be sentenced to an enhanced penalty as follows: except as provided in Section 5 of this act, the court shall sentence such person to a term of imprisonment that is not less than two times the minimum sentence authorized for such crime provided, if a mandatory minimum term of imprisonment is authorized for such crime, such sentence shall include a mandatory minimum term of imprisonment that is twice such authorized mandatory minimum term of imprisonment.

Sec. 2. Section 53a-196d of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2019): (a) A person is guilty of possessing child pornography in the first degree when such person knowingly possesses (1) fifty or more visual depictions of child pornography, or (2) one or more visual depictions of child pornography that depict the infliction or threatened infliction of serious physical injury, or (3) (A) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of two or more frames, or a film or videotape, consisting of two or more frames, that depicts (i) more than one child engaging in sexually explicit conduct, or (ii) more than one act of sexually explicit conduct by one or more children, or (B) any combination of a (i) series of images in electronic, digital or other format, which is intended to be displayed continuously, (ii) film, or (iii)videotape, which series, film or videotape each consists of two or more frames and depicts a single act of sexually explicit conduct by one child.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h.

(c) Possessing child pornography in the first degree is a class B felony. [and] Except as provided in Section 5 of this act, any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.

Sec. 3 Section 53a-196e of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2019): (a) A person is guilty of possessing child pornography in the second degree when such person knowingly possesses (1) twenty or more but fewer than fifty visual depictions of child pornography, or (2) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of twenty or more frames, or a film or videotape, consisting of twenty or more frames, that depicts a single act of sexually explicit conduct by one child.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h.

(c) Possessing child pornography in the second degree is a class C felony. [and] Except as provided in Section 5 of this act, any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court.

Sec. 4. Section 53a-196f of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2019): (a) A person is guilty of possessing child pornography in the third degree when such person knowingly possesses (1) fewer than twenty visual depictions of child pornography, or (2) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of fewer than twenty frames, or

a film or videotape, consisting of fewer than twenty frames, that depicts a single act of sexually explicit conduct by one child.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h.

(c) Possessing child pornography in the third degree is a class D felony. [and] Except as provided in Section 5 of this act, any person found guilty under this section shall be sentenced to a term of imprisonment of which one year of the sentence imposed may not be suspended or reduced by the court.

Sec. 5. (NEW) (Effective October 1, 2019): Notwithstanding any provision of the general statutes, when sentencing a person convicted of possessing child pornography in any degree the court may, upon a showing of good cause by the defendant, depart from the prescribed mandatory minimum sentence, provided the court, at the time of sentencing, states in open court the reasons for imposing the particular sentence and the specific reason for imposing a sentence that departs from the prescribed mandatory minimum sentence.

Sec. 6. Section 53a-71 of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

(b) Sexual assault in the second degree is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and except as provided in subdivision (c) of this section, any person found guilty under this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.

(c) Notwithstanding any provision of the general statutes, when sentencing a person convicted of a violation of subsection (a)(1) of this section, provided the offender was under 21 years of age at the time of the offense, the court may, upon a showing of good cause by the defendant, depart from the prescribed mandatory minimum sentence, and the court, at the time of sentencing, states in open court the reasons for imposing the particular sentence and the specific reason for imposing a sentence that departs from the prescribed mandatory minimum sentence.

Sec.7. Subsection (c) of Section 54-255 of the general statutes as amended is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(c) Any person who: (1) Has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 and the defendant was under the age of 21 at the time of the offense; [between October 1, 1988, and June 30, 1999, and was under nineteen years of age at the time of the offense;] (2) has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a between October 1, 1988, and June 30, 1999; (3) has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, between October 1, 1988, and June 30, 1999, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21; (4) has been convicted or found not guilty by reason of mental disease or defect of a violation of section 53a-70b between October 1, 1988, and June 30, 1999; or (5) has been convicted or found not guilty by reason of mental disease or defect of any crime between October 1, 1988, and September 30, 1998, which requires registration under sections 54-250 to 54-258a, inclusive, and (A) served no jail or prison time as a result of such conviction or finding of not guilty by reason of mental disease or defect, (B) has not been subsequently convicted or found not guilty by reason of mental disease or defect of any crime which would require registration under sections 54-250 to 54-258a, inclusive, and (C) has registered with the Department of Emergency Services and Public Protection in accordance with sections 54-250 to 54-258a, inclusive; may petition the court to order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access. Any person who files such a petition shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such petition. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, notify any victim who has requested notification pursuant to subsection (b) of section 54-228 of the filing of such petition. Prior to granting or denying such petition, the court shall consider any information or statements provided by the victim. The court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety.