

ConnecticutLawTribune

NOT FOR REPRINT

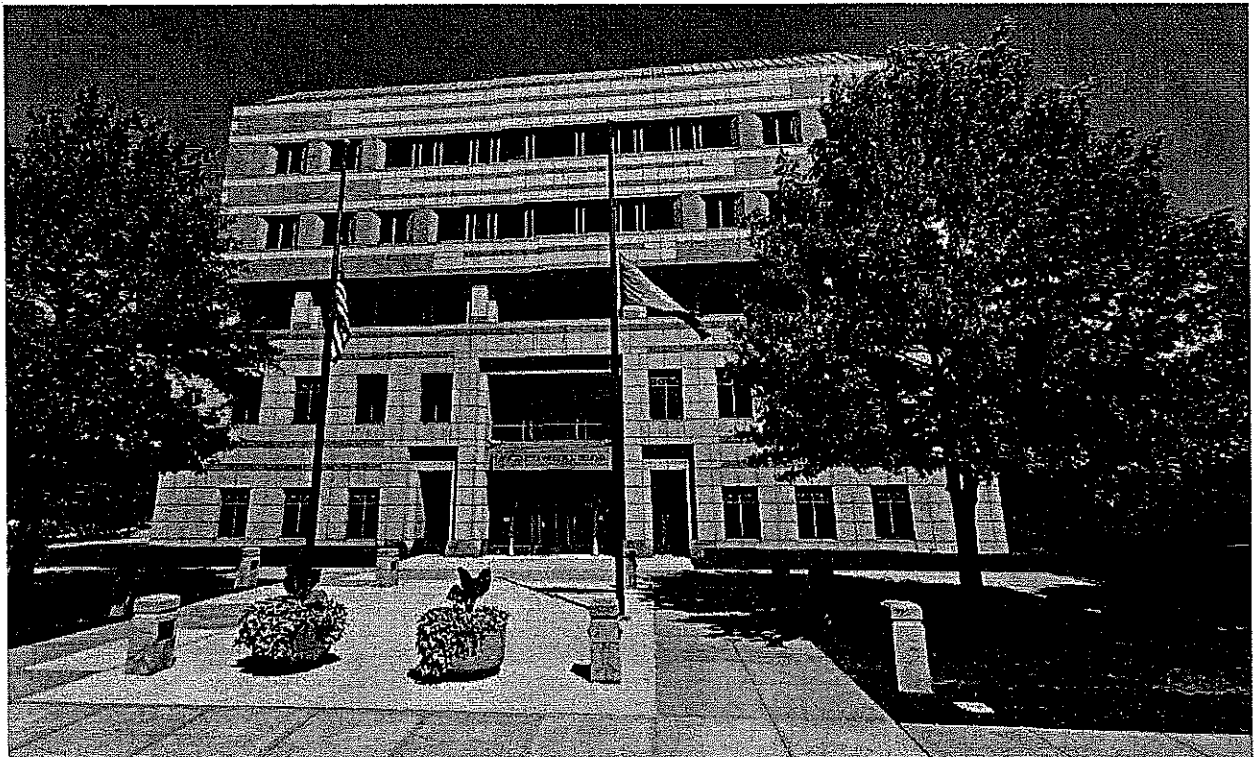
Click to print or Select 'Print' in your browser menu to print this document.

Page printed from: <https://www.law.com/ctlawtribune/2019/10/25/dont-miss-another-opportunity-to-fix-sex-offender-registry/>

Don't Miss Another Opportunity To Fix Sex Offender Registry

Connecticut should change to the recommended risk-based registry, as used in New York, Massachusetts, Rhode Island and some 13 other states.

By Connecticut Law Tribune Editorial Board | October 25, 2019



Connecticut Legislative Office Building.

Last session, the state Legislature missed an opportunity to make major changes in Connecticut's sex offender registry by failing to pass Senate Bill 1113 as proposed by the state Sentencing Commission.

The Sentencing Commission was required by the Legislature to examine Connecticut's sex offender registry and propose changes to the Legislature by 2018.

In order to comply with the Legislature's request, the commission set up a special subcommittee to study the effectiveness of the current registry. The subcommittee—a total of about 40 people—had representatives from all the stakeholders, including state and local police, the state attorney's office, Department of Corrections, Board of Pardons and Parole, the judiciary branch, victims' advocates and others.

The Sentencing Commission spent two years of study, including numerous public hearings and testimony by nationally known experts on treatment of sex offenders, as well as experts on how other state registries operate. The Sentencing Commission then, with almost unanimous agreement, produced a report recommending major changes in Connecticut's sex offender registry laws. The changes were contained in SB 1113.

Those changes would have resulted in a smaller, more focused and enforceable registry. They also would have lessened the barriers to successful re-integration into the community for low-risk offenders. The 204-page report was adopted by the full Sentencing Commission and submitted to the Judiciary Committee in December 2017.

Under current law, sex offenders who have served their sentences are released back into the community. They must register on the public registry for either 10 years or life, depending upon the offense they committed. This is known as an "offense-based" registry. The registry is operated by the state police. Unfortunately, the registry doesn't distinguish between high-risk offenders and low-risk offenders. It includes the picture and address of every registered offender. It is searchable by the general public. And anyone can obtain a list of sex offenders residing in their town, or within 2,500 feet of their house, or on their street.

The existence of a sex offender registry creates a false sense of security by making people believe that the sex offenders on the registry are subject to supervision. However, there is no supervision connected to the registry. The only thing the registrants have to do to stay in compliance is to respond by mail to a quarterly change of address request.

Connecticut's current sex offender registry was established in 1998. It had less than 300 registrants. The registry grows every year because half of the new registrants are placed on the registry for life. Those listed for 10 years are removed from the registry at the end of their registration terms, and those with lifetime registry are never removed, so the numbers keep growing. The registry now contains more than 6,000 names. Virtually every town in the state has registered sex offenders. The city of Hartford has more than 700.

Every state has a sex offender registry, but 16 states have "risk-based" registries. This means a special board evaluates each sex-offender's risk of re-offending and sets the length of time the offender would be listed on any registry. Risk-based registries are used in New York, Massachusetts, Rhode Island and some 13 other states.

In addition, many states that have risk-based systems have registries for low-risk offenders that are not accessible to the public.

Virtually every state has a process for an offender to apply for removal from the registry. SB 1113 would change Connecticut from offense-based to a risk-based registry state. It would create a new board to do risk assessments. Upon release from jail, individuals would be placed on a registry for 10, 20 years or life, depending on their risk of re-offending. The low-risk offenders would be placed on a law-enforcement only registry, leaving the high-risk offenders subject to public scrutiny. Offenders would be able to apply for early removal from the law-enforcement only registry.

SB 1113 contained changes proposed by the Sentencing Commission that would update, modernize and increase the usefulness of the Connecticut sex offender registry. The Judiciary Committee raised SB 1113 for hearing, and the bill was passed

by both the Judiciary and Appropriations Committees, but the session ended before it could be passed.

Some major changes in the proposed bill included,

- 1) Reducing the frequency of reporting for low-risk offenders.
- 2) Allowing offenders to apply for removal from the registry, as allowed in virtually every other state.
- 3) Creating a process for removal of ex post facto registrants from the registry. The most serious flaw with the current registry is that offenders were retroactively placed on the registry years after their conviction, arguably violating the ex post facto clause of Article 1 of the U.S. Constitution.
- 4) Allowing all of the low-risk individuals to earn a right to petition the court for removal from the registry, thus making it easier for them to reintegrate into the community. To be eligible for early removal an individual would have to be in complete compliance with the registry's requirements.
- 5) Reducing the demand on police services by allowing police to focus their time dealing with high-risk registrants who are out of compliance. Because low-risk registrants would have an incentive to comply with registry requirements, in order to be eligible for removal from the registry, there would be fewer violations and fewer warrants for people out of technical compliance.

Hopefully the Sentencing Commission will re-submit SB 1113, its well-researched, broadly debated, and carefully drafted proposal for reforming the registry in the coming session, and it will be enacted by the Legislature.

Copyright 2019. ALM Media Properties, LLC. All rights reserved.