

**CCDLA**  
***“Ready in the Defense of Liberty”***  
***Founded 1988***

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February 28, 2011

Hon. Eric Coleman, Senator  
Hon. Gerald Fox, House Representative  
Chairmen, Judiciary Committee  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Dear Chairmen:

I write on behalf of the Connecticut Criminal Defense Lawyers Association (CCDLA) relative to the Connecticut Sex Offender Registry (SOR) which is in desperate need of modification and reform. Connecticut’s SOR is significantly outdated and fails to adequately provide risk assessment to law enforcement and the public. As you know, the registry has become overpopulated and diluted with a majority of registrants who pose little to no risk to the community. As a result, the registry allows those with real and substantial risk to be hidden from the focus and attention they deserve. It is our hope that you will support a careful review of the basic objectives of the registry and promote a revised statutory scheme that meets the requirements of risk, and provides true protection to the community while at the same time treating lower risk offenders in a more balanced and appropriate fashion. In modifying Connecticut’s SOR, CCDLA proposes the following:

I. Create A Tiered SOR

As you know, Connecticut is surrounded by states that have adopted a tiered level of offenders based on risk. New Jersey, New York, Massachusetts, and Rhode Island all have systems that don’t overwhelm their publics and focus attention on risk. Connecticut’s laws should be amended to both create a fair and more equitable balance and understanding of the severity of offenses, and allow our courts the discretion to direct treatment based on risk assessment and community safety evaluations. In creating a tiered system, we urge you to place only the most serious and high risk offenders on a public registry. An overhaul of the SOR can best be accomplished using the legislatively enacted Connecticut Sex Offender Risk Assessment Board which unfortunately has not yet begun to support sex offender management in Connecticut. However, it is our understanding that the new Administration supports the operation of the Risk Assessment Board and sees it as an invaluable tool to overhauling our SOR.

## 2. Make the Statutory Scheme Clear

The constitutionality of C.G.S. §54-251 is presently being challenged in the Connecticut Supreme Court on vagueness grounds. Specifically, the statutes state that a registrant who changes address, or name, or other reportable event must notify the Commissioner of Public Safety of such change “without undue delay”. (See C.G.S. §54-251-254.) The phrase “without undue delay” is not defined in the SOR statutes. Connecticut, unlike every other state and the federal government, fails to set forth a specific number of hours or days within which a change of address must be reported. We stand alone in this country in using a vague phrase to describe the time limit. Prior to 2006, our statute required that a notice of change of address be reported “within five days”. In 2006, the General Assembly changed the “within five days” language to “without undue delay”, but the legislative history is silent with respect to the reason for the change. At that same time, the legislature changed the penalty section of C.G.S. §54-251(e) to read that if a registrant violates the statute by failing to notify the Commissioner “without undue delay” of a change of name or address “such person shall be subject to a penalty [class D felony] if such failure continues for five business days”. The net result is ambiguity for both registrants and law enforcement, and unnecessary violations and expense to Connecticut’s taxpayers.

## 3. Provide a Removal Provision for Lifetime Registrants and Incentives For Compliance

CCDLA urges the legislature to allow lifetime registrants, after a 10 year period, to petition the court for removal from the SOR if they have satisfactorily complied with all of its conditions. Further, if the SOR were tiered, registrants should be able to drop risk levels with compliance over time. The registry will exponentially grow and become even more unmanageable if lifetime registration requirements cannot be removed or diminished based on compliance and risk assessment.

On January 5, 2011, the Department of Public Safety released the State Police statistics for the 2010 calendar year for the SOR putting the total number of registered sex offenders in our State at 5,231. Only 180 registrants have been dropped from the SOR having completed their 10 year registration, while 339 new registered sex offenders were added. These numbers are simply going to multiply with the requirement of additional lifetime registrations. State police are overwhelmed in trying to manage the SOR and, as presently structured, are unable to delineate high risk offenders from low risk offenders. This has become an untenable situation in Connecticut necessitating action by the Legislature. While we are aware that SORNA is still lurking, only 4 states nationwide have adopted its mandates; the cost of implementation alone should deter implementation not to mention its draconian and unconstitutional dictates. The time to act is now. Providing a better SOR will not only save money ultimately, but will also best protect the public without unnecessarily prejudicing low risk offenders.

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Chairmen Coleman and Fox

I and other members of our organization would be happy to meet with you at your convenience to discuss this and any other issues you wish to raise pertaining to the criminal justice system. We urge you to consider amending our SOR, but hope this correspondence will at the very least commence a dialogue in the General Assembly on the subject matter. Thank you for consideration and time. We look forward to working with you.

Sincerely,

The Connecticut Criminal Defense Lawyers Association  
Jennifer L. Zito, President

JLZ/m