

Act Number:	09-199	
Bill Number:	533	
Senate Pages:	4258-4261, 4266-4268	7
House Pages:	10496-10499	4
Committee:	Judiciary: 3890-3900, 3926-3927, 3930-3933, 3934-3935, (3936-3940), 4124, 4125-4127, 4282-4287	34
	Page Total:	45

S - 589

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 13
3984 - 4323**

mrc/rgd
SENATE

103
May 28, 2009

leads to derelict vehicles being left beside roadways in wooded areas in north central Connecticut, and it's a real blight on the environment, and it's a real blemish on the reputations of the law-abiding folks out there that do the job right, pay taxes to the state of Connecticut, and do all their proper registration, so I strongly support the bill. A lot of folks worked very hard to make this bill a reality, and I want to thank Senator McDonald for moving forward with this particular piece of legislation.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark further on the bill? Senator McDonald?

SENATOR McDONALD:

Mr. President, if there's no objection, might this item be placed on the consent calendar?

THE CHAIR:

There's a motion on the floor to place this item on the consent. Without objection, so ordered. Mr. Clerk?

THE CLERK:

Calendar Number 481, File Number 702, substitute for Senate Bill 533, AN ACT CONCERNING NOTIFICATION OF

mrc/rgd
SENATE

104
May 28, 2009

THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO THE COMMUNITY, favorable report of Committees on Judiciary, Education and Public Safety. The Clerk is in possession of one amendment.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance and passage of the bill, would you like to remark further?

SENATOR McDONALD:

Yes, Mr. President. Mr. President, this legislation would require that the Commissioner of the Department of Public Safety notify by e-mail any superintendent of schools when somebody who is required to register as a sex offender in the state of Connecticut is leaving the custody of the Department of Corrections and is going to be residing or plans to reside in the community where the superintendent of schools has jurisdiction.

It would require the Commissioner to notify the

mrc/rgd
SENATE

105
May 28, 2009

superintendent about the name, the address, and the nature of the crime for which the individual was required to register on the offender registry.

THE CHAIR:

Any further remark? Senator Kissel?

SENATOR KISSEL:

Thank you very much, Mr. President. I really want to thank Senator McDonald and all the folks for moving forward with this particular piece of legislation. One of my good friend and colleagues, Senator Witkos, came up with this bill proposal, and we needed some refinement along the way, but certainly it engendered a lot of interest and support in the public hearing.

Essentially, what we want to do is we want to get community leaders, whether it's chiefs of police or superintendents of schools, superintendents of education, the tools necessary to be able to alert folks within their communities to the fact that a sexual -- former sexual, hopefully -- predator will be residing, so that people can take precautionary measures if they so see fit to do so.

It's a common sense proposal; it has minimal fiscal impact. These notifications can be done via

mrc/rgd
SENATE

106
May 28, 2009

e-mail. It's a really great common sense proposal and, again, I really want to thank Senator McDonald for moving forward with this legislation, and I want to comment Senator Witkos for bringing forward such a good piece of legislation and recommending it to this body.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Remark further? Remark further on the bill? Senator McDonald?

SENATOR McDONALD:

Mr. President, if there's no objection, might this item be placed on the consent calendar?

THE CHAIR:

There's a motion on the floor to place this item on consent. Without objection, so ordered. Mr. Clerk?

THE CLERK:

Calendar Number 499, File Number 719, Senate Bill 1099, AN ACT CONCERNING CERTAIN APPEAL PROCEDURES, favorable report out of Judiciary and Labor.

THE CHAIR:

Senator McDonald?

SENATOR McDONALD:

mrc/rgd
SENATE

111
May 28, 2009

THE CHAIR:

Senator Meyer requests that this item be put on consent. Seeing no objection, so ordered. Mr. Clerk?

THE CLERK:

Mr. President, that completes those items previously marked go.

THE CHAIR:

Senator Looney?

SENATOR LOONEY:

Thank you, Mr. President. If the Clerk might now call the first consent calendar?

THE CHAIR:

Mr. Clerk, please call the first consent calendar, and the machine will be open. Excuse me. Please call the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber? Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber?

Mr. President, those items placed on the first consent calendar begin on calendar page 6, Calendar 486, substitute for Senate Bill 650. Calendar page

mrc/rgd
SENATE

112
May 28, 2009

17, Calendar Number 660, substitute for House Bill 5262.

Calendar 664, House Bill 5894, calendar page 23.
Calendar Number 202, Senate Bill 74. Calendar page
24, Calendar 220, substitute for Senate Bill 866.

Calendar 227, substitute for Senate Bill 920.
Calendar 238, House Bill 5222. Calendar 243, House
Bill 6501. Calendar page 29, Calendar Number 357,
substitute for Senate Bill 995.

Calendar page 33, Calendar 471, Senate Bill 1128.
Calendar 481, substitute for Senate Bill 533.
Calendar 499, Senate Bill 1099, and calendar page 37,
Calendar 321, Senate Bill 271.

Mr. President, that completes those items placed
on the first consent calendar.

THE CHAIR:

Please call the consent calendar. The machine
will be open.

THE CLERK:

The Senate is now voting by roll call on the
consent calendar. Will all Senators please return to
the chamber? The Senate is now voting by roll call on
the consent calendar. Will all Senators please return
to the chamber?

mrc/rgd
SENATE

113
May 28, 2009

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is adoption of Consent Calendar Number 1.

Total number voting 35

Those voting yea 35

Those voting nay 0

Those absent and not voting 1

THE CHAIR:

Consent Calendar Number 1 passes. Senator
Looney?

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of all items acted upon today requiring action in that chamber.

THE CHAIR:

There's a motion on the floor for suspension of the rules for immediate transmittal. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would

H – 1068

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 32
10190 – 10500**

pat
HOUSE OF REPRESENTATIVES

656
June 3, 2009

REP. DILLON (92nd):

I'd like to make sure that I'm recorded in the affirmative tonight, and it's so good to see you.

SPEAKER DONOVAN:

Representative Dillon, I believe you were already recorded. Thank you, Representative.

Representative Villano, for what reason do you stand?

REP. VILLANO (91st):

In the affirmative, Mr. Speaker.

SPEAKER DONOVAN:

Representative Villano, what Bill, the last one, I'm assuming? That was so long ago. Will the Transcript please note Representative Villano in the affirmative on the last vote, in the Transcript.

The House will come back to order.

Will the Clerk please call Calendar Number 693.

THE CLERK:

On Page 19, Calendar Number 653, Substitute for Senate Bill Number--

SPEAKER DONOVAN:

693

THE CLERK:

I take that back.

pat
HOUSE OF REPRESENTATIVES

657
June 3, 2009

On Page 23, Calendar Number 693, Substitute for
Senate Bill Number 533 AN ACT CONCERNING NOTIFICATION
OF THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO
THE COMMUNITY. Favorable Report of the Committee on
Public Safety.

SPEAKER DONOVAN:

Representative Lawlor.

REP. LAWLOR (99th):

I move acceptance of the Joint Committee's
Favorable Report and passage of the Bill.

SPEAKER DONOVAN:

The question is on acceptance and passage. Will
you remark, sir?

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This requires the
Department of Public Safety to notify superintendents
when convicted sex offenders are released into the
community.

I urge passage.

SPEAKER DONOVAN:

Will you remark further? Representative O'Neill.

REP. O'NEILL (69th):

I also urge passage.

SPEAKER DONOVAN:

pat
HOUSE OF REPRESENTATIVES

658

June 3, 2009

Will you remark further on the Bill? Will you remark further on the Bill? If not, staff and guests come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber.

SPEAKER DONOVAN:

Have all Members voted? Have all the Members voted? Please check the Roll Call board to make sure your vote has been properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

On Senate Bill Number 533 in concurrence with the Senate.

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

pat
HOUSE OF REPRESENTATIVES

659
June 3, 2009

SPEAKER DONOVAN:

The Bill is passed.

Representative Merrill, for what reason do you stand?

REP. MERRILL (54th):

Mr. Speaker, being midnight, I move, ladies and gentleman, that we adjourn sine die.

(Applause.)

SPEAKER DONOVAN:

The motion is that we adjourn sine die. Is there any objection to adjourning sine die? If not, the House stands adjourned sine die.

(Applause.)

(On motion of Representative Merrill of the 54th District, the House adjourned at 12:00 o'clock a.m., sine die.)

ATTEST: Gary E. Coleman

Clerk of the House of Representatives

Hartford, Connecticut

June 3, 2009 at 12:00 o'clock a.m.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 12
3621 - 3942**

2009

171
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

It seems to be a back door to circumvent the Second Amendment to the Bill of Rights and the US Constitution, which has been upheld by the US Supreme Court.

REP. FOX: Thank you very much for your testimony. Are there any questions? Thank you.

MR. KYSER: Thank you.

REP. FOX: And I previously -- I misspoke. Senator Witkos was next on the list. And he'll be followed by Todd Malvezzi.

Good afternoon, Senator.

SENATOR WITKOS: Good afternoon, Representative Fox, Senator Kissel, members of the Judiciary Committee.

I'm here today in support of Senate Bill 533, and that is a bill that requires notification to the superintendent of schools for those persons that are being released from custody from a correctional facility that are required to register on the sex offender list, and that notification will go to the superintendent of schools wherein the individual intends to reside or will be residing.

Currently on our -- our books, we have legislation that requires police officers upon making an arrest of an individual 17 to 21 years of age if they commit a Class A misdemeanor or a felony to notify the superintendent of schools, and I find that ironic that that student may not even be a pupil in that school any longer, but they still notify the local superintendent of schools for what could have been, you know, basically a larceny charge, larceny four, but we don't require somebody that's actually been

convicted by a jury of their peers to spend time in prison for a sex crime and they're being released into the community.

And I think anything that we can do as a legislature to help facilitate a notification of those in the communities as to who may be residing there and spreading the word to their children to make it safe for all involved, I think it's a good thing.

I'd ask for your support. I'd be willing to answer any questions you may have.

REP. FOX: Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman.

Well, first of all, Senator Witkos, I want to thank you for raising this. I know I've been asked about it by folks from Channel 30 and Channel 3 already today, so get out there and talk to those folks, because you know about this bill more than anybody else.

You know, and I'm trying to sort of get my arms around what we currently do. Currently, we notify superintendents if any -- how does that work? Who gets -- if it's one of the students get arrested or if anybody --

SENATOR WITKOS: Well, currently, this is before it even goes to trial. The police are mandated if they make an arrest of an individual between the ages of 17 to 21 years of age and the crime was a Class A misdemeanor or felony, they must within 70 -- well, they must by the end of the next school day notify the superintendent orally and in writing within 72 hours as to the offense that was committed and the individual who's responsible for doing that, whether the child is found guilty or not

guilty, and whether or not the student even goes to that school or not -- it could be a college-age student that's home for a weekend and they committed a crime.

But the way the laws are today -- if you'd like to fix it, that would be great, too -- you're still required to notify the local superintendent of schools, even if they've already graduated from that school.

And the -- but behind that was so that the school can deal with any instances that they may have in contact with other contact students as well.

And I felt that if -- if the police, which is a part of the law enforcement community, required to do that end of it, then we should also do the other end, be proactive on the other end, where somebody that we know has been convicted of a crime and is getting released, maybe the superintendent of schools should know about that person if they intend to reside in that community.

SENATOR KISSEL: Okay. And I had gotten some of this wrong, so I'm glad you clarified that for me.

And do police departments -- maybe they're not required to by statute, but do they notify superintendents if there's anybody that has been arrested for sexual assault in a community?

SENATOR WITKOS: Well, they're not required to under statute, unless they fall within the age category, which would be a Class A misdemeanor. They would.

SENATOR KISSEL: Okay.

And so -- but your bill proposal targets folks that are convicted of sexual assault?

SENATOR WITKOS: That's correct. They're being released from corrections or from a facility out of the judicial system and requires notification.

SENATOR KISSEL: Okay.

And do you think it would be good public policy -- because I know a lot of folks in my town, we have a local weekly, and they have what I call a police blotter, all the arrests in town, where they occurred, what time, what were the charges. Granted, these folks haven't been convicted.

And through plea bargaining or something else, those charges might be negotiated down or these individuals might be innocent. But clearly if you saw someone arrested for sexual assault, it may cause some concern for folks that live in that neighborhood.

Do you think that would be any good reason for us to even consider trying to let a superintendent of schools know if somebody's been arrested in that town for sexual assault?

SENATOR WITKOS: You know, it depends. I think because there's some that -- because of the age and the -- could be a dating relationship. That could raise difficulties. So I'm not so sure if -- if I want to do that without going to trial first.

SENATOR KISSEL: Okay, so --

SENATOR WITKOS: But I think this is looking on the back end.

175
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

SENATOR KISSEL: Okay.

And I think that clarification is really important.

And as the bill was drafted, and I was asked about it outside, it indicates that the Department of Public Safety would notify the superintendent through certified mail. And the concern was how's the Department of Public Safety going to know if someone's being released from prison.

And so do we have to work on that language and change it to Department of Corrections.

SENATOR WITKOS: We may have to, but I think the Department of Public Safety's responsible for managing the public sex offender list and registry.

And when those individuals are being released from the correctional facility, they're automatically placed on the DPS website and the sex offender registry.

So that would give an indication that they're already providing notification to where they're going.

And that information's readily available out to the general public. But everybody is so busy in their daily lives, who has the time to go on on a frequent basis to see if anybody in my community is now being released and lives in my community?

So this way, it's a proactive approach.

SENATOR KISSEL: And --

176
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

SENATOR WITKOS: And there wouldn't be any additional information given to the superintendent that one could not already receive from the DPS website?

SENATOR KISSEL: Okay.

And my last question, Senator, is upon receiving this information, what would the superintendent be required to do, if anything, or what -- from your motivation -- would you suggest that school superintendents do with that information?

SENATOR WITKOS: I think that would be up to the local boards of ed to determine what policy they would like to develop, if any, whether or not they -- what they should do with that information, whether it be a letter home to the students, or some schools have, you know, telephonic notification or they have it on their own website.

I think -- I best leave that up to the local schools.

SENATOR KISSEL: Thank you very much, Senator.

SENATOR WITKOS: Thank you.

REP. FOX: Representative Conway.

REP. CONWAY: Good morning, Senator Witkos.

SENATOR WITKOS: Morning.

REP. CONWAY: Or afternoon now, excuse me.

Actually addressed this particular amendment with my superintendent and business director in my community, and they routinely check the list themselves. They think it's great and

177
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

support this.

The only thing I notice is we don't, that I can see in the new language, have any time frame in which they have to be notified. And if it's going to be effective, I think the time frame is important in that because they let it go for six months in time, but in that six months, you know, something could have occurred that could have been prevented.

And we had a time frame in which they have to be notified that the individual's been released and is living X place within that community. And do we -- if you could answer that first, maybe you guys have addressed that and decided not to put it in, but if you could answer that.

SENATOR WITKOS: Yes, Representative Conway, that's a great idea. And I think I would not mind at all if that's the language that to that effect were added to the bill as it moves forward.

REP. CONWAY: Thank you.

The other issue, we also had a bill forwarded requiring superintendents to take a look at the sex offender list when establishing bus routes each year for the district and that there not be a bus stop placed in front of an individual's home or within 100 yards, I think we said, the bill says, that a bus stop not be placed there, except in the case where that individual home is a child living that's in that house. HB 6237

SENATOR WITKOS: I hadn't -- I wasn't aware of the bill. I think that there may be some difficulties in that, because oftentimes the school boards will give -- if it's a private bus company that provides that

178

March 16, 2009

jr JUDICIARY COMMITTEE

10:00 A.M.

transportation -- a list of where the students live.

And I think it's oftentimes the bus garage or the bus company that will determine where those stops are made to -- to make the least amount of stops appropriate.

And that I think there's -- depending on, you know, sight line -- sight line issues or slopes of roads, especially up in New England, if a bus has to stop on an incline, depending on the degree, starting back up in the wintertime --

I know I've dealt with that issue in my community. It's often very difficult. So I think those factors need to -- as long as those are considered when the bill is developed, it sounds like it may be a good idea.

REP. CONWAY: All right. Thank you, Senator. Thank you, Mr. Chairman.

REP. FOX: Thank you. Representative Roldan.

REP. ROLDAN: Thank you, Mr. Chairman. Senator Witkos, good afternoon.

I'm still just sort of, I guess, a little puzzled trying to figure this out in my head relative to the superintendent question and what would the superintendent do with the information once he or she attains this information. I thank you, Senator Kissel, for raising that question. It's a very important question.

And, you know, superintendents receive -- any time a child is [inaudible] involved and is coming back to the district, the information

is not necessarily received as a direct notification that that child is coming back having committed, you know, X offense or Y offense.

So we're particularly taking this particular section of it, and we're saying this is the offense the child committed.

But yet we are pretty much obligated to [inaudible] the child. We use whatever methods necessary to reintegrate the child into the community and into the classroom or whatever it may be. Different communities do this in different ways.

But I am still a little curious as to what your thoughts are, because I think you may have some thoughts about this, being a law enforcement professional, being a law enforcement professional myself.

The information comes in in different ways, but this is a very specific item. I'm just -- you know, to come up with 169 or 67 -- in this case school systems -- different ways of approaching this, I can see that as being kind of [inaudible].

Do you have any further thoughts on that?

SENATOR WITKOS: Well, I guess I'm of the mindset that one size doesn't necessarily fit all. And so some boards may have mechanisms in place already where they notify parents or the student body of a potential danger located within the community, whether that be through a mailing that's done on a, you know, weekly basis or flier distributed to the home or on a website or an email notification system or telephonic.

So I wouldn't want to, I guess, place it into legislation, mandating a certain type of notification that may preclude a board of ed already doing something as far as communication goes and it works extremely well.

REP. ROLDAN: Well, not necessarily communication, but the perhaps the response of how to -- you know, does it connect directly to the -- the police department?

Obviously you would not want to pick what procedures the police department will take or --

I'm just -- again, I don't have an answer myself, but I'm still a little perplexed by that part of it.

SENATOR WITKOS: I guess my -- the whole premise behind this legislation was that from a police officer's perspective, you know, we're mandated to do notifications to the superintendent of schools when a child commits an act, yet here's some -- they haven't been tried in a court of law and been found guilty. And who knows what the plea-bargaining process would have ensued.

But yet here's an individual that has been to court, has been tried, has been found guilty of a sex crime. They're required to register as a sex offender, and now they're moving back into the community, having done their time or served their time, and there's no notification of folks in that community that there's somebody moving in that has a past history now of a sex crime and they're required by law to register, and I --

I just felt that a preventive campaign goes a

181

March 16, 2009

jr JUDICIARY COMMITTEE

10:00 A.M.

lot further than sometimes how people find out about certain things and the actions they take.

And maybe a few extra eyes out on the street may even preclude or remove that enticement that may be out there that may cause an individual to act.

REP. ROLDAN: Thank you for your time and [inaudible].

SENATOR WITKOS: Thank you, Mr. Chairman.

REP. FOX: Thank you. And thank you, Senator.

Thank you for your testimony.

SENATOR WITKOS: Thank you.

REP. FOX: Next is Todd Malvezzi. And -- he's not here.

Edward DeCortin. He'll be followed by Drew Bloom, followed by Stephen Savino.

Good afternoon.

EDWARD DeCORTIN: Good afternoon, Mr. Chairman, members of the Judiciary Committee.

Some of what you will hear from me you've heard already, so I ask for your patience.

My name is Edward DeCortin, a resident of Woodbury, and I appear before you to express opposition to Senate Bill 353, An Act Concerning the Microstamping of Semiautomatic Pistols.

You will hear testimony regarding microstamping's effectiveness from others. I will discuss how this legislation negatively

207

March 16, 2009

jr JUDICIARY COMMITTEE

10:00 A.M.

apples, like everything; but with some tighter regulations, which we're fighting right now to get to clean up our industry, it's a good industry.

And I -- I almost believe that this bill, 723, was brought up as a punitive measure in order to punish us. It feels like it was there to punish us and say if you don't pass a bill that regulates you, then we're going to eliminate you. And that's how the five bills came up this year. You've got regulation or elimination.

REP. COUTU: That's good. Thank you for your time. Appreciate you being here today. And thank you, Senator McDonald.

ANDREW BLOOM: Thank you, Representative.

SENATOR McDONALD: Are there any other questions?
Thanks very much.

ANDREW BLOOM: Thank you.

SENATOR McDONALD: Stephen is a convenient know, followed by Commissioner Danaher. Is Stephen Savino here?

Commissioner Danaher. There you are.

SENATOR McDONALD: And after Commissioner Danaher is Jeffrey Kestenband and Chris O'Connor. Thank you very much for your patience, Commissioner.

JOHN DANAHER: Good afternoon, Senator, members of the Judiciary Committee, I'm John Danaher. I'm the commissioner of the Department of Public Safety. With me is Lieutenant Samuel Izzarelli, the Department of Public Department of Public Safety.

SB 844 HB 6384

HB 6382 HB 6671

SB 533 SB 538

SB 353 SB 723

HB 6025

I'd like to testify very briefly on four bills. We have five others in which we have an interest. We've submitted written testimony on all nine of these, but I'll answer any questions you may have with regard to any of them.

First, if I may turn your attention to Senate Bill 844, this is An Act Concerning methamphetamines. You've already -- you heard testimony this morning from Commissioner Farrell in support of this, and we support this as well.

Connecticut has not yet faced the kind of methamphetamine problem that has appeared in the western states, but there is certainly evidence in law enforcement that it is moving eastward across the country, and this is an opportunity to be proactive and to take steps that will prevent the problem from reaching the proportions in Connecticut that it has in other states.

I note from personal experience, there are some pharmacies that are already voluntarily following what is being proposed in this bill.

Would you like to -- should I proceed through all of the bills that I want to speak on or take questions one at a time?

SENATOR McDONALD: No, why don't you go through all of them first, and we'll double-back.

JOHN DANAHER: Okay.

Next, House Bill 6384, this is An Act Concerning the Registration of Sex Offenders. This bill was an effort to bring us into compliance with the federal Adam Walsh Act.

So the victim would have opportunity to seek restitution, compensation; and we would only seek forfeiture after the victim chose to exhaust those -- those options.

The bills in which we have an interest and have submitted written testimony, I will rely on their within testimony, are Senate Bill 533, provides for notification of a release of a registered sex offender into the community.

Senate Bill 538, which would affect plea agreements reached by sexual offenders, it would -- well, I'll rest on the written testimony there.

Senate Bill 353, microstamping of semiautomatic pistols. Senate Bill 723, the posting of the ten percent cash bail, withy you've just heard testimony on, and House Bill 6025, which would increase the penalty for engaging a police officer in pursuit.

As I said, I'd like to rely on the written testimony, but I would answer questions on any of those if you have questions. Any of those or the ones that I spoke on.

SENATOR McDONALD: Certainly appreciate your testimony, and we will take a look at the written stuff on the other bills.

Are there questions? Representative O'Neill.

REP. O'NEILL: With respect to Bill 533, this has gotten a fair amount of attention, and I have a couple of questions.

The language that's contained there talks about in lines 24 through 30, and that's the core of the bill, that when a registrant is released into the community, the Department of

Public Safety shall by certified notify the superintendent of the schools.

And the first request he that occurred to me was, does the Department of Corrections have a conduit of information flowing to the Department of Public Safety so that you know when someone is released from the corrections department?

JOHN DANAHER: We do know when a registered sex offender is released from the Department of Corrections. And I -- I should make clear that we are -- this is a capability that we expect to have with the new sex offender registry that will be up and running within a few months.

We don't -- we can't do right now -- we can't promise what we can do right now what we will be doing in a few months, but yes, we would have that information from the Department of Corrections, and we would then be able to email it on once the new system is operational.

REP. O'NEILL: That was the other question, in your testimony -- written testimony, as I recollect, you had indicated that you would prefer that instead of being sent by certified mail, that the information be emailed to the superintendent of schools.

JOHN DANAHER: Yes.

REP. O'NEILL: Do you normally -- I guess, first of all, does every superintendent of schools have an email address, and do you have all those email addresses, do you know?

SAMUEL IZZARELLI: We don't currently have that information, because we don't have a

requirement to do that, but we would check with the superintendents' offices and work with those agencies that might have limitations as far as specific email address at a superintendent's -- perhaps someone in his staff or in their office that would --

So we would be able to work with that.

REP. O'NEILL: Okay. And then the last thing is, you can do this now if you wanted to, as I understand it, the way the current statute reads. If you chose to, you could notify the superintendent either by certified mail, email or regular mail with a paragraph that lines 16 to 23 seem to read to me.

But what this would do require you to do it, and that's -- that's the big change here; am I correct?

JOHN DANAHER: Well, yes. It would require us to do it. And right now, this is a unit, as are many of our units, that are very pressed for resources, are -- once the new system's operational, it's going to be far easier -- far more efficient for us to do it with the new system.

Right now, we could do it, but do we have the personnel and the capability and the resources?

SAMUEL IZZARELLI: It would be limiting. I mean, it involves a certified letter that's four or \$5 per letter. One of the issues with 533 is that it only deals with the release of individuals from the Department of Corrections upon their release into the community?

Now, on any given day, we'll see movements of 20 to 30 registrants from -- from a registered

214

March 16, 2009

jr JUDICIARY COMMITTEE

10:00 A.M.

address to another address. So they might be in Norwich and they move to Danbury, and it doesn't account for those.

The email system would account for those. And it doesn't involve staff having to make copies to send out letters, the cost of mail, copiers, Inc., as that goes along.

REP. O'NEILL: Thank you, Mr. Chairman.

SENATOR McDONALD: Representative Gonzales.

REP. GONZALEZ: Good afternoon and thank you, Mr. Chair. And thank you for coming.

You said that you are here in favor of the bill 723, less than ten percent, the cash bail?

JOHN DANAHER: No, actually, I'm sorry if I misspoke. We oppose --

REP. GONZALEZ: Oh, you oppose.

JOHN DANAHER: -- that bill. That -- as we -- as we see it, Senate Bill 723 would permit individuals to act as bondsmen without any of the checks and controls that are in place with the sewer at this bonds.

REP. GONZALEZ: Exactly. Exactly. That's why I think that -- I'm sorry, I thought that you said -- you were saying that you were here to support that bill.

JOHN DANAHER: No, I may have misspoken. I apologize.

REP. GONZALEZ: Oh, okay. Thank you. You know that we have -- you're aware that we have a Bill 6354 that we are working with that bill,

the bail bonds and the Insurance Committee is working on that bill, and we're going to combine two bills, and I think that we -- you know, we really need the right direction to fix the problem that we have right now with the bail bond industry. I hope you can support that bill. Thank you.

SENATOR McDONALD: Are there any other questions?
Representative Green.

REP. GREEN: Thank you, Mr. Chair. A few questions on a couple of bills.

On 533, I just want to follow up on something with -- discussion that you had with Representative O'Neill. Currently, you -- you're suggesting that maybe you're emailing superintendents if you're notified that a person has been released from DOC and they're registering.

Are you currently notifying superintendents now?

JOHN DANAHER: Currently, superintendents are not notified through our office. The requirement under the current statute is that the sex offender registry at the Department of Public Safety make notification to a local police department.

The law requiring what happens with that information there is dependent upon the local police department, so this would change the course of those notifications.

Under the Adam Walsh Act, we have to make provisions that allow for notifications to schools, to individuals, to civic group and youth organizations. And the means by which the Department of Justice has recommended that

we do that is to you a how people to do it through the email system?

If we did have a situation where somebody at a school office didn't have that ability to do that, we would work with them. And those exceptions would be, I would say, far less taxes on the unit than, you know, a system based entirely on certified mail.

REP. O'NEILL: Okay.

So then let me talk about this 6384, the Adam Walsh Act. This is [inaudible] legislation, and they're going to require -- they're going to require you to notify superintendents to --

JOHN DANAHER: For us to be in compliance with the Adam Walsh Act, we would have to be able to -- we would have to have the capacity to notify, for example, school superintendents, and we would have to carry that out to do that.

The consequence of us not being Adam-Walsh-compliant is twofold. First, we agree with this. We think this is a better way to protect children. But second, we would lose ten percent of our Byrne grant funding if we are not Adam-Walsh-compliant by July 27th.

I should say that federal law permits us to seek a one-year extension to come into compliance. We have requested that extension. We haven't received it yet. The reason we requested it is although we believe that our new sex offender registry system will be operational by then, or prior to then, is that we can't obviously guarantee whether this legislation will be passed by then. If it's not, we're not Adam-Walsh-compliant.

And right now --

217
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

REP. GREEN: You mean regardless of this legislation, you have to become compliant with Adam Walsh?

JOHN DANAHER: To get -- to avoid the loss of Byrne grant money.

REP. GREEN: Right, regardless of this.

JOHN DANAHER: Correct.

REP. GREEN: So you are working on a system. It seems to me that -- I'm trying to figure out why it would be difficult to have a computer system of emailing of all of the superintendents. I guess I'm a little concerned as to -- trying to figure out which town a person lives in and where they reside and which superintendent to notify.

You know, when you have these group things and it sort of goes out to all -- a whole bunch of people, it seems to me you can easily develop a system to just send out monthly discharges from DOC to all superintendents, at least where -- at least at a known address when they leave the institution.

Now, when they go to other towns, they might have to check in and you might do some kind of alert, maybe, but I'm not -- I'm not sure why that might be difficult to establish.

JOHN DANAHER: Well, we have 5,000 registrants who are quite mobile. Some of them claim they have no residence. And keeping track of them is an enormous job right now for the sex offender registry.

So it -- it would be an extraordinarily difficult task right now with available

resources to make those notifications on an ongoing basis.

SAMUEL IZZARELLI: For a town to do that, they would go in, just like you would do at your home, and would you say please let me know if there are any registered sex offenders that move into my section of town, my ZIP code or my radius or an area that you set, so you might say within a mile or four miles.

So the superintendents would be able to get all of the notifications specifically for their school area, their district.

REP. GREEN: On the Adam Walsh law, there was some language -- on this particular bill here, 6384, there was some language in there about juveniles and language in there about transient individuals.

Are you -- is the law going to require that transitional housing, shelters and those sort of establishments be required to notify you if they're made aware that somebody that's on the registry is staying there, and how are they do tobacco do that?

SAMUEL IZZARELLI: The responsibility with the registry is always between the registrant and the sex offender registry. So if a registrant moves to a transitional house, it will be the responsibility of the registrant to notify us directly. It's not incumbent upon the -- upon the facility or the housing complex to -- to make that notification.

REP. GREEN: And juveniles, it appears there's some new requirements I think for either notifying communities of juvenile offenders. Are you suggesting that we put juveniles on the -- the new law suggesting that we put juveniles on

219
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

the list?

JOHN DANAHER: Actually, we already have juveniles on the list. If a juvenile is charged with an A or B sexual assault felony, and it convicted of that, then they're required to register. They would be trans -- for that to have happened, if a juvenile was charged --

Say a 14-year-old was charged with a an A felony, sexual assault, in this state, that juvenile would be tried as an adult. Upon conviction, they would have to register, and they would be on the registry right now.

The only change that would come into play with regard to this bill would be if an individual were convicted of parallel offenses in another state, and then were to move to Connecticut, they would then have to register in Connecticut.

So all that would happen is they would be on the same footing as a similarly situated juvenile in this state once they move here. Then they'd all be treated the same way. That's the only change.

REP. GREEN: There was a police in here that talked about if a person visits the state for more than five days, they have to notify you. Do you see that as realistic, and how would you implement that?

JOHN DANAHER: We -- I think what the bill provides is they notify us 48 hours before coming in to the state. And so we know they're coming.

If someone violates that at the end of the stay and reside here and don't notify us, then they're in violation when we find them.

So that the changes they require -- they would be required to notify us in advance. Once we know that they're coming and then we can find out where they're going to go and confirm that they're at that location.

It is an ongoing challenge for the sex offender registry unit to keep track of these 5,000 registered offenders, but that's our job and we're committed to doing that.

REP. GREEN: You believe the law says notify you two days before they come in or within two days that they're in the state?

JOHN DANAHER: It's 48 hours. Prior to entering the state they're supposed to let us know that they're going to come into the state.

REP. GREEN: Okay.

And so if someone's a registered offender outside the state --

JOHN DANAHER: Right.

REP. GREEN: -- and drives through and know they're going to reach us and they may stay in a hotel --

JOHN DANAHER: Right.

REP. GREEN: -- do they actually have to notify you that they're traveling through your state?

JOHN DANAHER: They would. And although it may seem -- it may seem odd or onerous, but in my last job as a prosecutor, we frequently had people on bail who were required as a condition of bail if they were to leave the state to notify their probation officer.

221
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

REP. GREEN: Right.

JOHN DANAHER: So it really isn't all that different. If someone -- if they're a registered sex offender and they know they're entering Connecticut, they have to make the call. That's all it would entail.

Then our sex offender registry unit would know that they're coming through the state.

REP. GREEN: The last question on Senate Bill 844, on methamphetamines, this has been talked about for a few years now, and once again, you said problem is going to come to the state.

In the years that it's been sort of coming to the state, have you done anything to assure me to say that three, four, five years ago it was coming to the state, I guess it's on its way, what strategies have you utilized to maybe prevent it?

And do we need statutes? Because right now it would still be illegal to produce methamphetamine means in the state, right? Do we need new legislation?

JOHN DANAHER: Well, we think that we do. In fact, I believe this legislation is in place in other states, because -- I can tell you my own personal experience. Went in to buy cold medication for one of my children, and it's no longer on the shelf, because it contained pseudoephedrine. And there's a card on the shelf. You take the card to the front, give it to the clerk. Clerk has you electronically sign a log, and then they give you the product from behind the counter.

They're not required to do that now, but because it is something that some of the

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 13
3943 - 4275
2009**

405
jr JUDICIARY COMMITTEE

March 16, 2009
10:00 A.M.

Nancy Kushins. And as she comes up, Conrad Seifert. You'll be next, Mr. Seifert.

Good to see you, Nancy.

NANCY KUSHINS: Good evening. Senator McDonald and members of the Judiciary Committee, my name is Nancy Kushins, I'm the executive director of Connecticut Sexual Assault Crisis Services.

While ConnSACS has submitted written testimony on eight bills, I would like to focus my remarks today on three of those bills: Senate Bill 533, House Bill 6384 and House Bill 6669.

With respect to House Bill 6384, ConnSACS favors the establishment of a Sex Offender Registry Policy Advisory Committee.

Having served on the former Risk Assessment Board, ConnSACS appreciates the effort to improve the method and content of the information that's provided on the registry.

We look forward to the opportunity to continue our role in the committee with respect to ensuring that victims' voices are heard and to ensure that the registry data does not inadvertently identify victims.

In addition to its use by law enforcement, the registry can be a tool for victims in the public. However, what we hear from both those groups is that the registry does not provide them with understandable information. And absent that, people are equally fearful of anyone classified as a sex offender.

That said, House Bill 6669 includes the important components of risk assessment, which we support. Numerous studies conducted by the

Association for the Treatment of Sexual Abusers, the Center for Sex Offender Management, and others, consider risk assessment one of the most important tasks to informed decisions related to family reunification, case management, supervision and treatment.

It can also enhance the usefulness of sex offender registry information, which other states currently place on their registries.

Senate Bill 533 opposes a concern. As written, when a sex offender on the registry is released into the community, this bill would require the Department of Public Safety to notify the superintendent of schools where the registrant resides.

This seems to presume that all sex offenders under the registry pose a risk to children, which is not the case. Should schools be informed when a high-risk sex offender who has perpetrated against children, particularly those children who are strangers, is being released into the community? Absolutely.

The fact is that here in Connecticut last year, of the sexual assault victims age 17 and under seen by our nine community-based rape crisis centers, 93 percent of those victims knew their perpetrator.

Providing information to school superintendents about all sex offenders does not serve to contribute to community safety as intended.

When we consider that somewhat between -- somewhere between 16 percent and 40 percent, depending on the study, of sexual assaults are reported to the police and that fewer than

407

March 16, 2009

jr JUDICIARY COMMITTEE

10:00 A.M.

that number are ever prosecuted or convicted, it's important to keep the sex offender registry and community notification in perspective.

When sex offenders are released into the community, what ConnSACS favors is a comprehensive approach to sex offender management. This would include sex offender treatment, a period of supervision, and the involvement of a victim advocate to provide post-conviction support to the victim and provide a victim perspective to the supervision process.

SENATOR McDONALD: Thank you very much. You covered a lot of ground, but, as usual, did a great job at it. Thanks for your -- thanks for your patience tonight.

NANCY KUSHINS: Thank you.

SENATOR McDONALD: And it's an important subject. Shouldn't get lost in this larger discussion we've been having, but thank you very much.

NANCY KUSHINS: Thank you.

SENATOR McDONALD: Are there questions for Nancy? Representative Green.

REP. GREEN: Just one question. And this is not a -- particularly in the bill, but one of the things I've been noticing is that local communities have tried to ban certain individuals with offenses from public places.

Maybe a quick thought on similar to notifying all the superintendents? I'm not sure where I am on that in the sense of has your organization found it to be an effective way of prevention.

NANCY KUSHINS: No. Actually, in the State of Iowa, where they've done some similar banning of past legislation where sex offenders couldn't live a thousand feet from a library or a school, that it has driven sex offenders underground.

And instead of having them as a part of the supervision process and where law enforcement can keep track of them and supervision of -- in probation and parole, they lose track of them, because then they're living under bridges and they're leaving the area. Unintended consequences.

SENATOR McDONALD: That happens around here sometimes. Thank you very much, Nancy. Thank you for your testimony.

NANCY KUSHINS: Thank you.

SENATOR McDONALD: Conrad Seifert. And is Robert Miller here? [Inaudible] Kosack? Dawn Titus? Christopher Sullivan? A.J. Campofiore? David Hodgman? You'll be next, Mr. Hodgman.

Good evening, sir.

CONRAD OST SEIFERT: Good evening, Chairman McDonald and distinguished committee members. My name is Conrad Seifert. I'm an attorney practicing in Old Lyme. I primarily practice appellate and criminal law. I am the president elect of the Connecticut Criminal Defense Lawyers Association, the CCDLA.

HB 6009

I filed written testimony on behalf of Bill No. 6576, An Act Concerning Larceny. And just very briefly as to that, in a sentence or two, in 1982, \$10,000 was worth \$10,000. In 2008, that same \$10,000, due to inflation, is worth

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 14
4276 - 4597
2009**



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONERJohn A. Danaher III
CommissionerLieutenant Edwin S. Henion
Chief of Staff

March 16, 2009

Rep. Michael P. Lawlor, Co-Chairman
 Sen. Andrew J. McDonald, Co-Chairman
 Judiciary Committee
 Legislative Office Building
 Hartford, CT 06106

SB 533 AN ACT CONCERNING NOTIFICATION OF THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO THE COMMUNITY

The Department of Public Safety advises of better notification procedure that should be available in July.

This proposed bill is undoubtedly intended to increase safety of school children by making certain that school superintendents are aware of the presence of sex offenders in their districts. While the intent is admirable, the procedures will not accomplish the intent.

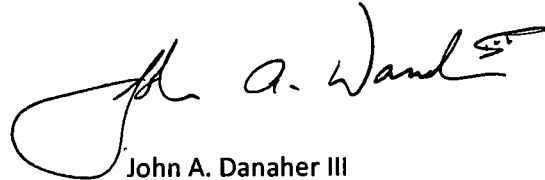
This bill only addresses persons released into the community and does not address the subsequent movements of registrants between towns or from other states. There is a significant amount of movement on the part of registered sex offenders; on some days this agency processes twenty to thirty changes of address.

The agency currently makes notifications to local police departments via regular mail (not certified mail). Those local departments then accept the responsibility of making notifications to their local schools. For some jurisdictions (e.g., Hartford has some 500 registrants) this involves a significant amount of work to keep track of all of the movements that occur and for the local police departments to pass those notifications on to the schools.

The Department of Public Safety is in final contract negotiations for a new database that is scheduled to become active in July of this year. The system will have the ability to allow schools or individuals to register for an email notification that will be sent to them when a registrant moves in or out of their communities. This new email notifications system will comply with the provisions of the federal Adam Walsh Act as to notification of schools, civic organizations and youth groups.

On its face, this bill would seem to have little cost, with the certified mail not being the most significant issue. Within the limited resources of the sex offender registry unit, however, it is important to eliminate costs that do not have a corresponding benefit, including mail costs, color printer costs and clerical costs. The best notification system, providing the most up to date information, will also be the least expensive, i.e., email notification of all sex offender movements that impact a school system.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Danaher III". The signature is fluid and cursive, with a large initial "J" and a stylized "D".

John A. Danaher III
COMMISSIONER
Department of Public Safety



State of Connecticut

SENATE

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LEGISLATIVE MANAGEMENT COMMITTEE
PUBLIC HEALTH COMMITTEE

Public Hearing Testimony
March 16, 2009
Judiciary Committee
Kevin Witkos, State Senator, 8th District

Re: Senate Bill 533 – An Act Concerning Notification of the Release of a Registered Sexual Offender into the Community.

Good Morning Senator McDonald, Representative Lawlor, Senator Kissel, Representative O'Neil and members of the Judiciary Committee.

I am here today to testify in support of Senate Bill #533 An Act Concerning Notification of the Release of a Registered Sexual Offender into the Community. I first want to start out for thanking you for raising this bill and holding a public hearing on it today. SB 533 requires that the Department of Public Safety notify the Superintendent of Schools (by certified mail) information relative to a registrant on the sex offender list who will reside or intends to reside in that specific community.

Police are mandated by law to notify the Superintendent of Schools when an individual between the ages of seventeen to twenty-one commits a Class A Misdemeanor and/or a Felony. Verbal notification must be made no later than the end of the next school day and written notification within seventy-two hours. One understands the public safety/security aspect however; those individuals have not been tried or convicted in a court of law. This bill would pertain to those convicted of a sex assault crime and

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required to register as a sex offender in their community. A higher degree of public safety/security is certainly warranted in these cases.

I would be more than happy to answer any questions you may have.

Thank you.



Connecticut Sexual Assault Crisis Services, Inc.

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**Testimony of Connecticut Sexual Assault Crisis Services, Inc.
Nancy Kushins, Executive Director**

**SB 533 An Act Concerning Notification of the Release of a Registered Sex Offender
into the Community**

**SB 1110 An Act Concerning Sexual Activity Between School Workers and Students
and Including School Superintendents as Mandated Reporters**

HB 6384 An Act Concerning the Registration of Sexual Offenders

**HB 6645 An Act Concerning the Sexual Assault of Persons Placed or Treated Under
the Direction of the Commissioner of Developmental Services**

**HB 6664 An Act Concerning Revisions to Various Statutes Concerning the Criminal
Justice System**

**HB 6669 An Act Concerning Sexual Offender Registration and Notification
Requirements**

**HB 6670 An Act Concerning the Rights of Crime Victims and the Duties of the
Office of the Victim Advocate**

**HB 6671 An Act Concerning the Forfeiture of Money and Property Related to Child
Sexual Exploitation and Human Trafficking**

**Submitted to the Judiciary Committee
Public Hearing, March 16, 2009**

Senator McDonald, Representative Lawlor, and members of the Judiciary Committee, my name is Nancy Kushins and I am the Executive Director of Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS). CONNSACS is the statewide association of nine community-based rape crisis centers in Connecticut. Our mission is to end sexual

violence and ensure high quality, comprehensive and culturally competent sexual assault victim services.

During fiscal year 2007-2008 CONNSACS and its nine community-based program staff and volunteers provided services to 6,024 sexual assault victims and their families.

CONNSACS is opposed to **SB 533 An Act Concerning Notification of the Release of a Registered Sex Offender into the Community.**

Contrary to the popular myth of "stranger danger," children are far more at risk of sexual abuse from adults they know. Research shows that the vast majority of sex offenders know their victims, yet notification measures are generally designed to address situations in which the sex offender is presumed to be a stranger to the victim. Our nine member rape crisis centers reported that last year in Connecticut, 93% of victims age 17 and under knew their perpetrator.

This bill does not make distinctions among the different crimes committed by sex offenders, nor does it consider the level of risk involved when classifying sex offenders. Not all sex offenders pose the same risk of re-offense. Not all sex offenders are pedophiles or child molesters.

It is important to know that over-inclusive public notification can actually be harmful to public safety by diluting the ability to identify the most dangerous offenders and by disrupting the stability of low-risk offenders in ways that may increase their risk of re-offense. Therefore, CONNSACS believes that internet disclosure and community notification should be limited to those offenders who pose the highest risk of re-offense.

In addition, it is CONNSACS' position that internet disclosure and community notification should be limited to those offenders whose public disclosure will not immediately or implicitly identify the victim. Without such limitations, victims who are related to the offender may be deterred from reporting their crimes.

In order for communities to most effectively protect their citizens from the danger of sexual assault, comprehensive sex offender management policies must include community education. This education should consist of:

- Information regarding sexual assault (myths and facts, incidence and prevalence data, victim information)
- Information regarding sex offenders and sex offending behavior
- Information regarding prevention and risk reduction measures, including the strengths and limitations of victim and community measures
- Information regarding resources for victims, offenders, and families

CONNSACS supports **HB 1110 An Act Concerning Sexual Activity Between School Workers and Students and Including School Superintendents as Mandated Reporters.** As a strong supporter of Public Act No. 02-106, or the "Coaches Bill," we