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Connecticut's Sex Offender Registry Is Out of Control. It's Time for Reform

There are more than 5,700 names on Connecticut's sex offender registry, to the point of uselessness. The Connecticut Sentencing Commission has good ideas for revisions.

By **Connecticut Law Tribune Editorial Board** | October 29, 2021



Connecticut State Capitol building in Hartford. Photo by Michael Marciano/ALM

The Connecticut Sentencing Commission has made proposals to modify the state sexual offender registry laws.

In 2015 the state Legislature passed Special Act 15-2 requiring the sentencing commission to research and develop proposals for reforming Connecticut's policies for sexual offenders, including sentencing, registration, the collateral consequences of registration, and the utility of the sex offender registry to law enforcement and the public.

The sentencing commission has evaluated the sentencing laws, including a focus on sex offender registration and management. Proposed changes in the registry are intended to enhance public safety by focusing the registry on serious sex offenders with a high risk of reoffending.

Currently, for less serious sex offenses required registration is for 10 years, and for more serious ones registration is for life. Offenders must register within three days of being released into the community. There is currently no way to terminate a lifetime registration or to shorten the 10-year period on the registry.

A proposal recently made to the sentencing commission would modify the present 10 years or life types of registration. Because the registry now doesn't differentiate between low-risk offenders and high-risk offenders, the commission recommended the length of the registration should be determined based on an assessment of the risk of reoffending. Some high-risk offenders would end up with longer terms on the registry and be denied motions to shorten their terms, while registered offenders would be able to shorten their terms by demonstrating that they have taken action to reduce their risk to the community.

The commission recognized that placement on the registry can impede the registrant's successful reentry into society, as it has been shown that it is difficult for those offenders to obtain housing and employment, and those living without these are five times more likely to reoffend than those with housing and employment.

The current registry has no reward for a registrant's appropriate behavior and no sanction for a registrant's inappropriate behavior. However, focusing on individuals at high risk of reoffending should reduce recidivism by moving from a conviction-based registry to a risk-based registry. It will reduce the number of low-risk offenders on the registry so that law enforcement can focus on the high-risk offenders.

One example of a low-risk sex offense is called a "Romeo and Juliet" case. Under strict enforcement, Romeo and Juliet would be called *State v. Romeo*, because Juliet was only 13 in the play, and her relationship with Romeo would be criminalized on that basis.

While petitions for removal from the registry in these types of cases are not often heard, tried and appealed, a 2009 example from Michigan is *People v. Dipiazza*, 286, Mich. App. 137. The defendant was in a special statutory age class, between 17 and 21. He engaged in consensual sex with someone under the age of 15. (The couple subsequently married and had children.) The defendant was sentenced to probation and required to register as a sex offender. After successfully completing probation, his case was dismissed and he had no conviction on his record, but was still required to remain on the sex offender registry. On appeal, the Michigan Court remanded for removal from the registry.

In Connecticut there is no differentiation between low-risk and high-risk offenders. Both the Romeo and Juliet defendant and the depraved high-risk defendant are subject to exactly the same registration requirements. Both types of offenders are subject to the same quarterly address confirmation requirements.

As an example of the demands on the police, current law requires that the state registry must notify local law enforcement whenever a sex offender fails to respond by mail to his quarterly reregistration. If the offender fails to respond, the police department is required to request an arrest warrant from the prosecutor. Some

departments are so overwhelmed that it takes more than a year before a warrant is issued. Also, possibly half of the current registered sex offenders are on probation or parole. A notice of failure to respond must then be given to a department of probation or parole, which then would request an arrest warrant. The sentencing commission has recommended changing the frequent response requirements to reduce the number of requested warrants by the local police departments by half and allow the department to process warrants in a more timely fashion.

Connecticut's current statewide sex offender registry was established in 1998, but reached back 10 years, requiring anyone convicted of a sex crime after 1988 to be registered. There are an estimated 800 preregistry offenders who had no opportunity for a hearing as to whether they should be so included since there was no sex offender registry at the time of their conviction.

When the public registry first started there were less than 600 individuals on it. There are now more than 5,700 registered sex offenders in Connecticut. The registry is accessible to the public on the internet. The current public registry contains too many names to be functional. Virtually every town in the state has a registered sex offender, and the big cities have hundreds. For instance, Hartford has more than 700 registered sex offenders.

All the states around Connecticut, including Massachusetts, Rhode Island, New York and New Jersey, have moved toward a risk-based registry. Connecticut is one of only 15 states to provide no early termination or pathway to removal from the sex offender registry. Most states allow offenders to petition for early termination of registration.

The commission has most recently presented two options for removal from the registry. Both would include an expanded ability for judges to issue exemptions and a mechanism to allow registered persons to petition for reduction of time on the registry or for removal entirely.

We urge the Legislature to modify the Connecticut Sex Offender Registry as proposed by the sentencing commission, to make it a tool that law enforcement can effectively use, and to give hope to registered offenders that if they try hard to reintegrate into the community, they may get off the registry earlier.