



October 2015

SORNA Substantial Implementation Review State of Connecticut

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to acknowledge the State of Connecticut for the work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of Connecticut's SORNA substantial implementation packet and has found the State of Connecticut to have not substantially implemented SORNA.

In December 2014, the Connecticut Office of Policy and Management, Criminal Justice Policy and Planning Division submitted to the SMART Office for review a SORNA substantial implementation package, consisting of a completed SORNA Substantial Implementation Checklist, relevant Connecticut State statutes and codes, Connecticut State Police Sex Offender Registry Unit Orders, and examples of registration forms used by law enforcement throughout the state.

Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 15 sections addressing the SORNA requirements. Under each section, we indicate whether Connecticut meets the SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify where the departure(s) from a particular requirement does not substantially disserve the purposes of that requirement. Connecticut is encouraged to focus on the deviations that substantially disserve SORNA's requirements and to work toward rectifying those deviations in order to achieve substantial implementation of SORNA. To achieve full implementation of SORNA, Connecticut should also work toward rectifying the deviations that do not substantially disserve the purposes of SORNA.

This is an exhaustive review and meant to detail every area in which the state has not met SORNA standards. We encourage you to review the information below, share it with relevant stakeholders in the state, and get back in touch with us to develop a strategy to address these remaining issues.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his information in a jurisdiction, that that initial registration information/updated information be immediately sent to other jurisdictions where the offender has to register, as well as to NCIC/NSOR and the jurisdiction's public sex offender registry website.

Connecticut meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

SORNA requires that certain federal, military, and foreign offenses be included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency be included in a jurisdiction's registration scheme.

A. Connecticut Offenses

Connecticut captures the offenses for which SORNA requires registration.

B. Offenses of Other SORNA Registration Jurisdictions

Connecticut requires offenders to register if they committed offenses requiring registration in another state or territory, or are required to register under federal, military, or tribal law or if the essential elements of their crimes are substantially similar to registerable Connecticut sex offenses.

C. Federal Offenses

Connecticut does not capture the following federal offenses in its registration scheme:

- 18 U.S.C. §2252B (Misleading Domain Names on the Internet)
- 18 U.S.C. §2252C (Misleading Words or Digital Images on the Internet)
- 18 U.S.C. §2421 (Transportation of a Minor for Illegal Sexual Activity)
- 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places)
- 18 U.S.C. §2424 (Failure to File Factual Statement about an Alien Individual)
- 18 U.S.C. §2425 (Transmitting Information about a Minor to further Criminal Sexual Conduct)

D. Military Offenses

Connecticut requires offenders to register if they committed offenses requiring registration in another state or territory, or are required to register under federal, military, or tribal law.

E. Foreign Offenses

Connecticut requires registration for offenses committed in foreign countries, if the essential elements of the crimes are substantially similar to registerable sex offenses in Connecticut.

F. Juvenile Adjudications

In Connecticut, individuals adjudicated delinquent in juvenile court for sex offenses are not required to register.

Because Connecticut does not register juveniles adjudicated of certain sex offenses, Connecticut does not meet the requirements in this section; however, the remaining deviations do not substantially disserve the purposes of the requirement(s) in this section.

III. Tiering of Offenses

SORNA requires that offenses be classified based on the nature of the offense of conviction. Connecticut's registration and notification scheme deviates from SORNA requirements in that it requires all sex offenders to register for either 10 years or life with quarterly updates to law enforcement for verification purposes (see Section IX for information about frequency of reporting and duration of registration requirements). For clarification purposes, the SMART Office has reviewed all statutes identified in Connecticut's registration and notification scheme and has placed these statutes within the SORNA three tier levels (see Appendix: Connecticut Offense Tiering Review for a detailed analysis regarding this subsection of the review).

The following Connecticut offenses require 10 year registration and quarterly updates to law enforcement for verification purposes; these offenses are equivalent to SORNA Tier I offenses requiring registration for 15 years with yearly appearances to law enforcement for verification purposes:

- § C.G.S. 53a-73a. Sexual Assault 4th Degree (victim over the age of 18)
- § C.G.S. 53a-95. Unlawful Restraint 1st Degree
- § C.G.S. 53a-96. Unlawful Restraint 2nd Degree
- § C.G.S. 53a-189a(A)(2). Video Voyeurism
- § C.G.S. 53a-196d. Possessing Child Pornography 1st Degree
- § C.G.S. 53a-196e. Possessing Child Pornography 2nd Degree
- § C.G.S. 53a-196f. Possessing Child Pornography 3rd Degree

The following Connecticut offenses require 10 year registration and quarterly updates to law enforcement for verification purposes; these offenses are equivalent to SORNA Tier II offenses requiring registration for 25 years with twice-yearly appearances:

- § C.G.S. 53a-73a. Sexual Assault 4th degree (victim between the ages of 13 and 18)
- § C.G.S. 53a-86(a)(2). Promoting Prostitution 1st Degree
- § C.G.S. 53a-87. Promoting Prostitution 2nd Degree (if victim under the age of 18)
- § C.G.S. 53a-90a. Enticing A Minor
- § C.G.S. 53-21(2). Injury Or Risk Of Injury
- § C.G.S. 53-21(a)(2). Injury Or Risk Of Injury To A Child – Illegal Sexual Contact
- § C.G.S. 53a-196a. Employing A Minor In An Obscene Performance
- § C.G.S. 53a-196b. Promoting A Minor In An Obscene Performance



- § C.G.S. 53a-196c. Importing Child Pornography

The following Connecticut offenses require 10 year registration and quarterly updates to law enforcement for verification purposes; these offenses are equivalent to SORNA Tier III offenses requiring lifetime registration with quarterly appearances:

- § C.G.S. 53-21(2). Injury Or Risk Of Injury (victim under the age of 13)
- § C.G.S. 53-21(a)(2). Injury Or Risk Of Injury To A Child – Illegal Sexual Contact (victim under the age of 13)
- § C.G.S. 53a-73a. Sexual Assault 4th degree (victim under the age of 13)
- § C.G.S. 53a-92. Kidnapping 1st degree (victim under the age of 18)
 - This offense requires lifetime registration if the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim
- § C.G.S. 53a-92a. Kidnapping 1st degree with a firearm (victim under 18 years of age)
 - This offense requires lifetime registration if the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim
- § C.G.S. 53a-94. Kidnapping 2nd degree (victim under the age of 18)
 - This offense requires lifetime registration if the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim
- § C.G.S. 53a-94a. Kidnapping 2nd degree with a firearm (victim under 18 years of age)
 - This offense requires lifetime registration if the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim

Connecticut does not meet the SORNA requirements in this section.

IV. Required Registration Information

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry. Connecticut captures much of the required information, with the following exception:

- Outstanding arrest warrants
- Photocopies of driver's licenses or ID cards
- Digitized copies of passports and immigration documents
- Professional licensing information
- Vehicle information, including:
 - License plate number
 - Registration/identification number
 - Land, air, water vehicles
 - Description of vehicles
 - Permanent or frequent location where vehicles are kept



These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

V. Where Registration is Required

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work, or attend school in the jurisdiction.

Connecticut meets all of the SORNA requirements in this section.

VI. Initial Registration: Generally

SORNA requires that when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced, or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment, or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his registration duties and require the offender to acknowledge in writing that he understands those duties.

In Connecticut, when an offender is convicted and/or sentenced in another state, territory, tribe, or country, or in a federal or military court, and chooses to reside, work, or attend school in the state, the individual is required to register within five days of establishing residence, employment, or school attendance within Connecticut.

This deviation does not substantially disserve the purposes of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

SORNA requires that each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense).

In Connecticut, those convicted of a sexually non-violent offense or an offense against a minor who is released on or after October 1, 1998, must register; those convicted of a sexually violent offense who were released on or after October 1, 1988, must register (see Section IX for

details about these offenses). Connecticut does not require the registration of sex offenders who reenter the criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense).

These deviations do not substantially disserve the purposes of the SORNA requirements in this section.

VIII. Keeping the Registration Current

SORNA requires that when a registered sex offender resides in a jurisdiction, the sex offender must immediately appear in-person to update his or her name, residence, employment, school attendance, and termination of residence. SORNA also requires that when an offender resides in a jurisdiction, the sex offender must immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information, and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in-person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in-person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender notifies the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires that when an offender notifies the jurisdiction of his intent to relocate to another country to live, work or attend school, or of his intent to travel to another country, the jurisdiction must do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service, and immediately update NCIC/NSOR.

In Connecticut, registered sex offenders do not report to law enforcement in person to update any information; however, changes in registration information must be reported to law enforcement, with the exception of changes to vehicle information. Connecticut collects photographs once every five years, or at the request of the Commissioner of Emergency Services and Public Protection.

Connecticut does not require offenders to report 21 days in advance of travel outside the United States and does not notify the U.S. Marshals Service of an offender's intent to travel; however, Interpol is notified about offenders relocating to other countries.

Connecticut does not meet the SORNA requirements of this section.

IX. Verification/Appearance Requirements

A. Duration of Registration

SORNA requires that offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders register for 15 years, SORNA Tier II offenders register for 25 years, and SORNA Tier III offenders register for life.

In Connecticut, offenders convicted of the following offenses against a victim who is a minor and nonviolent sexual offenses are required to register for 10 years:

- § C.G.S. 53-21(a)(2). Injury or Risk Of Injury To A Child – Illegal Sexual Contact
- § C.G.S. 53a-70(a)(2). Sexual assault 1st degree
- § C.G.S. 53a-71. Sexual assault 2nd degree
- § C.G.S. 53a-73a. Sexual Assault 4th Degree
- § C.G.S. 53a-86(a)(2). Promoting Prostitution 1st Degree
- § C.G.S. 53a-87(a)(2). Promoting Prostitution 2nd Degree
- § C.G.S. 53a-90a. Enticing A Minor
- § C.G.S. 53a-92. Kidnapping 1st degree
- § C.G.S. 53a-92a. Kidnapping 1st degree with a firearm
- § C.G.S. 53a-94. Kidnapping 2nd degree
- § C.G.S. 53a-94a. Kidnapping 2nd degree with a firearm
- § C.G.S. 53a-95. Unlawful Restraint 1st Degree
- § C.G.S. 53a-96. Unlawful Restraint 2nd Degree
- § C.G.S. 53a-189a(A)(2). Video Voyeurism
- § C.G.S. 53a-196a. Employing A Minor In An Obscene Performance
- § C.G.S. 53a-196b. Promoting A Minor In An Obscene Performance
- § C.G.S. 53a-196c. Importing Child Pornography
- § C.G.S. 53a-196d. Possessing Child Pornography 1st Degree
- § C.G.S. 53a-196e. Possessing Child Pornography 2nd Degree
- § C.G.S. 53a-196f. Possessing Child Pornography 3rd Degree

In Connecticut, offenders convicted of the following violent sexual offenses are required to register for life:

- § C.G.S. 53a-70. Sexual assault 1st degree
- § C.G.S. 53a-70a. Aggravated Sexual Assault 1st Degree
- § C.G.S. 53a-70b. Sexual assault in spousal or cohabitating relationship
- § C.G.S. 53a-71. Sexual assault 2nd degree
- § C.G.S. 53a-72a. Sexual assault 3rd degree
- § C.G.S. 53a-72b. Sexual assault 3rd degree with a firearm
- § C.G.S. 53a-92. Kidnapping 1st Degree (if the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim)
- § C.G.S. 53a-92a. Kidnapping 1st degree with a firearm (if the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim)

B. Frequency of Registration

SORNA requires that offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders appear once a year, that SORNA Tier II offenders appear every six months, and that SORNA Tier III offenders appear every three months.

In Connecticut, all offenders are required to update their registration information on a quarterly basis. However, individuals are not required to appear in person for these verifications; verifications are conducted via mail.

C. Reduction of Registration Periods

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

In Connecticut, registered sex offenders are not allowed reductions in their registration periods.

Because Connecticut does not register offenders for the appropriate durations and does not require in-person verification, Connecticut does not meet the SORNA requirements of this section.

X. Public Registry Website Requirements

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

While Connecticut displays much of the SORNA required information about registered sex offender, offender vehicle information is not relayed to the public.

This deviation does not substantially disserve the purposes of the SORNA requirements in this section.

XI. Community Notification

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community.

Connecticut meets all of the SORNA requirements in this section.

XII. Failure to Register as a Sex Offender: State Penalty

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements.

Connecticut meets all of the SORNA requirements in this section.

XIII. When a Sex Offender Fails to Appear for Registration

SORNA requires that when a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving that notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

Connecticut meets all of the SORNA requirements in this section.

XIV. When a Jurisdiction has Information that a Sex Offender may have Absconded

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

While Connecticut takes most actions to ensure the investigation of absconders and notifies relevant law enforcement agencies, policies do not specifically address updating offender status to absconder in NCIC. Since an FBI audit in September 2014, registry officials have been changing offender status to absconder in NCIC. Registry policy is in the process of being changed to reflect these updates. We expect Connecticut to inform the SMART Office once the policy has been updated.

This deviation does not substantially disserve the purposes of the SORNA requirements in this section.

XV. Tribal Considerations

There is one Indian Tribe that has chosen to adopt SORNA located within the boundaries of Connecticut: the Mashantucket Pequot Tribal Nation. The Nation's SORNA implementation status is currently under review by the SMART Office; SMART has a strong working relationship and the Mashantucket Pequot Tribal Nation appears committed to SORNA implementation.

The Mashantucket Pequot Tribal Nation reports to have a good working relationship with Connecticut and the State Police. While there is no MOU governing their relationship, the Nation relies on the State for incarceration and jailing, and ostensibly all of its sex offense trials. The Nation does have the capacity to prosecute sex offenses in its own courts, though relies on the Connecticut for numerous reasons including the longer sentencing capabilities that the state employs.

The Mashantucket Pequot Tribal Nation Leader is:

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Conclusion

We encourage Connecticut to continue to work towards meeting the provisions of SORNA. However, there are many provisions identified in this report that should be addressed in order for Connecticut to substantially implement SORNA. Please contact the SMART Office with any questions or concerns once you have had the opportunity to review and discuss our findings.

Appendix: Connecticut Offense Tiering Review

The SMART Office has reviewed all Connecticut statutes identified in its substantial implementation package and has identified Connecticut's placement of these statutes within the tiering structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). Unless indicated in the notes herein, the SMART office has not reviewed any statutes (or subsections) that were not included in the legislation provided by Connecticut.

In reviewing Connecticut Revised Statutes, the SMART Office understands that Connecticut has two categories of registrants:

1. Individuals who have committed a criminal offense against a minor or a nonviolent sexual offense are required to register for 10 years and verify and/or update their registration information on a quarterly basis, with the following exceptions:
 - a. Individuals who have one or more prior convictions for these offense are required to register for life.
 - b. Individuals convicted of § C.G.S. 53a-70(a)(2) Sexual assault 1st degree, are required to register for life.
2. Individuals who have committed a sexually violent offense are required to register for life and verify and/or update their registration information on a quarterly basis.

SORNA Tier I Offenses

SORNA requires that Tier I offenders register for a minimum of 15 years and annually verify registration information. The following offenses listed in Connecticut Statutes would require, at a minimum, Tier I registration requirements under SORNA.

- § C.G.S. 53a-73a. Sexual Assault 4th Degree (victim is 18 years of age or older at the time of the offense)
- § C.G.S. 53a-95. Unlawful Restraint 1st Degree (victim was under 18 years of age)
- § C.G.S. 53a-96. Unlawful Restraint 2nd Degree (victim was under 18 years of age)
- § C.G.S. 53a-189a(A)(2). Video Voyeurism
- § C.G.S. 53a-196d. Possessing Child Pornography 1st Degree
- § C.G.S. 53a-196e. Possessing Child Pornography 2nd Degree
- § C.G.S. 53a-196f. Possessing Child Pornography 3rd Degree

SORNA Tier II Offenses

SORNA requires that Tier II offenders register for a minimum of 25 years and semi-annually verify registration information. The following offenses listed in Connecticut Statutes would require, at a minimum, Tier II registration requirements under SORNA.

- § C.G.S. 53a-73a. Sexual Assault 4th degree (victim is between the ages of 13 and 18 years of age)

- § C.G.S. 53a-86(a)(2). Promoting Prostitution 1st Degree (victim under 16 years of age)
- § C.G.S. 53a-87(a)(2). Promoting Prostitution 2nd Degree (victim under 16 years of age)
- § C.G.S. 53a-90a. Enticing A Minor
- § C.G.S. 53-21(2). Injury Or Risk Of Injury
- § C.G.S. 53-21(a)(2). Injury Or Risk Of Injury To A Child – Illegal Sexual Contact (victim between ages of 13 and 16 years old)
- § C.G.S. 53a-196a. Employing A Minor In An Obscene Performance
- § C.G.S. 53a-196b. Promoting A Minor In An Obscene Performance
- § C.G.S. 53a-196c. Importing Child Pornography

SORNA Tier III Offenses

SORNA requires that Tier I offenders register for life and quarterly verify registration information. The following offenses listed in Connecticut Statutes would require, at a minimum, Tier III registration requirements under SORNA.

- § C.G.S. 53a-70. Sexual assault 1st degree
- § C.G.S. 53a-70a. Aggravated Sexual Assault 1st Degree
- § C.G.S. 53a-70(a)(2). Sexual assault 1st degree (victim under 13 years of age)
- § C.G.S. 53a-70b. Sexual assault in spousal or cohabitating relationship
- § C.G.S. 53a-71. Sexual assault 2nd degree
- § C.G.S. 53a-72a. Sexual assault 3rd degree
- § C.G.S. 53a-72b. Sexual assault 3rd degree with a firearm
- § C.G.S. 53a-73a. Sexual Assault 4th degree (victim under 13 years of age)
- § C.G.S. 53a-92. Kidnapping 1st degree (victim under 18 years of age)
- § C.G.S. 53a-92a. Kidnapping 1st degree with a firearm (victim under 18 years of age)
- § C.G.S. 53a-94. Kidnapping 2nd degree (victim under 18 years of age)
- § C.G.S. 53a-94a. Kidnapping 2nd degree with a firearm (victim under 18 years of age)