



Legislative Testimony
765 Asylum Avenue, First Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

**Written Testimony Supporting, with Amendment,
Senate Bill 1113, An Act Concerning the Recommendations
of the Connecticut Sentencing Commission with Respect to the
Sexual Offender Registry, Petitions to Terminate Parental Rights
of Incarcerated Parents and Sentence Review**

Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 1113, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry, Petitions to Terminate Parental Rights of Incarcerated Parents and Sentence Review.

As a member of the Connecticut Sentencing Commission's Special Committee on Sex Offenders, I believe the Commission's recommendations included in Senate Bill 1113 will make the sexual offender registry more effective and fair. However, this bill has a serious constitutional vulnerability. The proposal would deny thousands of registrants who are currently on the public registry the ability to petition off of the registries due to the date of their conviction. Basing whether someone can petition off the registries on the date of their conviction is arbitrary. This inequity will make the state vulnerable to equal protection challenges. Due to this serious flaw, ACLU-CT cannot support the bill without an amendment allowing everyone on the registries the opportunity to petition off of them.

Should this flaw be resolved, the ACLU-CT would support the bill, because many of its provisions would increase public safety and create more fairness. For example, establishing a non-public registry in addition to the public registry would mean that many people on the public registry will be able to move onto the non-public registry. We have learned from the sex offender registries that already exist in Connecticut and many other states that they can constitute an additional extrajudicial form of punishment and that they can lead to retaliation against former offenders who are trying to rehabilitate themselves. Criminal convictions are public records that can easily be consulted for a background check when truly necessary. But the casual ease of consulting a public registry can bring unnecessary public

exposure and retribution against those who have already paid their debt to society and are trying to rebuild their lives. We therefore support the creation of a non-public registry.

Allowing people the opportunity to petition off the registries would have a similar positive effect. The proposal would help people to reintegrate into society and find stable living conditions, which are directly related to rates of recidivism and the public's safety. The majority of states allow people the opportunity to be removed from sexual offender registries. Connecticut should follow suit and allow people the opportunity to petition off of the registries.

Senate Bill 1113 would require the state to base its decision about which registry is appropriate for a person on an evaluation of the person's risk of reoffending, rather than on the crime of which the state convicted them. This is a more fair, just, and effective way of determining who should be on a public registry.

The ACLU-CT also support this bill's efforts to protect the rights of incarcerated parents. The proposal would ensure that an incarcerated individual's parental rights are not terminated due to circumstances outside of their control. A parent should not lose their rights to participate in the upbringing of their child(ren) at the prison gate, and courts should take into consideration an incarcerated parent's ability to participate in the life of their child(ren) and in programming when determining whether to terminate parental rights. It is vital that parents be afforded the right to participate in child welfare case hearings, whether or not they are incarcerated. Protecting an incarcerated parent's ability to participate in such hearings by allowing the use of phone or video is an imperative step in allowing them to defend their parental rights. Incarcerated parents should not have their rights to parent and build relationships with their children taken away from them simply because of the fact that they are incarcerated, and these proposals will help prevent that unjust outcome.

We also support the proposed changes to the sentence review and modification statutes in Senate Bill 1113. The bill is an important step in reducing mass incarceration. It gives more people who are incarcerated the opportunity to be discharged with or without probation or have their sentences reduced. This will most likely decrease the number of people incarcerated in our state and give people who are incarcerated another chance at returning to their community and a better chance at rehabilitation in the long run.

We strongly encourage the committee to amend and support Senate Bill 1113.