



General Assembly

February Session, 2022

**Raised Bill No. 266**

LCO No. 2027



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT CONCERNING A REGISTRY OF PERSONS CONVICTED OF FINANCIAL CRIMES AGAINST ELDERLY PERSONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) For purposes of this section  
2 and sections 2 to 4, inclusive, of this act, (1) "convicted" and "found not  
3 guilty by reason of mental disease or defect" have the same meanings as  
4 provided in section 54-280 of the general statutes, (2) "elderly person"  
5 means a person sixty years of age or older, (3) "financial crime against  
6 an elderly person" means a crime involving an elderly person as a victim  
7 prosecuted under subdivision (5) of subsection (a) of section 53a-123 or  
8 section 53a-125c, 53a-125d, 53a-125e, 53a-129b or 53a-129c of the general  
9 statutes, and (4) "registrant" means a person required to register  
10 pursuant to sections 3 and 4 of this act.

11 Sec. 2. (NEW) (*Effective from passage*) (a) The Department of  
12 Emergency Services and Public Protection shall, not later than January  
13 1, 2023, establish and maintain a registry of all persons required to  
14 register under sections 3 and 4 of this act. The department shall, in  
15 cooperation with the Office of the Chief Court Administrator, the

16 Department of Correction and the Psychiatric Security Review Board,  
17 develop appropriate forms for use by persons to report registration  
18 information, including changes of address. Upon receipt of registration  
19 information, the department shall enter the information into the registry  
20 and notify the local police department or state police troop having  
21 jurisdiction where the registrant resides or plans to reside.

22 (b) Upon receiving notification pursuant to section 3 of this act that a  
23 registrant has changed his or her address within the state, the  
24 Department of Emergency Services and Public Protection shall enter the  
25 information into the registry and notify the local police departments or  
26 state police troops having jurisdiction where the registrant previously  
27 resided and the jurisdiction to which the registrant has relocated. The  
28 Commissioner of Emergency Services and Public Protection shall ensure  
29 that the name and residential address of each registrant is available  
30 through the Connecticut On-Line Law Enforcement Communications  
31 Teleprocessing system. If a registrant reports a residence in another  
32 state, the department may notify the state police agency of that state or  
33 such other agency in that state that maintains registry information, if  
34 known.

35 (c) The Department of Emergency Services and Public Protection may  
36 suspend the registration of any person registered under sections 3 and  
37 4 of this act while such person is incarcerated, under civil commitment  
38 or residing outside this state. During the period that such registration is  
39 under suspension, the department may withdraw the registration  
40 information. Upon the release of the registrant from incarceration or  
41 civil commitment or resumption of residency in this state by the  
42 registrant, the department shall reinstate the registration and  
43 redistribute the registration information in accordance with subsection  
44 (b) of this section. Suspension of registration shall not affect the date of  
45 expiration of the registration obligation of the registrant under section 3  
46 of this act.

47 (d) Whenever the Commissioner of Emergency Services and Public  
48 Protection receives notice from a superior court pursuant to section 52-

49 11 of the general statutes, as amended by this act, or a Probate Court  
50 pursuant to section 45a-99 of the general statutes, as amended by this  
51 act, that such court has ordered the change of name of a person, and the  
52 department determines that such person is listed in the registry, the  
53 department shall revise such person's registration information  
54 accordingly.

55 (e) The Commissioner of Emergency Services and Public Protection  
56 shall develop a protocol for the notification of other state agencies, the  
57 Judicial Department and the applicable local police department or state  
58 police troop whenever a person listed in the registry changes such  
59 person's name and notifies the commissioner of the new name pursuant  
60 to section 3 of this act or whenever the commissioner determines  
61 pursuant to subsection (d) of this section that a person listed in the  
62 registry has changed such person's name.

63 (f) The information in the registry shall be a public record or file for  
64 the purposes of section 1-200 of the general statutes.

65 (g) Not later than two business days after entering the information of  
66 a new offender in the registry, the Commissioner of Emergency Services  
67 and Public Protection shall send the registry information to the  
68 Commissioner of Public Health for inclusion in a searchable data base  
69 established pursuant to section 19a-491c of the general statutes, as  
70 amended by this act, for persons seeking to hire individuals for  
71 positions assisting elderly persons.

72 Sec. 3. (NEW) (*Effective from passage*) (a) (1) Any person who has been  
73 convicted or found not guilty by reason of mental disease or defect of a  
74 financial crime against an elderly person and is released into the  
75 community on or after January 1, 2023, shall, within fourteen calendar  
76 days following such release or, if such person is in the custody of the  
77 Commissioner of Correction, at such time prior to release as the  
78 Commissioner of Correction shall direct, whether or not such person's  
79 place of residence is in this state, register in accordance with section 4 of  
80 this section. A registrant shall maintain such registration for five years

81 from the initial date of registration.

82 (2) Prior to accepting a plea of guilty or nolo contendere from a  
83 person with respect to a financial crime against an elderly person, a  
84 court shall (A) inform the person that the entry of a finding of guilty  
85 after acceptance of the plea will subject the person to the registration  
86 requirements of this section, and (B) determine that the person fully  
87 understands the consequences of the plea.

88 (3) If any person who is subject to registration under this section  
89 changes such person's name, such person shall notify the Commissioner  
90 of Emergency Services and Public Protection in writing of the new  
91 name. If any person who is subject to registration under this section  
92 changes such person's address, such person shall notify the  
93 Commissioner of Emergency Services and Public Protection in writing  
94 of the new address. During such period of registration, each registrant  
95 shall complete and return any forms mailed to such registrant to verify  
96 such registrant's residential address and shall submit to the retaking of  
97 a photographic image upon request of the Commissioner of Emergency  
98 Services and Public Protection.

99 (b) Any person required to register under this section shall, not later  
100 than twenty calendar days after each anniversary date of such initial  
101 registration, until the date such registration requirement expires under  
102 subdivision (1) of subsection (a) of this section, personally appear at the  
103 local police department or state police troop having jurisdiction where  
104 the registrant resides to verify and update, as appropriate, the contents  
105 of his or her registration. The local police department or state police  
106 troop, as the case may be, may defer such requirement to personally  
107 appear to a later date for good cause shown. Not later than thirty  
108 calendar days prior to such anniversary date, the Department of  
109 Emergency Services and Public Protection shall mail written notice of  
110 the personal appearance requirement of this subsection to the registrant  
111 and the local police department or state police troop having jurisdiction  
112 where the registrant resides. Not later than thirty calendar days after the  
113 anniversary date of each registrant, the local police department or state

114 police troop having jurisdiction where the registrant resides shall notify  
115 the Commissioner of Emergency Services and Public Protection, on such  
116 form as the commissioner may prescribe, (1) whether the registrant  
117 complied with the personal appearance requirement of this subsection  
118 or whether such personal appearance requirement was deferred to a  
119 later date for good cause shown, and (2) if the personal appearance  
120 requirement was deferred to a later date for good cause shown, the later  
121 date established for such personal appearance and a description of the  
122 good cause shown.

123 (c) Any person subject to registration under this section who violates  
124 any provisions of subsection (a) or (b) of this section, except a violation  
125 consisting of failure to notify the Commissioner of Emergency Services  
126 and Public Protection of a change of name or address, shall be guilty of  
127 a class D felony. Any person who is subject to registration under this  
128 section who fails to notify the Commissioner of Emergency Services and  
129 Public Protection of a change of name or address not later than five  
130 business days after such change of name or address shall be guilty of a  
131 class D felony.

132 Sec. 4. (NEW) (*Effective from passage*) (a) The registration information  
133 for each registrant required to register under section 3 of this act shall  
134 include:

135 (1) The registrant's name, including any other name by which the  
136 offender has been legally known, and any aliases used by the registrant;

137 (2) Identifying information, including, but not limited to, a physical  
138 description of the registrant;

139 (3) The current residential address and electronic mail address of the  
140 registrant;

141 (4) The date of conviction of the offense;

142 (5) A description of the offense; and

143 (6) If the registrant was sentenced to a term of incarceration for such

144 offense, a portion of which was not suspended, the date the registrant  
145 was released from such incarceration.

146 (b) The registrant shall sign and date the registration.

147 (c) At the time that the registrant appears for the purpose of  
148 registering, the Department of Emergency Services and Public  
149 Protection shall photograph the registrant and arrange for the  
150 fingerprinting of the registrant and include such photograph and a  
151 complete set of fingerprints in the registry.

152 (d) The Department of Emergency Services and Public Protection  
153 may require the registrant to provide documentation to verify the  
154 contents of the registration.

155 Sec. 5. Section 19a-491c of the 2022 supplement to the general statutes  
156 is repealed and the following is substituted in lieu thereof (*Effective from*  
157 *passage*):

158 (a) As used in this section:

159 (1) "Criminal history and patient abuse background search" or  
160 "background search" means (A) a review of the registry of nurse's aides  
161 maintained by the Department of Public Health pursuant to section 20-  
162 102bb, (B) checks of state and national criminal history records  
163 conducted in accordance with section 29-17a, (C) on and after January  
164 1, 2023, a review of the registry established under section 2 of this act,  
165 and [(C)] (D) a review of any other registry specified by the Department  
166 of Public Health which the department deems necessary for the  
167 administration of a background search program.

168 (2) "Direct access" means physical access to a patient or resident of a  
169 long-term care facility that affords an individual with the opportunity  
170 to commit abuse or neglect against or misappropriate the property of a  
171 patient or resident.

172 (3) "Disqualifying offense" means a conviction of (A) any crime  
173 described in 42 USC 1320a-7(a)(1), (2), (3) or (4), (B) a substantiated

174 finding of neglect, abuse or misappropriation of property by a state or  
175 federal agency pursuant to an investigation conducted in accordance  
176 with 42 USC 1395i-3(g)(1)(C) or 42 USC 1396r(g)(1)(C), or (C) a  
177 conviction of a financial crime against an elderly person as defined in  
178 section 1 in this act or any crime described in section 53a-59a, 53a-60b,  
179 53a-60c, 53a-61a, 53a-321, 53a-322 or 53a-323.

180 (4) "Long-term care facility" means any facility, agency or provider  
181 that is a nursing home, as defined in section 19a-521, a residential care  
182 home, as defined in section 19a-521, a home health care agency, hospice  
183 agency or home health aide agency, as defined in section 19a-490, an  
184 assisted living services agency, as defined in section 19a-490, an  
185 intermediate care facility for individuals with intellectual disabilities, as  
186 defined in 42 USC 1396d(d), except any such facility operated by a  
187 Department of Developmental Services' program subject to background  
188 checks pursuant to section 17a-227a, a chronic disease hospital, as  
189 defined in section 19a-550, or an agency providing hospice care which  
190 is licensed to provide such care by the Department of Public Health or  
191 certified to provide such care pursuant to 42 USC 1395x.

192 (b) The Department of Public Health shall create and implement a  
193 criminal history and patient abuse background search program, within  
194 available appropriations, in order to facilitate the performance,  
195 processing and analysis of the criminal history and patient abuse  
196 background search of individuals who have direct access.

197 (c) (1) Except as provided in subdivision (2) of this subsection, each  
198 long-term care facility, prior to extending an offer of employment to, or  
199 entering into a contract for, the provision of long-term care services with  
200 any individual who will have direct access, or prior to allowing any  
201 individual to begin volunteering at such long-term care facility when  
202 the long-term care facility reasonably expects such volunteer will  
203 regularly perform duties that are substantially similar to those of an  
204 employee with direct access, shall require that such individual submit  
205 to a background search. The Department of Public Health shall  
206 prescribe the manner by which (A) long-term care facilities perform the

207 review of (i) the registry of nurse's aides maintained by the department  
208 pursuant to section 20-102bb, and (ii) any other registry specified by the  
209 department, including requiring long-term care facilities to report the  
210 results of such review to the department, and (B) individuals submit to  
211 state and national criminal history records checks, including requiring  
212 the Department of Emergency Services and Public Protection to report  
213 the results of such checks to the Department of Public Health.

214 (2) No long-term care facility shall be required to comply with the  
215 provisions of this subsection if (A) the individual provides evidence to  
216 the long-term care facility that such individual submitted to a  
217 background search conducted pursuant to subdivision (1) of this  
218 subsection not more than three years immediately preceding the date  
219 such individual applies for employment, seeks to enter into a contract  
220 or begins volunteering with the long-term care facility and that the prior  
221 background search confirmed that the individual did not have a  
222 disqualifying offense, or (B) the commissioner determines the need to  
223 temporarily suspend the requirements of this subsection in the event of  
224 an emergency or significant disruption. The commissioner shall inform  
225 the long-term care facility when the commissioner has suspended the  
226 requirements of this subsection pursuant to subparagraph (B) of this  
227 subdivision and when such suspension is rescinded.

228 (d) (1) The Department of Public Health shall review all reports  
229 provided to the department pursuant to subsection (c) of this section. If  
230 any such report contains evidence indicating that an individual has a  
231 disqualifying offense, the department shall provide notice to the  
232 individual and the long-term care facility indicating the disqualifying  
233 offense and providing the individual with the opportunity to file a  
234 request for a waiver pursuant to subdivisions (2) and (3) of this  
235 subsection.

236 (2) An individual may file a written request for a waiver with the  
237 department not later than thirty days after the date the department  
238 mails notice to the individual pursuant to subdivision (1) of this  
239 subsection. The department shall mail a written determination



240 indicating whether the department shall grant a waiver pursuant to  
241 subdivision (3) of this subsection not later than fifteen business days  
242 after the department receives the written request from the individual,  
243 except that said time period shall not apply to any request for a waiver  
244 in which an individual challenges the accuracy of the information  
245 obtained from the background search.

246 (3) The department may grant a waiver from the provisions of  
247 subsection (e) of this section to an individual who identifies mitigating  
248 circumstances surrounding the disqualifying offense, including (A)  
249 inaccuracy in the information obtained from the background search, (B)  
250 lack of a relationship between the disqualifying offense and the position  
251 for which the individual has applied, (C) evidence that the individual  
252 has pursued or achieved rehabilitation with regard to the disqualifying  
253 offense, or (D) that substantial time has elapsed since committing the  
254 disqualifying offense. The department and its employees shall be  
255 immune from liability, civil or criminal, that might otherwise be  
256 incurred or imposed, for good faith conduct in granting waivers  
257 pursuant to this subdivision.

258 (4) After completing a review pursuant to subdivision (1) of this  
259 subsection, the department shall notify in writing the long-term care  
260 facility to which the individual has applied for employment or with  
261 which the individual seeks to enter into a contract or volunteer (A) of  
262 any disqualifying offense and any information the individual provided  
263 to the department regarding mitigating circumstances surrounding  
264 such offense, or of the lack of a disqualifying offense, and (B) whether  
265 the department granted a waiver pursuant to subdivision (3) of this  
266 subsection.

267 (e) Notwithstanding the provisions of section 46a-80, no long-term  
268 care facility shall employ an individual required to submit to a  
269 background search, contract with any such individual to provide long-  
270 term care services or allow such individual to volunteer if the long-term  
271 care facility receives notice from the department that the individual has  
272 a disqualifying offense in the individual's background search and the

273 department has not granted a waiver pursuant to subdivision (3) of  
274 subsection (d) of this section. A long-term care facility may, but is not  
275 obligated to, employ, enter into a contract with or allow to volunteer an  
276 individual who was granted a waiver pursuant to said subdivision (3).

277 (f) (1) Except as provided in subdivision (2) of this subsection, a long-  
278 term care facility shall not employ, enter into a contract with or allow to  
279 volunteer any individual required to submit to a background search  
280 until the long-term care facility receives notice from the Department of  
281 Public Health pursuant to subdivision (4) of subsection (d) of this  
282 section.

283 (2) A long-term care facility may employ, enter into a contract with  
284 or allow to volunteer an individual required to submit to a background  
285 search on a conditional basis before the long-term care facility receives  
286 notice from the department that such individual does not have a  
287 disqualifying offense, provided: (A) The employment or contractual or  
288 volunteer period on a conditional basis shall last not more than sixty  
289 days, except the sixty-day time period may be extended by the  
290 department to allow for the filing and consideration of written request  
291 for a waiver of a disqualifying offense filed by an individual pursuant  
292 to subsection (d) of this section, (B) the long-term care facility has begun  
293 the review required under subsection (c) of this section and the  
294 individual has submitted to checks pursuant to subsection (c) of this  
295 section, (C) the individual is subject to direct, on-site supervision during  
296 the course of such conditional employment or contractual or volunteer  
297 period, and (D) the individual, in a signed statement (i) affirms that the  
298 individual has not committed a disqualifying offense, and (ii)  
299 acknowledges that a disqualifying offense reported in the background  
300 search required by subsection (c) of this section shall constitute good  
301 cause for termination and a long-term care facility may terminate the  
302 individual if a disqualifying offense is reported in said background  
303 search.

304 (g) [Records] Except as provided in subsection (i) of this section,  
305 records and information with respect to any individual that are obtained

306 by the department pursuant to this section shall not be subject to  
307 disclosure under section 1-210.

308 (h) On and after January 1, 2023, the Department of Public Health  
309 shall include in the background search program the names, last- known  
310 addresses and information on the offenses of persons who have  
311 registered with the Commissioner of Emergency Services and Public  
312 Protection pursuant to sections 3 and 4 of this act.

313 (i) On and after February 1, 2023, the Department of Public Health  
314 shall include on the department's Internet web site a link to the  
315 background search program that allows the public to search the  
316 program by name of a person. The listing will show such person's last-  
317 known address, convictions or other disciplinary actions taken and a  
318 general description of offenses committed by the person.

319 [(h)] (j) The department shall adopt regulations, in accordance with  
320 the provisions of chapter 54, to implement the provisions of this section.  
321 The department may implement policies and procedures consistent  
322 with the provisions of this section while in the process of adopting such  
323 policies and procedures as regulation, provided notice of intention to  
324 adopt regulations is [printed in the Connecticut Law Journal] posted on  
325 the eRegulations System not later than twenty days after the date of  
326 implementation. Such policies and procedures shall be valid until the  
327 time final regulations are effective.

328 Sec. 6. Section 45a-99 of the general statutes is repealed and the  
329 following is substituted in lieu thereof (*Effective from passage*):

330 (a) The courts of probate shall have concurrent jurisdiction with the  
331 Superior Court, as provided in section 52-11, as amended by this act, to  
332 grant a change of name, except a change of name granted in accordance  
333 with subsection (a) of section 46b-63, except that no court of probate may  
334 issue an order or otherwise allow for the change of name of a person  
335 who is required to register with the Commissioner of Emergency  
336 Services and Public Protection as a sexual offender, [or] as an offender  
337 convicted of committing a crime with a deadly weapon or as an offender

338 convicted of committing a financial crime against an elderly person as  
339 defined in section 1 of this act unless such person complies with the  
340 requirements of subdivision (1) of subsection (b) of this section.

341 (b) (1) Any person who is required to register with the Commissioner  
342 of Emergency Services and Public Protection as a sexual offender, [or]  
343 as an offender convicted of committing a crime with a deadly weapon  
344 or as an offender convicted of committing a financial crime against an  
345 elderly person who files an application with the Court of Probate for a  
346 change of name shall (A) prior to filing such application, notify the  
347 Commissioner of Emergency Services and Public Protection, on such  
348 form as the commissioner may prescribe, that the person intends to file  
349 an application for a change of name, indicating the change of name  
350 sought, and (B) include with such application a sworn statement that  
351 such change of name is not being sought for the purpose of avoiding the  
352 legal consequences of a criminal conviction, including, but not limited  
353 to, a criminal conviction that requires such person to register as a sexual  
354 offender, [or] as an offender convicted of committing a crime with a  
355 deadly weapon or as an offender convicted of committing a financial  
356 crime against an elderly person.

357 (2) The Commissioner of Emergency Services and Public Protection  
358 shall have standing to challenge such person's application for a change  
359 of name in the court of probate where such change of name is sought.  
360 The commissioner shall challenge the change of name through the  
361 Attorney General. The court of probate may deny such person's  
362 application for a change of name if the court finds, by a preponderance  
363 of the evidence, that the person is applying for such change of name for  
364 the purpose of avoiding the legal consequences of a criminal conviction.

365 (c) Whenever the court, pursuant to this section, orders a change of  
366 name of a person, the court shall notify the Commissioner of Emergency  
367 Services and Public Protection of the issuance of such order if the court  
368 finds that such person is listed in the registry established and  
369 maintained pursuant to section 54-257, [or] in the registry established  
370 and maintained pursuant to section 54-280 or, on and after January 1,

371 2023, in the registry established and maintained pursuant to section 2 of  
372 this act.

373 Sec. 7. Section 52-11 of the general statutes is repealed and the  
374 following is substituted in lieu thereof (*Effective from passage*):

375 (a) The superior court in each judicial district shall have jurisdiction  
376 of complaints praying for a change of name, brought by any person  
377 residing in the judicial district, and may change the name of the  
378 complainant, who shall thereafter be known by the name prescribed by  
379 said court in its decree, except that no superior court may issue an order  
380 or otherwise allow for the change of name of a person who is required  
381 to register with the Commissioner of Emergency Services and Public  
382 Protection as a sexual offender, [or] as an offender convicted of  
383 committing a crime with a deadly weapon or as an offender convicted  
384 of committing a financial crime against an elderly person as defined in  
385 section 1 of this act unless such person complies with the requirements  
386 of subdivision (1) of subsection (b) of this section.

387 (b) (1) Any person who is required to register with the Commissioner  
388 of Emergency Services and Public Protection as a sexual offender, [or]  
389 as an offender convicted of committing a crime with a deadly weapon  
390 or as an offender convicted of committing a financial crime against an  
391 elderly person who files an application with the [Superior Court]  
392 superior court for a change of name shall (A) prior to filing such  
393 application, notify the Commissioner of Emergency Services and Public  
394 Protection, on such form as the commissioner may prescribe, that the  
395 person intends to file an application for a change of name, indicating the  
396 change of name sought, and (B) include with such application a sworn  
397 statement that such change of name is not being sought for the purpose  
398 of avoiding the legal consequences of a criminal conviction, including,  
399 but not limited to, a criminal conviction that requires such person to  
400 register as a sexual offender, [or] as an offender convicted of committing  
401 a crime with a deadly weapon or as an offender convicted of committing  
402 a financial crime against an elderly person.

403       (2) The Commissioner of Emergency Services and Public Protection  
 404 shall have standing to challenge such person's application for a change  
 405 of name in the superior court where such change of name is sought. The  
 406 commissioner shall challenge the change of name through the Attorney  
 407 General. The superior court may deny such person's application for a  
 408 change of name if the court finds, by a preponderance of the evidence,  
 409 that the person is applying for such change of name for the purpose of  
 410 avoiding the legal consequences of a criminal conviction.

411       (c) Whenever the court, pursuant to this section, orders a change of  
 412 name of a person, the clerk of the court shall notify the Commissioner  
 413 of Emergency Services and Public Protection of the issuance of such  
 414 order if the clerk finds that such person is listed in the registry  
 415 established and maintained pursuant to section 54-257, [or] in the  
 416 registry established and maintained pursuant to section 54-280 or, on  
 417 and after January 1, 2023, in the registry established and maintained  
 418 pursuant to section 2 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	19a-491c
Sec. 6	<i>from passage</i>	45a-99
Sec. 7	<i>from passage</i>	52-11

**Statement of Purpose:**

To establish a registry of persons convicted of financial crimes against elderly persons.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*