



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 of 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

AGE

Joint Favorable C/R

JUD