
OLR Bill Analysis

sSB 901

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

SUMMARY

This bill requires the Department of Emergency Services and Public Protection (DESPP), by July 1, 2024, to establish and maintain a registry of individuals convicted, or found not guilty by reason of mental disease or defect, of specified financial crimes against seniors ages 60 and older.

Individuals must register with DESPP starting July 1, 2024, if they are released into the community on or after that date, regardless of whether they reside within or outside of Connecticut. Registrants must (1) submit their name, identifying factors, criminal history record, home address, and email address and (2) maintain their registration for five years.

The bill establishes related registration, recordkeeping, and information sharing requirements. Under the bill, registry information is a public record or file and is subject to Freedom of Information Act disclosure requirements.

Additionally, starting July 1, 2024, the bill expands the Department of Public Health's (DPH) Long-Term Care Background Check Program to include information from the new financial crimes registry.

Starting August 1, 2024, DPH must include a link on its website that allows the public to search the background check program by an individual's name. Under current law, this program is available only to long-term care facility employers and specified state agencies.

Lastly, the bill makes technical and conforming changes (§§ 5-7).

EFFECTIVE DATE: Upon passage

§§ 1-4 — ELDERLY FINANCIAL CRIME REGISTRY

Individuals Required to Register

The bill requires individuals convicted, or found not guilty by reason of mental disease or defect, of the following crimes against an elderly person (i.e., seniors ages 60 and older) to register with DESPP:

1. 2nd degree larceny, involving property obtained by embezzlement, false pretense, or false promise;
2. 1st degree, 2nd degree, or 3rd degree telephone fraud;
3. 1st degree identity theft, if the value of the money, credit, services, or property exceeds \$5,000; or
4. 2nd degree identity theft.

Beginning July 1, 2024, these individuals must register with DESPP if they are released into the community on or after that date, regardless of whether they reside within or outside of the state. They must do so within 14 calendar days after their release or, if they are in Department of Correction (DOC) custody, at the time before their release that the department directs.

Registration Forms

The bill requires DESPP, in cooperation with the Office of the Chief Court Administrator, DOC, and the Psychiatric Security Review Board, to develop appropriate forms for reporting registration information, including address changes (see below).

Recordkeeping

Under the bill, DESPP must enter registration information it receives into the financial crimes registry and notify the local police department or state police troop with jurisdiction over the registrant's current or planned future residence. It must take the same actions when a registrant relocates within the state, notifying the appropriate department or troop for both the old and new addresses.

The bill requires the DESPP commissioner to ensure that each registrant's name and home address is available through the Connecticut On-Line Law Enforcement Communication Teleprocessing system. If a registrant reports a residence in another state, the department may notify the state police or other agency in that state that maintains registry information, if it is known.

The bill also requires the DESPP commissioner, within two business days after entering a new offender into the registry, to send the information to the DPH commissioner to have it included in a searchable database as part of DPH's Long-Term Care Background Check Program (see § 5 below).

Required Registration Information

Under the bill, the registration information provided by each registrant must include the following:

1. the registrant's name, including any other legal names or aliases that he or she has used;
2. identifying information, including the registrant's physical description;
3. the registrant's current home address and email address;
4. a description of the offense and date of conviction; and
5. the date the registrant was released from incarceration, if the registrant was sentenced to incarceration with a portion not suspended.

The registrant must sign and date the registration and DESPP may require the registrant to provide documentation verifying any of the above registration information.

The bill also requires DESPP, when someone appears for registering, to photograph the registrant; arrange for his or her fingerprinting; and include the photograph and complete fingerprint set in the registry.

Registrant Name and Address Changes

The bill requires a registrant who changes his or her name or address to notify the DESPP commissioner in writing of the new name or address. The registrant must also (1) complete and return any forms he or she receives to verify the address and (2) agree to retaking his or her photograph if the commissioner requests it.

Additionally, if a Superior Court or probate court notifies DESPP that it ordered a registrant's name change, the department must correspondingly revise the person's registration information.

The commissioner must also develop a protocol to notify other state agencies, the judicial branch, and the applicable local police department or state police troop when a registrant notifies DESPP of a name change or a court reports one.

Registration Suspension

The bill allows DESPP to suspend the registration and withdraw the information from the registry of an offender who is incarcerated, under civil commitment, or residing in another state. But the department must reverse these actions when any of these conditions change. Under the bill, suspending a registration does not affect its expiration date.

Pleading Guilty or Nolo Contendere

The bill requires the court to inform a person accused of committing the crimes listed above that accepting a plea of guilty or nolo contendere will subject them to the bill's registry requirements. The court must (1) do this before the person accepts the plea and (2) determine that the person fully understands the consequences of doing so.

Annual Appearance Requirement

The bill requires registrants, within 20 calendar days after the anniversary date of their initial registration, to annually appear at the local police department or state police troop with jurisdiction where they live to verify their registration information or update it as appropriate. The law enforcement agency may defer the appearance to a later date for good cause.

Within 30 days before a registrant's anniversary date, DESPP must mail written notice of the personal appearance requirement to the registrant and the appropriate local law enforcement agency.

The law enforcement agency must then notify the DESPP commissioner, within 30 days after the registrant's anniversary date and on a form the commissioner may prescribe, about whether (1) the registrant complied with the appearance requirement or (2) the date was deferred, along with the new date and the reason for the deferral.

Violations

Under the bill, anyone required to register who violates the financial crimes registry requirements or fails to notify the DESPP commissioner within five business days after changing his or her name or address, is guilty of a class D felony, punishable by up to five years in prison, a fine of up to \$5,000, or both.

§ 5 — DPH LONG-TERM CARE BACKGROUND CHECK PROGRAM

Program Expansion

By law, DPH administers a background check program for direct care employees and volunteers of long-term care facilities (i.e., the Long-Term Care Background Check Program).

Under current law, the program includes (1) state and national criminal history record checks; (2) a review of DPH's nurse's aide registry; and (3) a review of any other registry DPH specifies. The bill also requires the program to include a review of information from the financial crimes registry the bill establishes.

Starting July 1, 2024, DPH must include information from the registry review in its Long-Term Care Background Check Program (i.e., registrants' names, last-known addresses, and offenses). The bill correspondingly expands the program's list of disqualifying offenses that prohibit someone from being a long-term care facility direct care employee or volunteer to include the crimes in the bill's financial crimes registry.

Public Accessibility

Starting August 1, 2024, the bill requires DPH to have a link on its website that allows the public to search the program by an individual's name. The listing must show the individual's last known address, convictions or other disciplinary actions taken, and a general description of the offenses the individual committed. Under current law, DPH's program is available only to long-term care facility employers and specified state agencies.

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 11 Nay 4 (02/28/2023)