



Senate

General Assembly

File No. 96

January Session, 2023

Substitute Senate Bill No. 901

Senate, March 16, 2023

The Committee on Aging reported through SEN. HOCHADEL of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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 (4) 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, provided the court makes a finding that, at the time the offense
10 was committed, the victim was sixty years of age or older, and (4)
11 "registrant" means a person required to register pursuant to sections 3
12 and 4 of this act.

13 Sec. 2. (NEW) (*Effective from passage*) (a) The Department of
14 Emergency Services and Public Protection shall, not later than July 1,

15 2024, establish and maintain a registry of all persons required to register
16 under sections 3 and 4 of this act. The department shall, in cooperation
17 with the Office of the Chief Court Administrator, the Department of
18 Correction and the Psychiatric Security Review Board, develop
19 appropriate forms for use by persons to report registration information,
20 including changes of address. Upon receipt of registration information,
21 the department shall enter the information into the registry and notify
22 the local police department or state police troop having jurisdiction
23 where the registrant resides or plans to reside.

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

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

48 (d) Whenever the Commissioner of Emergency Services and Public
49 Protection receives notice from a superior court pursuant to section 52-
50 11 of the general statutes, as amended by this act, or a probate court
51 pursuant to section 45a-99 of the general statutes, as amended by this
52 act, that such court has ordered the change of name of a person, and the
53 department determines that such person is listed in the registry, the
54 department shall revise such person's registration information
55 accordingly.

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

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

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

73 Sec. 3. (NEW) (*Effective from passage*) (a) (1) Any person who has been
74 convicted or found not guilty by reason of mental disease or defect of a
75 financial crime against an elderly person and is released into the
76 community on or after July 1, 2024, shall, within fourteen calendar days
77 following such release or, if such person is in the custody of the
78 Commissioner of Correction, at such time prior to release as the
79 Commissioner of Correction shall direct, whether or not such person's
80 place of residence is in this state, register in accordance with section 4 of

81 this section. A registrant shall maintain such registration for five years
82 from the initial date of registration.

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

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

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

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

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

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

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

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

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

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

143 (5) A description of the offense; and

144 (6) If the registrant was sentenced to a term of incarceration for such
145 offense, a portion of which was not suspended, the date the registrant
146 was released from such incarceration.

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

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

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

156 Sec. 5. Section 19a-491c of the general statutes is repealed and the
157 following is substituted in lieu thereof (*Effective from 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 July 1,
164 2024, a review of the registry established under section 2 of this act, and
165 [(C)] (D) a review of any other registry specified by the Department of
166 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-490, 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 July 1, 2024, the Department of Public Health shall
309 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 August 1, 2024, the Department of Public Health shall
314 include on the department's Internet web site a link to the background
315 search program that allows the public to search the program by name of
316 a person. The listing will show such person's last-known address,
317 convictions or other disciplinary actions taken and a general description
318 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 July 1, 2024,

371 in the registry established and maintained pursuant to section 2 of this
372 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 July 1, 2024, 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 Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Department of Emergency Services and Public Protection	GF - Cost	Up to 200,000	232,094
Public Health, Dept.	GF - Cost	499,073	284,609
State Comptroller - Fringe Benefits ¹	GF - Cost	87,185	173,721
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Emergency Services and Public Protection (DESPP) to establish and maintain a registry of persons who have committed specified financial crimes against elderly persons, resulting in a cost of up to \$786,258 in FY 24 and \$690,424 in FY 25 to DESPP, Department of Public Health, and the Office of the State Comptroller (OSC). The Judicial Department and the Department of Correction also incur potential costs in FY 24 and FY 25.

Sections 1-4 require DESPP to create and maintain the registry and incorporate the registrant information into the Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) system

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

as well as other information systems maintained by the Judicial Department, Department of Correction, and Department of Public Health.

Implementation costs related to personnel training, software upgrades to the current offender registry, and interfacing with the COLLECT system and other agencies will result in costs not expected to exceed \$200,000 in FY 24.

To manage the new volume of registrants, DESPP will be required to increase its Offender Registry staff by two state police troopers and one processing technician, resulting in a cost of \$232,094 in FY 25. These new positions will also cost the OSC \$86,536 in FY 25 for associated fringe benefits. DESPP may need to hire these personnel prior to 7/1/24, resulting in potential costs in FY 24.

Sections 2 and 5 require the Department of Public Health (DPH) to include information from the DESPP registry in its Applicant Background Check Management System (ABCMS) by 7/1/24, resulting in a cost to the agency of \$499,073 in FY 24 and \$284,609 in FY 25 and a cost to the OSC of \$87,185 in both fiscal years. The bill requires DPH to redesign and expand the ABCMS, as well as maintain the data and work with long term care facilities.

The costs to DPH reflect the salaries of three half-time positions (an Information Technology Supervisor, an Information Technology Analyst II, and a Health Program Associate) and one full-time Office Assistant (a total of \$203,609 in FY 24 and FY 25), a one-time cost of \$200,000 in FY 24 to expand the ABCMS, a one-time equipment cost of \$14,464, an on-going ABCMS maintenance cost of \$80,000, and an on-going a general office supply cost of \$1,000 in both fiscal years.

Section 3 creates a new Class D felony charge which results in a potential cost to the Department of Correction and Judicial Department and a potential revenue gain from fines. On average, the marginal cost

to the state for incarcerating an offender for the year is \$2,500² while the average marginal cost for supervision in the community is less than \$800³ each year.

Sections 6-7 make technical and conforming changes resulting in no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the continued maintenance costs of the registry, number of registrants, and inflation.

² Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

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)