



General Assembly

January Session, 2023

Raised Bill No. 901

LCO No. 3040



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 (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, 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, 2024, 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, 2024, 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 general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective from passage*):

157 (a) As used in this section:

158 (1) "Criminal history and patient abuse background search" or
159 "background search" means (A) a review of the registry of nurse's aides
160 maintained by the Department of Public Health pursuant to section 20-
161 102bb, (B) checks of state and national criminal history records
162 conducted in accordance with section 29-17a, (C) on and after January
163 1, 2024, a review of the registry established under section 2 of this act,
164 and [(C)] (D) a review of any other registry specified by the Department
165 of Public Health which the department deems necessary for the
166 administration of a background search program.

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

171 (3) "Disqualifying offense" means a conviction of (A) any crime
172 described in 42 USC 1320a-7(a)(1), (2), (3) or (4), (B) a substantiated
173 finding of neglect, abuse or misappropriation of property by a state or

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

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

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

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

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

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

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

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

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

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

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

266 (e) Notwithstanding the provisions of section 46a-80, no long-term
267 care facility shall employ an individual required to submit to a
268 background search, contract with any such individual to provide long-
269 term care services or allow such individual to volunteer if the long-term
270 care facility receives notice from the department that the individual has
271 a disqualifying offense in the individual's background search and the
272 department has not granted a waiver pursuant to subdivision (3) of

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

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

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

303 (g) [Records] Except as provided in subsection (i) of this section,
304 records and information with respect to any individual that are obtained
305 by the department pursuant to this section shall not be subject to

306 disclosure under section 1-210.

307 (h) On and after January 1, 2024, the Department of Public Health
308 shall include in the background search program the names, last-known
309 addresses and information on the offenses of persons who have
310 registered with the Commissioner of Emergency Services and Public
311 Protection pursuant to sections 3 and 4 of this act.

312 (i) On and after February 1, 2024, the Department of Public Health
313 shall include on the department's Internet web site a link to the
314 background search program that allows the public to search the
315 program by name of a person. The listing will show such person's last-
316 known address, convictions or other disciplinary actions taken and a
317 general description of offenses committed by the person.

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

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

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

338 defined in section 1 of this act unless such person complies with the
339 requirements of subdivision (1) of subsection (b) of this section.

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

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

364 (c) Whenever the court, pursuant to this section, orders a change of
365 name of a person, the court shall notify the Commissioner of Emergency
366 Services and Public Protection of the issuance of such order if the court
367 finds that such person is listed in the registry established and
368 maintained pursuant to section 54-257, [or] in the registry established
369 and maintained pursuant to section 54-280 or, on and after January 1,
370 2024, in the registry established and maintained pursuant to section 2 of

371 this act.

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

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

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

402 (2) The Commissioner of Emergency Services and Public Protection

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

410 (c) Whenever the court, pursuant to this section, orders a change of
411 name of a person, the clerk of the court shall notify the Commissioner
412 of Emergency Services and Public Protection of the issuance of such
413 order if the clerk finds that such person is listed in the registry
414 established and maintained pursuant to section 54-257, [or] in the
415 registry established and maintained pursuant to section 54-280 or, on
416 and after January 1, 2024, in the registry established and maintained
417 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.]