



General Assembly

Substitute Bill No. 901

January Session, 2023



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
4 as provided in section 54-280 of the general statutes, (2) "elderly
5 person" means a person sixty years of age or older, (3) "financial crime
6 against an elderly person" means a crime involving an elderly person
7 as a victim prosecuted under subdivision (4) of subsection (a) of
8 section 53a-123 or section 53a-125c, 53a-125d, 53a-125e, 53a-129b or
9 53a-129c of the general statutes, provided the court makes a finding
10 that, at the time the offense was committed, the victim was sixty years
11 of age or older, and (4) "registrant" means a person required to register
12 pursuant to sections 3 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
16 register under sections 3 and 4 of this act. The department shall, in
17 cooperation with the Office of the Chief Court Administrator, the
18 Department of Correction and the Psychiatric Security Review Board,
19 develop appropriate forms for use by persons to report registration

20 information, including changes of address. Upon receipt of registration
21 information, the department shall enter the information into the
22 registry and notify the local police department or state police troop
23 having jurisdiction where the registrant resides or plans to reside.

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

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

49 (d) Whenever the Commissioner of Emergency Services and Public
50 Protection receives notice from a superior court pursuant to section 52-
51 11 of the general statutes, as amended by this act, or a probate court
52 pursuant to section 45a-99 of the general statutes, as amended by this

53 act, that such court has ordered the change of name of a person, and
54 the department determines that such person is listed in the registry,
55 the department shall revise such person's registration information
56 accordingly.

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

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

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

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

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

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

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

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

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

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

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

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

142 (3) The current residential address and electronic mail address of
143 the registrant;

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

145 (5) A description of the offense; and

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

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

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

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

158 Sec. 5. Section 19a-491c of the general statutes is repealed and the
159 following is substituted in lieu thereof (*Effective from passage*):

160 (a) As used in this section:

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

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

174 (3) "Disqualifying offense" means a conviction of (A) any crime

175 described in 42 USC 1320a-7(a)(1), (2), (3) or (4), (B) a substantiated
176 finding of neglect, abuse or misappropriation of property by a state or
177 federal agency pursuant to an investigation conducted in accordance
178 with 42 USC 1395i-3(g)(1)(C) or 42 USC 1396r(g)(1)(C), or (C) a
179 conviction of a financial crime against an elderly person as defined in
180 section 1 of this act or any crime described in section 53a-59a, 53a-60b,
181 53a-60c, 53a-61a, 53a-321, 53a-322 or 53a-323.

182 (4) "Long-term care facility" means any facility, agency or provider
183 that is a nursing home, as defined in section 19a-521, a residential care
184 home, as defined in section 19a-521, a home health care agency,
185 hospice agency or home health aide agency, as defined in section 19a-
186 490, an assisted living services agency, as defined in section 19a-490, an
187 intermediate care facility for individuals with intellectual disabilities,
188 as defined in 42 USC 1396d(d), except any such facility operated by a
189 Department of Developmental Services' program subject to
190 background checks pursuant to section 17a-227a, a chronic disease
191 hospital, as defined in section 19a-490, or an agency providing hospice
192 care which is licensed to provide such care by the Department of
193 Public Health or certified to provide such care pursuant to 42 USC
194 1395x.

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

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

208 to a background search. The Department of Public Health shall
209 prescribe the manner by which (A) long-term care facilities perform
210 the review of (i) the registry of nurse's aides maintained by the
211 department pursuant to section 20-102bb, and (ii) any other registry
212 specified by the department, including requiring long-term care
213 facilities to report the results of such review to the department, and (B)
214 individuals submit to state and national criminal history records
215 checks, including requiring the Department of Emergency Services and
216 Public Protection to report the results of such checks to the Department
217 of Public Health.

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

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

241 (2) An individual may file a written request for a waiver with the
242 department not later than thirty days after the date the department
243 mails notice to the individual pursuant to subdivision (1) of this
244 subsection. The department shall mail a written determination
245 indicating whether the department shall grant a waiver pursuant to
246 subdivision (3) of this subsection not later than fifteen business days
247 after the department receives the written request from the individual,
248 except that said time period shall not apply to any request for a waiver
249 in which an individual challenges the accuracy of the information
250 obtained from the background search.

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

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

272 (e) Notwithstanding the provisions of section 46a-80, no long-term
273 care facility shall employ an individual required to submit to a

274 background search, contract with any such individual to provide long-
275 term care services or allow such individual to volunteer if the long-
276 term care facility receives notice from the department that the
277 individual has a disqualifying offense in the individual's background
278 search and the department has not granted a waiver pursuant to
279 subdivision (3) of subsection (d) of this section. A long-term care
280 facility may, but is not obligated to, employ, enter into a contract with
281 or allow to volunteer an individual who was granted a waiver
282 pursuant to said subdivision (3).

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

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

307 constitute good cause for termination and a long-term care facility may
308 terminate the individual if a disqualifying offense is reported in said
309 background search.

310 (g) [Records] Except as provided in subsection (i) of this section,
311 records and information with respect to any individual that are
312 obtained by the department pursuant to this section shall not be
313 subject to disclosure under section 1-210.

314 (h) On and after July 1, 2024, the Department of Public Health shall
315 include in the background search program the names, last-known
316 addresses and information on the offenses of persons who have
317 registered with the Commissioner of Emergency Services and Public
318 Protection pursuant to sections 3 and 4 of this act.

319 (i) On and after August 1, 2024, the Department of Public Health
320 shall include on the department's Internet web site a link to the
321 background search program that allows the public to search the
322 program by name of a person. The listing will show such person's last-
323 known address, convictions or other disciplinary actions taken and a
324 general description of offenses committed by the person.

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

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

336 (a) The courts of probate shall have concurrent jurisdiction with the
337 Superior Court, as provided in section 52-11, as amended by this act, to

338 grant a change of name, except a change of name granted in
339 accordance with subsection (a) of section 46b-63, except that no court
340 of probate may issue an order or otherwise allow for the change of
341 name of a person who is required to register with the Commissioner of
342 Emergency Services and Public Protection as a sexual offender, [or] as
343 an offender convicted of committing a crime with a deadly weapon or
344 as an offender convicted of committing a financial crime against an
345 elderly person as defined in section 1 of this act unless such person
346 complies with the requirements of subdivision (1) of subsection (b) of
347 this section.

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

365 (2) The Commissioner of Emergency Services and Public Protection
366 shall have standing to challenge such person's application for a change
367 of name in the court of probate where such change of name is sought.
368 The commissioner shall challenge the change of name through the
369 Attorney General. The court of probate may deny such person's
370 application for a change of name if the court finds, by a preponderance

371 of the evidence, that the person is applying for such change of name
372 for the purpose of avoiding the legal consequences of a criminal
373 conviction.

374 (c) Whenever the court, pursuant to this section, orders a change of
375 name of a person, the court shall notify the Commissioner of
376 Emergency Services and Public Protection of the issuance of such order
377 if the court finds that such person is listed in the registry established
378 and maintained pursuant to section 54-257, [or] in the registry
379 established and maintained pursuant to section 54-280 or, on and after
380 July 1, 2024, in the registry established and maintained pursuant to
381 section 2 of this act.

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

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

396 (b) (1) Any person who is required to register with the
397 Commissioner of Emergency Services and Public Protection as a sexual
398 offender, [or] as an offender convicted of committing a crime with a
399 deadly weapon or as an offender convicted of committing a financial
400 crime against an elderly person who files an application with the
401 [Superior Court] superior court for a change of name shall (A) prior to
402 filing such application, notify the Commissioner of Emergency

403 Services and Public Protection, on such form as the commissioner may
 404 prescribe, that the person intends to file an application for a change of
 405 name, indicating the change of name sought, and (B) include with such
 406 application a sworn statement that such change of name is not being
 407 sought for the purpose of avoiding the legal consequences of a
 408 criminal conviction, including, but not limited to, a criminal conviction
 409 that requires such person to register as a sexual offender, [or] as an
 410 offender convicted of committing a crime with a deadly weapon or as
 411 an offender convicted of committing a financial crime against an
 412 elderly person.

413 (2) The Commissioner of Emergency Services and Public Protection
 414 shall have standing to challenge such person's application for a change
 415 of name in the superior court where such change of name is sought.
 416 The commissioner shall challenge the change of name through the
 417 Attorney General. The superior court may deny such person's
 418 application for a change of name if the court finds, by a preponderance
 419 of the evidence, that the person is applying for such change of name
 420 for the purpose of avoiding the legal consequences of a criminal
 421 conviction.

422 (c) Whenever the court, pursuant to this section, orders a change of
 423 name of a person, the clerk of the court shall notify the Commissioner
 424 of Emergency Services and Public Protection of the issuance of such
 425 order if the clerk finds that such person is listed in the registry
 426 established and maintained pursuant to section 54-257, [or] in the
 427 registry established and maintained pursuant to section 54-280 or, on
 428 and after July 1, 2024, in the registry established and maintained
 429 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.*