

Act No. 31 (S.13). Crimes and criminal procedures, Sex Offender Registry

An act relating to the Vermont Sex Offender Registry

This act requires the sentencing Court to issue an order stating which Sex Offender Registry requirements apply to a defendant. Under current law, the Vermont Crime Information Center is charged with making these determinations. This act requires the Court to make the determination at sentencing, and if the State carries its burden of establishing the applicability of Sex Offender Registry requirements to the defendant, then the Court issues an order indicating which offense requires the defendant to be on the Registry, any prior convictions that affect the defendant's Registry status, how long the defendant must be registered, and whether the defendant's name must be posted on the Internet.

The act creates a procedure for a person whose name has been incorrectly placed on the Sex Offender Registry (or who has been subject to any other incorrect Registry requirements) to petition the Court to order that the mistake be fixed. If the petition is granted, the Court orders the Department of Public Safety to take any action necessary to correct the error.

The act changes the circumstances under which the address of a sex offender may be posted on the Internet Sex Offender Registry. Under prior law, the offender's address could not be placed on the Internet until after the State Auditor had given the Registry a "favorable performance audit." The act repeals the audit requirement and instead provides that an offender's address cannot be placed on the Internet until the Department of Public Safety: (1) determines that all the information to be posted electronically about the offender is correct; and (2) reports to the General Assembly that the Sex Offender Registry has no critical errors and an error rate of ten percent or less for errors that are not critical errors.

Effective Date: July 1, 2015, except that Sec. 8, providing for posting of offender addresses on the Internet Sex Offender Registry, does not become effective until the Department of Public Safety: (1) determines that all the information to be posted electronically about the offender is correct; and (2) reports to the General Assembly that the Sex Offender Registry has no critical errors and an error rate of ten percent or less for errors that are not critical errors.