

H.16

An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 5404 is amended to read:

§ 5404. REPORTING UPON RELEASE FROM CONFINEMENT OR
SUPERVISION

(a) Upon receiving a sex offender from the court on a probationary sentence or ~~any alternative sentence under community supervision by the department of corrections, or prior to releasing a sex offender from confinement or supervision, the department of corrections~~ supervised community sentence and prior to releasing a sex offender from a correctional facility to serve probation, parole, furlough, or a supervised community sentence, the Department of Corrections shall forward to the ~~department~~ Department the following information concerning the sex offender:

- (1) an update of the information listed in subsection 5403(a) of this title;
- (2) the address upon release and whether the offender will be living with a child under ~~the age of~~ 18 years of age;
- (3) the name, address, and telephone number of the ~~local department of corrections~~ probation and parole office in charge of monitoring the sex offender; and
- (4) documentation of any treatment or counseling received.

(b) As part of planning for the release of a sex offender from a correctional facility to the community upon completion of the offender's maximum sentence, the Department of Corrections shall notify the offender of his or her obligation to report to the Department to register as a sex offender in compliance with section 5407 of this chapter prior to the offender's scheduled release date. The Department of Corrections shall assist the offender with registration as a sex offender and advise the offender that failure to register with the Department prior to release is a crime subject to section 5409 of this chapter.

(c) ~~The department of corrections~~ Department of Corrections shall notify the ~~department~~ Department of Public Safety within 24 hours of the time a sex offender changes his or her address or place of employment, or enrolls in or separates from any postsecondary educational institution, or begins residing with a child under ~~the age of 18 years of age~~. In addition, the ~~department of corrections~~ Department of Corrections shall provide the ~~department~~ Department with any updated information requested by the ~~department~~ Department.

~~(e)~~(d) With respect to a sex offender residing with a child under ~~the age of 18 years of age~~ under circumstances enumerated in subsection (a) or ~~(b)~~(c) of this section, the ~~department of corrections~~ Department of Corrections shall communicate with the ~~department for children and families~~ Department for

Children and Families. If placement in a home with a child is being considered by the ~~department of corrections~~ Department of Corrections, the ~~department of corrections~~ Department of Corrections shall notify the ~~department for children and families~~ Department for Children and Families, and the departments shall work together to determine whether such a placement is appropriate. If the ~~department of corrections~~ Department of Corrections does not have a role in the placement of the offender in the community, but knows the offender will be residing with a person under ~~the age of 18~~ years of age, the ~~department of corrections~~ Department of Corrections shall notify the ~~department for children and families~~ Department for Children and Families at least 24 hours prior to releasing the offender from confinement.

~~(d)~~(e) The information required to be provided by subsection (a) of this section shall also be provided by the ~~department of corrections~~ Department of Corrections to a sex offender's parole or probation officer within three days of the time a sex offender is placed on probation or parole by the court or ~~parole board~~ the Parole Board.

~~(e)~~(f) If it has not been previously submitted, upon receipt of the information to be provided to the ~~department~~ Department pursuant to subsection (a) of this section, the ~~department~~ Department shall immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

Sec. 2. 13 V.S.A. § 5407 is added to read:

§ 5407. SEX OFFENDER'S RESPONSIBILITY TO REPORT

(a) Except as provided in section 5411d of this title, a sex offender shall report to the department as follows:

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(7) within three days of a child under ~~the age of 18~~ years of age moving into the residence of the registrant;

(8) within 24 hours of being released from probation, parole, furlough, or a supervised community sentence; and

(9) prior to the offender's scheduled release date from a correctional facility to the community and if the offender is not subject to probation, furlough, or a community sentence upon release that requires supervision by the Department of Corrections.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.