

1 H.16

2 Introduced by Representatives Grad of Moretown, Greshin of Warren, and

3 Jewett of Ripton

4 Referred to Committee on

5 Date:

6 Subject: Crimes and criminal procedure; crime victims; sex offender

7 registration; reporting upon release from confinement or supervision

8 Statement of purpose of bill as introduced: This bill proposes to require a sex

9 offender who serves his or her maximum sentence to register with the

10 Department of Public Safety as a sex offender prior to the offender's release

11 from a correctional facility.

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

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

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

16 § 5404. REPORTING UPON RELEASE FROM CONFINEMENT OR

17 SUPERVISION

18 (a) Upon receiving a sex offender from the court on a probationary

19 sentence or ~~any alternative sentence under community supervision by the~~

20 ~~department of corrections, or prior to releasing a sex offender from~~

1 ~~confinement or supervision, the department of corrections~~ supervised  
2 community sentence and prior to releasing a sex offender from a correctional  
3 facility to serve probation, parole, furlough, or a supervised community  
4 sentence, the Department of Corrections shall forward to the ~~department~~  
5 Department the following information concerning the sex offender:

6 (1) an update of the information listed in subsection 5403(a) of this title;

7 (2) the address upon release and whether the offender will be living with  
8 a child under ~~the age of~~ 18 years of age;

9 (3) the name, address, and telephone number of the local department of  
10 ~~corrections~~ probation and parole office in charge of monitoring the sex  
11 offender; and

12 (4) documentation of any treatment or counseling received.

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

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

9        ~~(e)~~(d) With respect to a sex offender residing with a child under ~~the age of~~  
10        18 years of age under circumstances enumerated in subsection (a) or ~~(b)~~ (c) of  
11        this section, the ~~department of corrections~~ Department of Corrections shall  
12        communicate with the ~~department for children and families~~ Department for  
13        Children and Families. If placement in a home with a child is being considered  
14        by the ~~department of corrections~~ Department of Corrections, the ~~department of~~  
15        ~~corrections~~ Department of Corrections shall notify the ~~department for children~~  
16        ~~and families~~ Department for Children and Families, and the departments shall  
17        work together to determine whether such a placement is appropriate. If the  
18        ~~department of corrections~~ Department of Corrections does not have a role in  
19        the placement of the offender in the community, but knows the offender will  
20        be residing with a person under ~~the age of 18~~ years of age, the ~~department of~~  
21        ~~corrections~~ Department of Corrections shall notify the ~~department for children~~

1 ~~and families~~ Department for Children and Families at least 24 hours prior to  
2 releasing the offender from confinement.

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

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

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

14 § 5407. SEX OFFENDER'S RESPONSIBILITY TO REPORT

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

17 \* \* \*

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

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

