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STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Representative Ann Pugh, Chair, House Committee on Human Services
FROM: Ken Schatz, AHS General Counsel
DATE: February 13, 2014
SUBJECT: H.680

In response to the Committee's request for background information on the sex offender registry, attached please find information from the Sex Offender Registry website.



Vermont Criminal Information Center
Department of Public Safety - Division of Criminal Justice Services

Sex Offender Registry

In 1996, with the passage of 13 VSA, Chapter 167, Subchapter 3, the Vermont Sex Offender Registry was established at the Vermont Criminal Information Center (VCIC).

Local law enforcement agencies and the Vermont Criminal Information Center are authorized to release relevant registry information to the public when the requestor can articulate a specific concern about their safety or the safety of another. State statute requires that the requestor provide the name of a subject as the basis for the query. Queries made to law enforcement agencies or VCIC may not be done by street address, town or county.

Information in the Registry may also be disclosed to the following agencies, organizations, or persons:

- Local, state and federal law enforcement agencies exclusively for law enforcement purposes;
- State and federal governmental agencies for the exclusive purpose of conducting confidential background checks;
- Any employer, including a school district, who is authorized by law to request records and information from the Vermont Criminal Information Center where such disclosure is necessary to protect the public concerning persons required to register under this subchapter;
- A person identified as a sex offender in the registry for the purpose of reviewing the accuracy of any record relating to him or her.

The Registry is prohibited from releasing lists of offenders in response to general questions regarding the whereabouts of sex offenders in a particular community. The identity of a victim shall not be released.

Use the links in the menu box on the right to navigate the Sex Offender Registry site.

To go directly to the Vermont Sex Offender Public Website click the image below:



Registration Requirements

The Sex Offender Registry Law applies to persons convicted of the following crimes if the person was:

- convicted in Vermont on or after July 1, 1996
- convicted in Vermont or another state PRIOR to July 1, 1996, confined under the custody of the Commissioner of Corrections, and released from confinement in Vermont on or after July 1, 1996
- convicted in Vermont or another state PRIOR to July 1, 1996, and was being supervised in the community in Vermont by the Commissioner of Corrections on July 1, 1996
- convicted or released from confinement in another state on or after July 1, 1986 and who established residence in this state on or after July 1, 1996. An individual is considered to have established a residence in Vermont if they remain in the state for more than 10 consecutive days

A non-resident sex offender who moves to Vermont for full or part time employment or to attend school or college on a full or part-time basis must also register.

The crimes for which offenders must register include:

- Sexual assault
- Aggravated sexual assault
- Lewd and lascivious conduct
- Sexual abuse of a vulnerable adult
- Second or subsequent convictions for voyeurism
- Kidnapping with intent to commit sexual assault

In addition, the Sex Offender Registry Law applies to persons convicted of any of the following offenses against a victim who is a minor:

- Any offense listed above
- Kidnapping
- Lewd and lascivious conduct with a child
- Slave traffic
- Sexual exploitation of children
- Procurement or solicitation for prostitution
- Aggravated sexual assault of a child
- Sex trafficking of children or sex trafficking by force, fraud, or coercion
- Sexual exploitation of a minor
- Persons convicted of certain federal sex crimes are also required to register.

Conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18 and the victim is at least 12 years old.

Those individuals who are required to register with the Vermont Sexual Offender Registry must comply with the following requirements:

- Registrants must notify their probation officer of any change of address, employment, enrollment in any post secondary educational institution, or whether the offender will be living with a child under the age of 18 within 24 hours of the change for as long as they are being supervised in the community by the Vermont Department of Corrections.
- After they are discharged from supervision by the Department of Corrections, registrants must notify VCIC of any change of address, employment, or enrollment in any post secondary

educational institution, or whether a child under the age of 18 is living in the residence of the registrant within 3 days.

- If a registrant intends to move to another state, they must notify VCIC about their change of address. The registrant must register with the Sex Offender Registry in the new state within three days of moving there.
- Within 10 days of their birthday registrants receive an annual letter from VCIC verifying their current address. They must complete the form and return it to VCIC within 10 days.
- Registrants must notify VCIC or their Probation Officer if they are living with a child under the age of 18.
- Registrants must continue to comply with the above requirements for 10 years from the date they are discharged from the supervision of the Vermont Department of Corrections. If they have been designated a Sexually Violent Predator by the court, they must continue to comply with the above requirements for life or such time as a court orders termination of the designation. If the registrant has been designated as a lifetime registrant they must continue to comply with the requirements for life. Community notification, however, shall continue until such time as a court orders the notification to terminate. VCIC will notify the registrant when they are no longer required to report.

Lifetime Registration:

In 2001, Vermont adopted a lifetime registration requirement for individuals who meet the following criteria:

- Individuals who have at least one prior conviction for an offense that would require them to register in Vermont or another jurisdiction of the United States and are convicted in Vermont of a second or subsequent offense after September 1, 2001.
- Individuals who have been convicted of Sexual Assault or Aggravated Sexual Assault after September 1, 2001.
- Individuals who have been determined by the court to be a Sexually Violent Predator.

Penalties For Failing To Comply With Registration Requirements:

Failure to comply with any of the requirements indicated above is grounds for a warrant to be issued for the registrant's arrest. If a registrant is convicted of failing to comply with the law they could be imprisoned for not more than two years and/or fined not more than \$1,000. A second or subsequent offense could result in a sentence to imprisonment of no more than three years and/or a fine of not more than \$5,000.

Vermont Registrants

Information for Vermont Registrants

Frequently Asked Questions (Vermont registrants):

- [What are the registration requirements?](#)
- [How long does a sex offender have to register?](#)
- [Who is posted on the web site?](#)
- [What information will be posted on the web site?](#)
- [Am I required to notify my neighbors and/or employer that I am required to register as a sex offender?](#)
- [Does the Registry put any restriction on where I live or work?](#)
- [What are the requirements for the Vermont registry?](#)
- [Can I change or update my information with the local Police or Sheriff's Department or Vermont State Police barracks?](#)

What are the registration requirements?

If you convicted of any of the following crimes:

- sexual assault
- aggravated sexual assault
- aggravated sexual assault of a child
- lewd and lascivious conduct
- lewd and lascivious conduct with a child
- sexual abuse of a vulnerable adult
- second or subsequent conviction for voyeurism
- kidnapping with intent to commit sexual assault
- slave traffic
- sexual exploitation of a minor
- sexual exploitation of children.
- procurement or solicitation
- sex trafficking of children or sex trafficking by force, fraud, or coercion
- an attempt to commit any offense listed above

And:

- Convicted in Vermont on or after July 1, 1996
- Convicted in Vermont PRIOR to July 1, 1996, incarcerated under the custody of the Commissioner of Corrections, and released from incarceration on or after July 1, 1996
- Convicted in Vermont PRIOR to July 1, 1996, and was being supervised –probation, furlough, etc- in Vermont by the Department Corrections on July 1, 1996

How long does a sex offender have to register?

Typically, registration continues for 10 years after someone finishes their supervision with the Department of Corrections.

Lifetime registration is required for:

- A second or subsequent conviction for a registerable sex offense.
- A conviction of Sexual Assault or Aggravated Sexual Assault
- Individuals that have been designated as Sexually Violent Predators

Who is posted on the Web site?

Persons meeting any of the following criteria:

Convictions for the following:

- Aggravated sexual assault of a child
- Aggravated sexual assault
- Sexual assault
- Kidnapping with intent to commit sexual assault
- Lewd or lascivious conduct with a child
- Second or subsequent conviction for voyeurism
- Slave traffic
- Sex trafficking of children or sex trafficking by force, fraud, or coercion
- Sexual exploitation of a minor
- Any offense regarding the sexual exploitation of children
- A second or subsequent conviction for sexual offenses (recidivism).
- Individuals with an outstanding warrant for their arrest for a Registry violation.
- Individuals who have been designated as sexual predators.

- Individuals who have been designated "high risk offenders" by the Department of Corrections.
- Individuals who have not complied with or are ineligible for sex offender treatment as recommended by the Department of Corrections.

What information will be posted on the web site?

- Name and any known aliases
- Date of birth
- General physical description
- Digital photograph
- Town of residence
- Date and nature of conviction
- Name and telephone number of the local Department of Corrections office in charge of supervising the registrant.
- Whether or not the registrant has completed treatment
- Whether or not there is an outstanding warrant for the offender's arrest
- The reason for which the offender's registry information is accessible on the web site.
- Whether the offender has been designated "high risk" by the Department of Corrections.**

** If the offender has not been subject to a risk assessment, a statement that the offender has not been so assessed and that such a person is presumed to be high risk, provided that the department shall permit a person subject to this subdivision to obtain a risk assessment at the person's own expense.

- The offenders complete address IF:
 - o The offender is non-compliant with treatment order
 - o Has been designated as high risk to re-offend
 - o There is an active warrant for the offenders arrest
 - o The victim was a child under 13

Am I required to notify my neighbors and/or employer that I am required to register as a sex offender?

No

Does the Registry put any restrictions on where I live or work?

No, however, if you are being supervised the Department of Corrections, you must comply with those restrictions.

What are the requirements for the Vermont registry?

Registrants must inform the registry within 3 days of any change to any of their information including address, employment, school, if there is someone under 18 living in the household, telephone number. Registrant must also verify their information and provide a new photograph every year around the time of their birthdates.

Can I change or update my information with the local Police or Sheriffs Department or State Police barracks?

No. You must contact the Registry if any of your information changes. You may call the Registry at 802-241-5400.

Out of State Registrants

Information for Out of State Registrants

Frequently Asked Questions (Out of State registrants):

- Who must register?
- Where do I register?
- How long does a sex offender have to register?
- Who is posted on the internet web site?
- What information will be posted on the web site?
- Am I required to notify my neighbors and/or employer that I am required to register as a sex offender?
- Does the Registry put any restrictions on where I live or work?
- What are the requirements for the Vermont registry?
- Can I change or update my information with the local Police or Sheriff's Department or the Vermont State Police barracks?
- What can a registrant do if they do not have a risk assessment?
- Are there any forms required?

Who must register?

If you have been convicted of a sexual offense in another state, territory or jurisdiction or a federal conviction in federal court that requires registration as a sex offender, then you will be required to register in Vermont.

You must register within 10 days of establishing residency. Residency is defined as being in Vermont for at least 10 consecutive days.

Where do I register?

You may print the registration forms at the bottom of the page, complete them and mail them in or call the Registry at 802-241-5400 and the forms will be mailed to you. You will need to report to the nearest Vermont State Police barracks to be fingerprinted and photographed. The officers will send the photograph & fingerprints to the Registry. You must mail the registration forms to:

Dept of Public Safety
Sex Offender Registry
103 South Main Street
Waterbury, VT 05671

How long does a sex offender have to register?

An offender will be required to register in VT for 10 years after the discharge from supervision or completion of sentence, whichever is later. That date will be determined upon review of your conviction information. You may be required to register in VT for life if there are multiple conviction dates for sex offenses.

Who is posted on the internet web site?

- A second or subsequent conviction for sexual offenses (recidivism)
- Individuals with an outstanding warrant for their arrest for a registry violation
- Felony convictions
- Misdemeanor convictions punishable by 6 months or more in jail
- Registrants who were required to have their information posted on the state of convictions web site

What information will be posted on the web site?

- Name and any known aliases

- Date of birth
- General physical description
- Digital photograph
- Town of residence
- Date and nature of conviction
- The offenders complete address IF:
 - There is an active warrant for the offenders arrest
 - The state of conviction required the offender be posted on their web site with the address.
 - If the victim was a child under 13 years old

Am I required to notify my neighbors and/or employer that I am required to register as a sex offender?

No

Does the Registry put any restrictions on where I live or work?

No

What are the requirements for the Vermont registry?

Registrants must inform the registry within 3 days of any change to any of their information including address, employment, school, if there is someone under 18 living in the household, telephone number. Registrant must also verify their information and provide a new photograph every year around the time of their birthdates.

Can I change or update my information with the local Police or Sheriffs Department or State Police barracks?

No. You must contact the Registry if any of your information changes. You may call the Registry at 802-241-5400.

What can a Registrant do if they do not have a risk assessment?

20 V.S.A., Section 5411a (b)(12) specifies that:

- If the offender has not been subject to a risk assessment, a statement that the offender has not been so assessed and that such a person is presumed to be high risk, provided that the department shall permit a person subject to this subdivision to obtain a risk assessment at the person's own expense.

SOR registrants who are interested in obtaining information on how to obtain a risk assessment at their own expense should follow the below link:



[Click here to access the Department of Correction Risk Assessment information page.](#)

Are there any forms required?

Yes. Below you will find links to Downloadable forms for Out-of-State registrants:



[Click here to download the Notification of Requirement to Register Form for Registrants Convicted in a State or Jurisdiction other than Vermont - Adobe Acrobat format \(.pdf\)](#)

Internet Information

INTERNET REGISTRY

WHO WILL BE ON THE SEX OFFENDER REGISTRY WEB SITE?

Beginning in October 1, 2009, registry information for persons meeting any of the following criteria will be available on the Vermont Sex Offender Registry Web Site:

Convictions for:

- Aggravated sexual assault of a child
- Aggravated sexual assault
- Sexual assault
- Kidnapping with intent to commit sexual assault
- Lewd or lascivious conduct with a child
- Second or subsequent conviction for voyeurism
- Slave traffic
- Sex trafficking of children or sex trafficking by force, fraud, or coercion
- Sexual exploitation of a minor
- Any offense regarding the sexual exploitation of children
- Certain federal sex crimes
- A second or subsequent conviction for sexual offenses (recidivism).

or:

- Individuals with an outstanding warrant for their arrest for a Registry violation.
- Individuals who have been designated as sexual predators.
- Individuals who have been designated "high risk offenders" by the Department of Corrections.
- Individuals who have not complied with or are ineligible for sex offender treatment as recommended by the Department of Corrections.

Internet posting based solely on the offense for which the person was convicted applies to persons who were:

- convicted on or after July 1, 2009;
- convicted prior to July 1, 2009 and under the supervision of the Department of Corrections (DOC) unless the Sex Offender Review Committee determined that the person has successfully reintegrated into the community;
- convicted prior to July 1, 2009 and not under the supervision of the Department of Corrections (DOC) unless the Sex Offender Review Committee determined that the person has successfully reintegrated into the community.
- Persons who were convicted out-of-state are not posted to the internet based solely on the offense for which they were convicted.

WHAT INFORMATION WILL BE POSTED ON THE WEB SITE?

The following registrant information will be posted to the Vermont Sex Offender Registry internet site:

- Name and any known aliases
- Date of birth
- General physical description
- Digital photograph
- Town of residence
- Date and nature of conviction

- Name and telephone number of the local Department of Corrections office in charge of supervising the registrant.
- Whether or not the registrant has completed treatment
- Whether or not there is an outstanding warrant for the offender's arrest
- The reason for which the offender's registry information is accessible on the web site.
- Whether the offender has been designated "high risk" by the Department of Corrections.
- If the offender has not been subject to a risk assessment, a statement that the offender has not been so assessed and that such a person is presumed to be high risk.

The Treatment Status field for some registrants indicates "Not Applicable". In these cases the registrant was discharged from the supervision of the Department of Corrections prior to the time when treatment information was required.

Challenging the posting of your record to the internet:

An individual who believes that they are not required to have their information posted on the Vermont Sex Offender Registry web site, or who believes the information on the web site contains errors, may challenge their status by contacting the Director of the Vermont Criminal Information Center in writing clearly identifying themselves, the information in question and the reason the information is in error. The Director, or a designee, will investigate and resolve the alleged discrepancy within three (3) business days of receipt of the complaint.

Searching The Web Site

The public can search the web site by using either the registrant's name, town, or entering a county.

Community Notification

Members of the public may contact their local law enforcement agency or VCIC at 802-241-5400 if they have concerns about persons who may be registered with the Vermont Sex Offender Registry.

NORMAL NOTIFICATION

Under "Normal Notification" standards, the following information regarding an offender can be released to a member of the public if the caller can articulate a public safety concern regarding themselves or another person:

- Name
- Date of birth
- General physical description
- Date & nature of offense
- Whether or not the offender has complied with treatment requirements
- Whether or not there is an outstanding warrant for the offender for violation of Registry requirements.

HEIGHTENED NOTIFICATION

The Sex Offender Registry law specifies that for certain registrants designated as having a "Heightened Notification Level" it is NOT necessary for the caller to have a public safety concern for requesting information. In these cases additional information about a registrant will also be released.

Registrants who have a "Heightened Notification Level" include individuals who meet any of the following conditions:

- Convicted of aggravated sexual assault, kidnapping & sexual assault of a child, or sexual activity with a vulnerable adult.
- Sexual recidivist
- Wanted for violation of Registry requirements
- Sexual predator

- Designated as “high risk” by the Department of Corrections
- Non-compliant with sex offender treatment
- An out-of-state conviction that meets Vermont requirements

Upon any request from an individual concerning an offender in a “Heightened Notification Level” category, the following information shall be released:

- Name
- The offender’s known aliases
- Date of birth
- General description
- Town of residence
- Date & nature of offense
- Name & phone number of the Department of Correction office that is supervising the offender
- Whether or not the offender has complied with treatment requirements
- Whether or not there is an outstanding warrant for the offender for violation of Registry requirements.
- The reason for the offender’s Heightened Notification Category

PROACTIVE NOTIFICATION BY LAW ENFORCEMENT

Community notification by local law enforcement agencies is not required by law. Law enforcement agencies, however, may notify members of the public who are likely to encounter a sex offender who poses a danger to their safety. This means, for example, that a law enforcement agency may notify neighbors or perhaps a neighborhood day-care center or local school if a pedophile were to move into the area. It might be appropriate to notify the management at an offender’s place of work if the offender had a history of violent sexual crimes against adults.

Law enforcement may also conduct broader community notification beyond persons who are likely to encounter a sex offender but only under circumstances which constitute a compelling risk to public safety and only after consultation with VCIC and the Department of Corrections.

VCIC has developed an educational CD for law enforcement and communities to help them better understand the Sex Offender Registry laws for the State of Vermont. It was also designed to give communities facts about sex offenders. A segment of this CD entitled “Sex Crime Prevention” is available through the below link. Please note that it takes a few minutes for this file to load on your computer. To obtain a copy of the complete CD, please contact the Registry at 802-241-5400. To schedule or inquire about a Community Training Event, you may contact your local law enforcement agency.

Sex Offender Registry FAQ

Vermont Sex Offender Registry Frequently Asked Questions (FAQ's):


- [How long has Vermont had a Registry for sex offenders?](#)
- [Who must register?](#)
- [What requirements are there for sex offenders in Vermont?](#)
- [What are the penalties for registry violations?](#)
- [What are the requirements for offenders from other states that move to Vermont?](#)
- [What restrictions are placed on registered sex offenders in Vermont?](#)
- [If I believe an offender has failed to comply with their requirements, who should I call?](#)
- [Do I have to rent an apartment to or can I refuse employment to a sex offender?](#)
- [Do registrants have to disclose to neighbors or employers that they are sex offenders?](#)
- [What information is available on Vermont's Sex Offender Internet Site?](#)
- [How do I get more information regarding the Vermont Sex Offender Registry?](#)

How long has Vermont had a Registry for sex offenders?

The Vermont Legislature passed the original law that went into effect July 1, 1996. Since then, a number of changes have been made to the original statute. [Click here to go to the statute.](#)

Who must register?

- A person convicted in VT on or after July 1, 1996
- A person convicted prior to July 1, 1996 but incarcerated or supervised by the Department of Corrections on or after July 1, 1996
- Convicted or released from confinement in another state on or after July 1, 1986 and who established residency on or after July 1, 1996. * For purposes of the Registry, a person is considered to have established a residence in VT if they remain in the state for more than 10 consecutive days.

 [Click here for the statutory list of State and Federal crimes requiring registration in VT](#)

What requirements are there for sex offenders in Vermont?

- Registrants that are being supervised by the Department of Corrections must notify their Probation Officers immediately of any change to any of their information.
- Registrants no longer being supervised for a sex offense must notify the Registry within 3 days of any change to any of their information.
- Registrants must verify their information and provide a new photograph yearly.

What are the penalties for registry violations?

Registrants who knowingly violate the Vermont sex offender registry law for more than 5 consecutive days will face a felony charge that can include incarceration for a period of five years and/or a fine of \$5000.00.

What are the requirements for offenders from other states that move to Vermont?

Individuals who are required to register in another state, jurisdiction or territory must register with Vermont within 10 days of establishing residency. [Click here for Registration forms.](#)

What restrictions are placed on registered sex offenders in Vermont?

Once an offender has finished their supervision with the Dept of Corrections, the VT Sex Offender Registry law places no restrictions on the registrant.

If I believe an offender has failed to comply with his or her requirements, who should I call?

You may contact your nearest Law Enforcement agency or the VT Sex Offender Registry.

Do I have to rent an apartment or can I refuse employment to a registered sex offender?

Vermont sex offender registry law does not place any restrictions on housing or employment for registrants.

Do registrants have to disclose to neighbors or employers that they are sex offenders?

There is no provision in the law that requires them to do so.

What information is available on Vermont's Sex Offender Internet site?

- Name and any known aliases
- Date of birth
- General physical description
- Digital photograph
- Town of residence
- Date and nature of conviction
- Name and telephone number of the local Department of Corrections office in charge of supervising the registrant.
- Whether or not the registrant has completed treatment
- Whether or not there is an outstanding warrant for the offender's arrest
- The reason for which the offender's registry information is accessible on the web site.
- Whether the offender has been designated "high risk" by the Department of Corrections.
- If the offender has not been subject to a risk assessment, a statement that the offender has not been so assessed and that such a person is presumed to be high risk.

How do I get more information regarding the Vermont Sex Offender Registry?

Call the Vermont Sex Offender Registry information line at (802) 241-5400 or

Sex Offender Registry

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Local law enforcement agencies and the Vermont Criminal Information Center are authorized to release relevant registry information to the public when the requestor can articulate a specific concern about their safety or the safety of another. State statute requires that the requestor provide the name of a subject as the basis for the query. Queries made to law enforcement agencies or VCIC may not be done by street address, town or county.

Information in the Registry may also be disclosed to the following agencies, organizations, or persons:

- Local, state and federal law enforcement agencies exclusively for law enforcement purposes;
- State and federal governmental agencies for the exclusive purpose of conducting confidential background checks;

- Any employer, including a school district, who is authorized by law to request records and information from the Vermont Criminal Information Center where such disclosure is necessary to protect the public concerning persons required to register under this subchapter;
- A person identified as a sex offender in the registry for the purpose of reviewing the accuracy of any record relating to him or her.

The Registry is prohibited from releasing lists of offenders in response to general questions regarding the whereabouts of sex offenders in a particular community. The identity of a victim shall not be released.

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