

## H.16

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

- This bill requires a sex offender to report to the Department of Public Safety (DPS) for purposes of providing updated information for the Registry *prior to his or her release from a correctional facility*. According to testimony from DPS, the Department of Corrections (DOC), and the Defender General, this is a reasonable current practice that is not reflected in statute.
- Under current law, there is no specific requirement for a sex offender to report to the Registry prior to release from confinement, only a requirement that DOC provide information about the offender to DPS for the Registry prior to release. In cases in which the offender is completing his or her maximum sentence and is uncooperative, DOC cannot compel the offender to provide the information. Thus, DPS may not have information about the offender's intended residence upon release until three days later when the offender is required to notify DPS under a provision requiring updating the Registry upon a change of residence.
- This bill codifies current practice at DOC by requiring it to advise the offender of his or her duty to report to the Registry, assist the offender with registration, and advise the offender that failure to register prior to release is a crime.
- The bill also requires a sex offender to report to DPS for purposes of providing updated information for the Registry *within 24 hours of being released from probation, parole, furlough, or a supervised community sentence*. Again, current law does not specifically require a sex offender to report to the Registry when the offender completes his or her community sentence, and only requires DOC to provide such information about the offender to the Registry.
- The act *takes effect on passage* and applies to those currently sentenced for qualifying crimes and those sentenced after enactment. The U.S. Supreme Court has ruled that the Sex Offender Registry and subsequent amendments regarding registration requirements *are constitutionally permissible* because the Registry is civil and

nonpunitive, and thus does not violate the Ex Post Facto Clause of the U.S. Constitution which prohibits retroactive application of criminal penalties to conduct that was legal at the time it occurred.

### **Background information about the Registry**

**Info:** The Registry includes the following information about an offender:

- (1) name;
- (2) date of birth;
- (3) general physical description;
- (4) current address;
- (5) Social Security number;
- (6) fingerprints;
- (7) current photograph;
- (8) current employment;
- (9) name and address of any postsecondary educational institution at which the sex offender is enrolled as a student;
- (10) name, address, and telephone number of the local Department of Corrections office in charge of monitoring the sex offender, if any; and
- (11) documentation of any treatment or counseling received.

**Length of registration:** Sex offenders are on the Registry starting on the date the offender is released from DOC custody. Offenders convicted of sexual assault or who have multiple sex offense convictions will be on the Registry for life, while other offenders stay on the Registry for 10 years.

**Penalties for violations:** Failure to comply with any of the requirements is grounds for a warrant to be issued for the offender's arrest. If an offender is convicted of failing to comply with the law, he or she may be imprisoned for not more than two years, fined not more than \$1,000.00, or both. A second or subsequent offense may result in a sentence to imprisonment of not more than three years, a fine of not more than \$5,000.00, or both. An offender who knowingly fails to comply with the Registry for a period of more than five consecutive days may be imprisoned not more than five years or fined not more than \$5,000.00, or both.

### **Additional information:**

About the Vermont Sex Offender Registry:  
[http://vcic.vermont.gov/sex\\_offender/faq](http://vcic.vermont.gov/sex_offender/faq)

Community Notification:

[http://vcic.vermont.gov/sex\\_offender/Community%20Notification](http://vcic.vermont.gov/sex_offender/Community%20Notification)

The Vermont Sex Offender Registry (find offenders):

[http://www.communitynotification.com/cap\\_office\\_disclaimer.php?office=55275](http://www.communitynotification.com/cap_office_disclaimer.php?office=55275)