



Senate

General Assembly

File No. 172

February Session, 2000

Substitute Senate Bill No. 475

Senate, March 22, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Escape From Custody.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The Commissioner of Children and Families [, at his discretion,]
4 may authorize leave for a child convicted as delinquent committed to
5 the Department of Children and Families and assigned to a state
6 facility or private residential program, provided there is a reasonable
7 belief, based on the totality of the information in the possession of the
8 commissioner, that such child will honor the commissioner's trust and
9 is eligible for leave under standards adopted pursuant to 17a-7a. If any
10 such child who is granted leave under this section fails to return to
11 such facility or program, [the] such child shall be guilty of escape from
12 custody pursuant to section 53a-171, as amended by this act. The
13 superintendent or director shall disclose any records created or
14 obtained by the facility or program regarding such child [to the

15 appropriate law enforcement agency] and necessary to facilitate the
16 apprehension and the return of the child to the custody of the
17 commissioner.

18 Sec. 2. Section 53a-171 of the general statutes is repealed and the
19 following is substituted in lieu thereof:

20 (a) A person is guilty of escape from custody if [he] such person (1)
21 escapes from custody, or (2) is under the age of eighteen, has been
22 convicted as delinquent, has been committed to the Department of
23 Children and Families in accordance with section 46b-141 and (A) fails
24 to return from a leave authorized under section 17a-8a, as amended by
25 this act, or (B) escapes from a state or private facility or institution in
26 which such person has been assigned or placed by the Superior Court
27 pursuant to section 46b-141 or by the Commissioner of Children and
28 Families pursuant to section 17a-8a, as amended by this act, or section
29 46b-141.

30 (b) If a person has been arrested for, charged with or convicted of a
31 felony, escape from such custody is a class C felony, otherwise, escape
32 from custody is a class A misdemeanor.

33 Sec. 3. Section 54-76l of the general statutes, as amended by section
34 17 of public act 99-215, is repealed and the following is substituted in
35 lieu thereof:

36 (a) The records of any youth adjudged a youthful offender,
37 including fingerprints, photographs and physical descriptions, shall be
38 confidential and shall not be open to public inspection or be disclosed
39 except as provided in this section, but such fingerprints, photographs
40 and physical descriptions submitted to the State Police Bureau of
41 Identification of the Division of State Police within the Department of
42 Public Safety at the time of the arrest of a person subsequently
43 adjudged a youthful offender shall be retained as confidential matter
44 in the files of such bureau, and be opened to inspection only as

45 hereinafter provided. Other data ordinarily received by such bureau,
46 with regard to persons arrested for a crime, shall be forwarded to the
47 bureau to be filed, in addition to the fingerprints, photographs and
48 physical descriptions as mentioned above, and be retained in the
49 division as confidential information, open to inspection only as
50 hereinafter provided.

51 (b) The records of any youth adjudged a youthful offender on or
52 after October 1, 1995, or any part thereof, may be disclosed to and
53 between individuals and agencies, and employees of such agencies,
54 providing services directly to the youth including law enforcement
55 officials, state and federal prosecutorial officials, school officials in
56 accordance with section 10-233h, court officials, the Division of
57 Criminal Justice, the Office of Adult Probation, the Office of the Bail
58 Commission, the Board of Parole and an advocate appointed pursuant
59 to section 54-221 for a victim of a crime committed by the youth. Such
60 records shall also be available to the attorney representing the youth,
61 in any proceedings in which such records are relevant, to the parents
62 or guardian of such youth, until such time as the youth reaches the age
63 of majority or is emancipated, and to the youth upon his emancipation
64 or attainment of the age of majority, provided proof of the identity of
65 such youth is submitted in accordance with guidelines prescribed by
66 the Chief Court Administrator. Such records disclosed pursuant to this
67 subsection shall not be further disclosed.

68 (c) The records of any youth adjudged a youthful offender, or any
69 part thereof, may be disclosed upon order of the court to any person
70 who has a legitimate interest in the information and is identified in
71 such order. Records or information disclosed pursuant to this
72 subsection shall not be further disclosed.

73 (d) The records of any youth adjudged a youthful offender, or any
74 part thereof, shall be available to the victim of the crime committed by
75 such youth to the same extent as the record of the case of a defendant

76 in a criminal proceeding in the regular criminal docket of the Superior
77 Court is available to a victim of the crime committed by such
78 defendant. The court shall designate an official from whom such
79 victim may request such information. Information disclosed pursuant
80 to this subsection shall not be further disclosed.

81 (e) Any reports and files held by the Office of Adult Probation
82 regarding any youth adjudged a youthful offender may be disclosed to
83 the Office of the Bail Commission for the purpose of performing the
84 duties contained in section 54-63b.

85 (f) Information concerning any youth adjudged a youthful offender
86 who has escaped from an institution to which such youth has been
87 committed or for whom an arrest warrant has been issued may be
88 disclosed by law enforcement officials.

JUD Committee Vote: Yea 39 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Children and Families

Municipal Impact: None

Explanation

State Impact:

Provisions contained within this bill will facilitate locating delinquent youth who have escaped from state or private residential facilities or failed to return from leave. This will result in their return to DCF custody in a more expeditious manner. It is anticipated that no fiscal impact will result from its passage.

OLR Bill Analysis

sSB 475

AN ACT CONCERNING ESCAPE FROM CUSTODY.**SUMMARY:**

This bill makes certain delinquent juveniles guilty of the crime of escape from custody if they fail to return from an authorized leave or escape from a facility where they have been placed by the courts or the Department of Children and Families (DCF). It also allows release of any information necessary to facilitate their return to custody and allows it to be released to more than just law enforcement agencies.

Finally, the bill allows law enforcement agencies to release information concerning youthful offenders who have escaped from the institution to which they have been committed or for whom an arrest warrant has been issued. Such information can already be released concerning juveniles under age 16 who escape from a detention center or facility where they have been placed.

EFFECTIVE DATE: October 1, 2000

ESCAPE FROM CUSTODY

The bill makes it escape from custody for a convicted delinquent under age 18 who has been committed to DCF to: (1) fail to return from a leave authorized by the DCF commissioner or (2) escape from a public or private facility where he has been placed by the Superior Court or DCF.

Escape from custody is a class C felony if the escapee's underlying offense is a felony and a class A misdemeanor otherwise. The penalty for a class C felony is imprisonment for one to 10 years, a fine of up to \$10,000, or both. The penalty for a class A misdemeanor is imprisonment for up to one year, a fine of up to \$2,000, or both.

RELEASE OF INFORMATION CONCERNING JUVENILE ESCAPEES

Currently, the superintendent or director of a juvenile institution or facility must disclose its records to appropriate law enforcement agencies when a child fails to return from an authorized leave. Under the bill, any information necessary to facilitate the child's return can be released, not just records created or obtain by the agency, and the information can be disclosed to anyone, not just law enforcement agencies.

BACKGROUND

Youthful Offenders

This diversion program allows the court to erase the criminal records of first-time youthful offenders (16-and 17-year-olds) who successfully complete a court-impose sentence. A youth is ineligible if he (1) committed a class A felony or serious sexual assault crime; (2) was previously convicted of a felony; (3) was previously adjudged a serious juvenile offender or serious juvenile repeat offender; or (4) was previously granted accelerated rehabilitation.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 39 Nay 0