



General Assembly

February Session, 2002

Raised Bill No. 5519

LCO No. 1518

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING SERIOUS JUVENILE OFFENSES.

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

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows: (1) "Child"
5 means any person under sixteen years of age and, for purposes of
6 delinquency matters, "child" means any person (A) under sixteen years
7 of age or, (B) sixteen years of age or older who, prior to attaining
8 sixteen years of age, has violated any federal or state law or municipal
9 or local ordinance, other than an ordinance regulating behavior of a
10 child in a family with service needs, and, subsequent to attaining
11 sixteen years of age, violates any order of the Superior Court or any
12 condition of probation ordered by the Superior Court with respect to
13 such delinquency proceeding; (2) "youth" means any person sixteen to
14 eighteen years of age; (3) "youth in crisis" means any person sixteen to
15 seventeen years of age who, within the last two years, (A) has without
16 just cause run away from the parental home or other properly
17 authorized and lawful place of abode; (B) is beyond the control of

18 parents, guardian or other custodian; or (C) has four unexcused
19 absences from school in any one month or ten unexcused absences in
20 any school year; (4) "abused" means that a child or youth (A) has been
21 inflicted with physical injury or injuries other than by accidental
22 means, or (B) has injuries which are at variance with the history given
23 of them, or (C) is in a condition which is the result of maltreatment
24 such as, but not limited to, malnutrition, sexual molestation or
25 exploitation, deprivation of necessities, emotional maltreatment or
26 cruel punishment; (5) a child may be found "mentally deficient" who,
27 by reason of a deficiency of intelligence, which has existed from birth
28 or from early age, requires, or will require, for [his] the child's
29 protection or for the protection of others, special care, supervision and
30 control; (6) a child may be convicted as "delinquent" who has violated
31 (A) any federal or state law or municipal or local ordinance, other than
32 an ordinance regulating behavior of a child in a family with service
33 needs, (B) any order of the Superior Court, or (C) conditions of
34 probation as ordered by the court; (7) a child or youth may be found
35 "dependent" whose home is a suitable one for the child or youth, save
36 for the financial inability of parents, parent, guardian or other person
37 maintaining such home, to provide the specialized care the condition
38 of the child or youth requires; (8) a "family with service needs" means a
39 family which includes a child who (A) has without just cause run away
40 from the parental home or other properly authorized and lawful place
41 of abode; (B) is beyond the control of parent, parents, guardian or
42 other custodian; (C) has engaged in indecent or immoral conduct; (D)
43 is a truant or habitual truant or who, while in school, has been
44 continuously and overtly defiant of school rules and regulations; or (E)
45 is thirteen years of age or older and has engaged in sexual intercourse
46 with another person and such other person is thirteen years of age or
47 older and not more than two years older or younger than such child;
48 (9) a child or youth may be found "neglected" who (A) has been
49 abandoned or (B) is being denied proper care and attention, physically,
50 educationally, emotionally or morally or (C) is being permitted to live
51 under conditions, circumstances or associations injurious to the

52 well-being of the child or youth or (D) has been abused; (10) a child or
53 youth may be found "uncared for" who is homeless or whose home
54 cannot provide the specialized care which the physical, emotional or
55 mental condition of the child requires. For the purposes of this section
56 the treatment of any child by an accredited Christian Science
57 practitioner in lieu of treatment by a licensed practitioner of the
58 healing arts, shall not of itself constitute neglect or maltreatment; (11)
59 "delinquent act" means the violation of any federal or state law or
60 municipal or local ordinance, other than an ordinance regulating the
61 behavior of a child in a family with service needs, or the violation of
62 any order of the Superior Court; (12) "serious juvenile offense" means
63 (A) the violation by a child, including attempt or conspiracy to violate
64 sections 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b,
65 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59
66 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92
67 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to
68 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
69 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
70 53a-136a, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-180,
71 as amended, 53a-180a, as amended, 53a-180b, as amended, 53a-196a,
72 53a-211, 53a-212, 53a-216 or 53a-217b or section 5 or 7 of public act 01-2
73 of the November 15 special session, or (B) running away, without just
74 cause, from any secure placement other than home while referred as a
75 delinquent child to the Office of Alternative Sanctions or committed as
76 a delinquent child to the Commissioner of Children and Families for a
77 serious juvenile offense; (13) "serious juvenile offender" means any
78 child convicted as delinquent for commission of a serious juvenile
79 offense; (14) "serious juvenile repeat offender" means any child
80 charged with the commission of any felony if such child has
81 previously been convicted delinquent at any age for two violations of
82 any provision of title 21a, 29, 53 or 53a which is designated as a felony;
83 (15) "alcohol-dependent child" means any child who has a
84 psychoactive substance dependence on alcohol as that condition is
85 defined in the most recent edition of the American Psychiatric

86 Association's "Diagnostic and Statistical Manual of Mental Disorders";
87 (16) "drug-dependent child" means any child who has a psychoactive
88 substance dependence on drugs as that condition is defined in the
89 most recent edition of the American Psychiatric Association's
90 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
91 be classified as drug dependent who is dependent (A) upon a
92 morphine-type substance as an incident to current medical treatment
93 of a demonstrable physical disorder other than drug dependence, or
94 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
95 or other stimulant and depressant substances as an incident to current
96 medical treatment of a demonstrable physical or psychological
97 disorder, or both, other than drug dependence.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

Statement of Purpose:

To classify as serious juvenile offenses the crimes of falsely reporting an incident in the first degree, falsely reporting an incident resulting in serious physical injury or death, falsely reporting an incident concerning serious physical injury or death, breach of the peace in the first degree and threatening in the first degree.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]