



House of Representatives

General Assembly

File No. 502

February Session, 2004

Substitute House Bill No. 5670

House of Representatives, April 6, 2004

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT JURISDICTION OF YOUTHS.

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

1 Section 1. (NEW) (*Effective July 1, 2004*) The Chief Court
2 Administrator shall conduct a demonstration project for a period of
3 three years in one or two court locations in which a Youthful Offender
4 Unit shall be established with jurisdiction over cases involving a youth
5 in crisis, as defined in section 46b-120 of the general statutes, or a
6 youthful offender, as defined in section 54-76b of the general statutes,
7 as amended.

8 Sec. 2. (NEW) (*Effective July 1, 2004*) (a) Notwithstanding the
9 provisions of section 46b-121 of the general statutes and section 46b-
10 150f of the general statutes, as amended, for a period of three years
11 from the effective date of this section in any court location in which a
12 Youthful Offender Unit has been established pursuant to section 1 of
13 this act, a petition alleging a youth is a youth in crisis shall be filed
14 with such unit.

15 (b) Upon determination that a youth is a youth in crisis in
16 accordance with policies established by the Chief Court Administrator,
17 the Youthful Offender Unit may refer the youth to the Court Support
18 Services Division for the performance of an assessment of such youth
19 and such youth's family to determine the needs of such youth and
20 family and the availability of community-based programs and services
21 to meet those needs. Based upon such assessment, the division shall
22 offer age-appropriate, community-based programs and services for
23 such youth and such youth's family which may include educational,
24 vocational, behavioral health, mental health and substance abuse
25 prevention and treatment programs and services. The youth and the
26 youth's family may accept or decline the offer of services. If the youth
27 agrees to accept any such offer of services, any violation of that
28 agreement by the youth shall not constitute a delinquent act and shall
29 not be punished by detention or incarceration.

30 Sec. 3. (NEW) (*Effective July 1, 2004*) (a) Notwithstanding the
31 provisions of sections 54-76b to 54-76o, inclusive, of the general
32 statutes, as amended, for a period of three years from the effective date
33 of this section in any court location in which a Youthful Offender Unit
34 has been established pursuant to section 1 of this act, motions to be
35 adjudged a youthful offender shall be made to such unit and all
36 proceedings concerning the determination of that motion, the
37 adjudication of a youth as a youthful offender and the disposition of
38 such youth upon such adjudication shall be handled by such unit.

39 (b) The Youthful Offender Unit may refer a youth adjudicated a
40 youthful offender to the Court Support Services Division for the
41 performance of an assessment of such youth to determine the needs of
42 such youth and the availability of community-based programs and
43 services to meet those needs. Based upon such assessment, the division
44 shall offer age-appropriate, community-based programs and services
45 for such youth which may include educational, vocational, mental
46 health, behavioral health and substance abuse prevention and
47 treatment programs and services.

48 (c) Any youth adjudicated a youthful offender who is sentenced to a
 49 period of probation shall be supervised by a youthful offender
 50 probation officer who shall have a caseload of not more than thirty
 51 youths. Any youth adjudicated a youthful offender who is sentenced
 52 to a term of imprisonment shall be placed in an age-appropriate
 53 facility.

54 Sec. 4. (NEW) (*Effective July 1, 2004*) The Chief Court Administrator
 55 shall annually evaluate the demonstration project conducted pursuant
 56 to section 1 of this act and, not later than January 1, 2006, January 1,
 57 2007, and January 1, 2008, report the results of such evaluation and any
 58 recommendations for legislation to the joint standing or select
 59 committees of the General Assembly having cognizance of matters
 60 relating to corrections and children, in accordance with the provisions
 61 of section 11-4a of the general statutes.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>

Statement of Legislative Commissioners:

In sections 2(a) and 3(a), the language was rephrased and reordered to clarify that the provisions of said sections apply only in court locations where a Youthful Offender Unit has been established.

JUD *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Judicial Department (Probation)	GF - Cost	281,247 - 562,493	263,247 - 526,493
Judicial Department (Juvenile Services)	GF - Cost	1,445,000 - 2,890,000	1,445,000 - 2,890,000
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	50,719 - 101,438	114,876 - 229,752
Correction, Dept.	GF - None	None	None
Total State Cost	GF - Cost	1,776,966 - 3,553,931	1,823,123 - 3,646,245

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Chief Court Administrator to establish a "Youthful Offender Unit" in one or two court locations for a period of three years, effective July 1, 2004. According to the bill, such unit shall have jurisdiction over cases involving youth in crisis and youthful offenders. The Judicial Department would require an additional ten Probation Officers and two Secretaries to staff such a unit at two court locations.¹ The annual cost of these positions is \$756,245, including salaries, other expenses and fringe benefits.² In addition, a one-time cost of \$36,000 would be incurred in FY 05 for equipment. The

¹ These requirements are proportionate to the total (statewide) resource needs identified by the Juvenile Justice Implementation Team to expand juvenile jurisdiction to include youths aged 16 and 17.

² The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit reimbursement rate as a percentage of payroll is 45.82%, effective July 1, 2003. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 20.23% in FY 05. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

Department would also incur an estimated annual cost of \$2.89 million to ensure that appropriate services are available to individuals in accordance with the bill. (Note that these costs would be halved if the unit were to be established in one court location, only.) There is no fiscal impact to the Department of Correction since any reduction to the prison population as a result of the bill is expected to be negligible.

OLR BILL ANALYSIS

sHB 5670

AN ACT CONCERNING COURT JURISDICTION OF YOUTHS

SUMMARY:

This bill establishes a three-year court demonstration project for cases involving youths in crisis and youthful offenders (YO). It requires the chief court administrator to establish a Youthful Offender Unit at one or two court locations. These units must handle all cases filed in that location involving such youth. Currently, these cases are placed on the adult docket.

The chief court administrator must evaluate the project annually and report evaluation results and any legislative recommendations to the Judiciary and Children's committees by January 1, 2006, 2007, and 2008.

EFFECTIVE DATE: July 1, 2004

YOUTH IN CRISIS DISPOSITIONS

The unit may refer youth in crisis to the Judicial Department's Court Support Services Division (CSSD) for an assessment of needs and available programs and services. Based on the assessment, CSSD must offer the youth and his family age-appropriate, community-based programs and services, including educational, vocational, behavioral health, mental health, and substance abuse services. The youth and his family can accept or decline the services offered. Youths who agree to accept services but later violate that agreement cannot be put in detention or incarcerated for their action.

YOUTHFUL OFFENDER DISPOSITIONS

The unit may refer YOs to CSSD for assessments and must offer them the same types of community-based services described above. Offenders who are placed on probation must be supervised by a youthful offender probation officer with no more than 30 active cases. Offenders who are sentenced to jail time must be placed in an age-appropriate facility.

BACKGROUND***Youth in Crisis and Youthful Offenders***

By law, youth in crisis are 16- and 17-year olds who (1) run away from home or some other residence without cause; (2) are beyond their parent's, guardian's, or other custodian's control; or (3) are habitual truants.

The court can grant YO status to 16- and 17-year old first-time offenders charged with less serious crimes. A youth is ineligible if charged with a class A felony or a serious sexual assault crime; was previously granted YO or accelerated rehabilitation, or previously convicted of a felony or adjudged a serious juvenile offender or serious juvenile repeat offender. YO status allows the court to erase the records of youths who successfully complete a court-imposed sentence such as probation or community service.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 42 Nay 0