



General Assembly

February Session, 2004

Raised Bill No. 5444

LCO No. 1361

01361_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE TRANSFER TO JUVENILE COURT OF
THE CASES OF CHILDREN CHARGED WITH CERTAIN SEXUAL
OFFENSES.**

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

1 Section 1. Subsection (a) of section 46b-127 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (a) The court shall automatically transfer from the docket for
5 juvenile matters to the regular criminal docket of the Superior Court
6 the case of any child charged with the commission of a capital felony, a
7 class A or B felony or a violation of section 53a-54d, provided such
8 offense was committed after such child attained the age of fourteen
9 years and counsel has been appointed for such child if such child is
10 indigent. Such counsel may appear with the child but shall not be
11 permitted to make any argument or file any motion in opposition to
12 the transfer. The child shall be arraigned in the regular criminal docket
13 of the Superior Court at the next court date following such transfer.
14 The file of any case so transferred shall remain sealed until the end of
15 the tenth working day following such arraignment unless the state's

16 attorney has filed a motion pursuant to this subsection in which case
17 such file shall remain sealed until the court makes a decision on the
18 motion. A state's attorney may, not later than ten working days after
19 such arraignment, file a motion to transfer the case of any child
20 charged with the commission of a class B felony or a violation of
21 section 53a-70 to the docket for juvenile matters for proceedings in
22 accordance with the provisions of this chapter. The court sitting for the
23 regular criminal docket shall, after hearing and not later than ten
24 working days after the filing of such motion, decide such motion.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

Statement of Purpose:

To increase the treatment alternatives available to children charged with certain sexual offenses by providing a state's attorney with the discretion to request the transfer of the cases of such children from adult court to juvenile court.

[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.]