



General Assembly

Substitute Bill No. 309

February Session, 2004

* SB00309JUD__032204__ *

**AN ACT CONCERNING YOUTHFUL OFFENDER PROCEEDINGS,
RECORDS AND VICTIMS.**

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

1 Section 1. Section 54-76h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) All of the proceedings, except proceedings on the motion under
4 section 54-76c, had under the provisions of sections 54-76b to 54-76n,
5 inclusive, shall be private and shall be conducted in such parts of the
6 courthouse or the building wherein court is located as shall be separate
7 and apart from the other parts of the court which are then being held
8 for proceedings pertaining to adults charged with crimes. If [such] the
9 defendant is committed while [such] the examination and
10 investigation under said sections is pending, before trial, during trial
11 or after judgment and before sentence, those persons in charge of the
12 place of detention shall segregate [such] the defendant, to the extent of
13 their facilities, from defendants over the age of eighteen years charged
14 with crime.

15 (b) In a proceeding under sections 54-76b to 54-76n, inclusive, the
16 court shall not exclude any victim from such proceeding or any
17 portion thereof unless, after hearing from the parties and the victim
18 and for good cause shown, which shall be clearly and specifically
19 stated on the record, the court orders otherwise. For the purposes of

20 this subsection, "victim" means a person who is the victim of a crime
21 for which a youth is charged, a parent or guardian of such person, the
22 legal representative of such person or an advocate appointed for such
23 person pursuant to section 54-221.

24 Sec. 2. Subsection (b) of section 54-76l of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective*
26 *October 1, 2004*):

27 (b) The records of any youth adjudged a youthful offender on or
28 after October 1, 1995, or any part thereof, may be disclosed to and
29 between individuals and agencies, and employees of such agencies,
30 providing services directly to the youth, including law enforcement
31 officials, state and federal prosecutorial officials, school officials in
32 accordance with section 10-233h, court officials, the Division of
33 Criminal Justice, the Court Support Services Division [,] and the Board
34 of Parole. [and] Such records shall also be available to an advocate
35 appointed pursuant to section 54-221 for a victim of a crime committed
36 by the youth and to the Victim Advocate, in the performance of his or
37 her responsibilities under section 46a-13c, when requested by such
38 victim. Such records shall also be available to the attorney representing
39 the youth, in any proceedings in which such records are relevant, to
40 the parents or guardian of such youth, until such time as the youth
41 reaches the age of majority or is emancipated, and to the youth upon
42 his or her emancipation or attainment of the age of majority, provided
43 proof of the identity of such youth is submitted in accordance with
44 guidelines prescribed by the Chief Court Administrator. Such records
45 disclosed pursuant to this subsection shall not be further disclosed.

46 Sec. 3. (NEW) (*Effective October 1, 2004*) In a proceeding under
47 sections 54-76b to 54-76n, inclusive, of the general statutes concerning
48 the acceptance of a plea pursuant to a plea agreement entered into by a
49 youth or the imposition of sentence upon such youth, the state's
50 attorney, assistant state's attorney or deputy assistant state's attorney
51 in charge of the case shall notify any victim of the crime for which such
52 youth is charged, in writing, by certified mail, return receipt requested,

