



House of Representatives

General Assembly

File No. 622

January Session, 2005

Substitute House Bill No. 6580

House of Representatives, May 2, 2005

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 THE AVAILABILITY OF YOUTHFUL OFFENDER RECORDS TO THE VICTIM ADVOCATE.

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

1 Section 1. Subsection (b) of section 54-76l of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (b) The records of any youth adjudged a youthful offender on or
5 after October 1, 1995, or any part thereof, may be disclosed to and
6 between individuals and agencies, and employees of such agencies,
7 providing services directly to the youth, including law enforcement
8 officials, state and federal prosecutorial officials, school officials in
9 accordance with section 10-233h, court officials, the Division of
10 Criminal Justice, the Court Support Services Division [] and the Board
11 of Pardons and Paroles. [and] Such records shall also be available to an
12 advocate appointed pursuant to section 54-221 for a victim of a crime
13 committed by the youth and to the Victim Advocate, in the

14 performance of his or her responsibilities under section 46a-13c, when
15 requested by such victim. Such records shall also be available to the
16 attorney representing the youth, in any proceedings in which such
17 records are relevant, to the parents or guardian of such youth, until
18 such time as the youth reaches the age of majority or is emancipated,
19 and to the youth upon [his] such youth's emancipation or attainment
20 of the age of majority, provided proof of the identity of such youth is
21 submitted in accordance with guidelines prescribed by the Chief Court
22 Administrator. Such records disclosed pursuant to this subsection shall
23 not be further disclosed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	54-761(b)

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 06 \$	FY 07 \$
Victim Advocate, Off.	GF - Potential Future Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill provides that the Office of the Victim Advocate (OVA) may access the records of any youthful offender if a victim requests it. This would allow the OVA to investigate additional victim complaints. As the bill is permissive, it is anticipated that the OVA could accommodate these investigations within budgeted resources through a reallocation of workload. However, it should be noted that this expansion of the OVA’s purview would add to the agency’s total investigatory needs, which could eventually contribute to the hiring of a full-time investigator at an annual cost of about \$100,000, including fringe benefits and expenses.¹

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

OLR Bill Analysis

sHB 6580

AN ACT CONCERNING THE AVAILABILITY OF YOUTHFUL OFFENDER RECORDS TO THE VICTIM ADVOCATE**SUMMARY:**

By law, youthful offender records are confidential, but they may be disclosed between individuals and agencies providing services directly to the youth. The covered individuals and agencies include law enforcement, school, and court officials; state and federal prosecutors; court-appointed victim advocates; the Division of Criminal Justice; the Court Support Services Division; and the Board of Pardons and Paroles.

This bill makes these records available to the victim advocate in the performance of his duties and upon a youth's request. It limits court-appointed victim advocates' access to those cases where a youth requests it.

EFFECTIVE DATE: October 1, 2005

BACKGROUND***Youthful Offenders***

A youthful offender is a 16- or 17-year-old who (1) has not previously been (a) convicted of a felony, (b) adjudged to be a serious or serious repeat juvenile offender, or (c) permitted to take accelerated rehabilitation and (2) has been charged with any crime other than:

1. a class A felony,
2. risk of injury to a minor involving contact with the intimate parts of a minor under age 16, or
3. various degrees of sexual assault.

If the court grants youthful offender status, the information and proceedings are confidential and do not become a part of the person's

criminal record.

Court-Appointed Victim Advocates

If a victim agrees, the law allows a court to appoint any appropriate person to act as an advocate for him. These advocates provide initial screening of personal injury cases, prepare victim statements for placement in court files, provide information needed for more effective case processing, provide information and advice to individual victims, direct victims to services, coordinate victims' applications to the Victim Advocate's Office, and help victims process claims for restitution.

Victim Advocate

The victim advocate heads the Office of the Victim Advocate. He has various responsibilities, including the authority to evaluate the delivery of services to victims and file a limited special appearance in court proceedings to advocate for victims' constitutional rights.

Related Bill

sHB 6579, also reported favorably by the Judiciary Committee, prohibits judges from excluding crime victims, or their parents, guardians, legal representatives, or court-appointed victim advocates from youthful offender proceedings.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 40 Nay 0