



General Assembly

January Session, 2005

**Committee Bill No. 5216**

LCO No. 4144

\*04144HB05216JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT PROHIBITING THE INCARCERATION OF CERTAIN YOUTHFUL OFFENDERS.***

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

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 Section 54-76i of the general statutes is repealed and the  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

3 Pending and during the investigation, trial, adjudication or acquittal  
4 of the defendant, or any other proceedings under sections 54-76b to 54-  
5 76n, inclusive, the court to which the recommendation for the  
6 investigation has been made shall have the same powers over the  
7 person of the defendant as it would have in the case of an adult  
8 charged with crime, except that the defendant may not be committed  
9 to any state-operated detention facility or correctional facility if the  
10 only crime for which the defendant has been charged is a violation of a  
11 court order related solely to the status of the defendant as a youth.

12 Sec. 2. Section 54-76j of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective October 1, 2005*):

14 (a) The court, upon the adjudication of any person as a youthful

15 offender, may (1) commit the defendant, (2) impose a fine not  
16 exceeding one thousand dollars, (3) impose a sentence of conditional  
17 discharge or a sentence of unconditional discharge, (4) impose a  
18 sentence of community service, (5) impose a sentence to a term of  
19 imprisonment not greater than that authorized for the crime  
20 committed by the defendant, (6) impose sentence and suspend the  
21 execution of the sentence, entirely or after a period set by the court, (7)  
22 order treatment pursuant to section 17a-699, or (8) if a criminal docket  
23 for drug-dependent persons has been established pursuant to section  
24 51-181b in the judicial district in which the defendant was adjudicated  
25 a youthful offender, transfer the supervision of the defendant to the  
26 court handling such docket, except that the defendant may not be  
27 committed to any state-operated detention facility or correctional  
28 facility if the only crime for which the defendant has been charged is a  
29 violation of a court order related solely to the status of the defendant  
30 as a youth.

31 (b) If execution of the sentence is suspended under subdivision (6)  
32 of subsection (a) of this section, the defendant may be placed on  
33 probation or conditional discharge for a period not to exceed three  
34 years, provided the court in its discretion may from time to time, while  
35 such probation is in force, extend such probation for a period not to  
36 exceed five years, including the original probationary period. If the  
37 court places the person adjudicated to be a youthful offender on  
38 probation, the court may order that, as a condition of such probation,  
39 the person be referred for services to a youth service bureau  
40 established pursuant to section 17a-39, provided the court finds,  
41 through an assessment by a youth service bureau or its designee, that  
42 the person is in need of and likely to benefit from such services. If the  
43 court places a person adjudicated as a youthful offender on probation,  
44 the court may order that, as a condition of such probation, the person  
45 participate in the zero-tolerance drug supervision program established  
46 pursuant to section 53a-39d. If the court places a youthful offender on  
47 probation, school and class attendance on a regular basis and  
48 satisfactory compliance with school policies on student conduct and

49 discipline may be a condition of such probation and, in such a case,  
50 failure to so attend or comply shall be a violation of probation, except  
51 that the youthful offender may not be committed to any state-operated  
52 detention facility or correctional facility for such violation. If the court  
53 has reason to believe that the person adjudicated to be a youthful  
54 offender is or has been an unlawful user of narcotic drugs, as defined  
55 in section 21a-240, and the court places such youthful offender on  
56 probation, the conditions of probation, among other things, shall  
57 include a requirement that such person shall submit to periodic tests to  
58 determine, by the use of "synthetic opiate antinarcotic in action",  
59 nalline test or other detection tests, at a hospital or other facility [ ]  
60 equipped to make such tests, whether such person is using narcotic  
61 drugs. A failure to report for such tests or a determination that such  
62 person is unlawfully using narcotic drugs shall constitute a violation of  
63 probation. If the court places a person adjudicated as a youthful  
64 offender for a violation of section 53-247 on probation, the court may  
65 order that, as a condition of such probation, the person undergo  
66 psychiatric or psychological counseling or participate in an animal  
67 cruelty prevention and education program, provided such a program  
68 exists and is available to the person.

69 (c) Commitment [hereunder] under this section shall be for a period  
70 not to exceed the term of imprisonment authorized for the crime  
71 committed by the defendant and shall be to any religious, charitable or  
72 other correctional institution authorized by law to receive persons over  
73 the age of sixteen years. Whenever a youthful offender is committed  
74 by the court to any duly authorized religious, charitable or other  
75 institution, other than an institution supported or controlled by the  
76 state or a subdivision thereof, such commitment shall be made, when  
77 practicable, to a religious, charitable or other institution under the  
78 control of persons of the same religious faith or persuasion as that of  
79 the youthful offender. If a youthful offender is committed by the court  
80 to any institution other than an institution supported or controlled by  
81 the state or a subdivision thereof, which is under the control of persons  
82 of a religion or persuasion different from that of the youthful offender,

83 the court shall state or recite the facts which impel it to make such  
84 disposition, and such statement shall be made a part of the record of  
85 the proceedings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	54-76i
Sec. 2	October 1, 2005	54-76j

**Statement of Purpose:**

To prohibit the incarceration of youthful offenders for the violation of court orders pertaining to status offenses.

*[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.]*

Co-Sponsors: REP. WALKER, 93rd Dist.; REP. KIRKLEY-BEY, 5th Dist.  
REP. CANDELARIA, 95th Dist.; REP. THOMPSON, 13th Dist.  
REP. MANTILLA, 4th Dist.

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