



General Assembly

January Session, 2005

**Raised Bill No. 6799**

LCO No. 3853

\* \_\_\_\_\_HB06799KIDJUD031505\_\_\_\_\_\*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

***AN ACT CONCERNING JUVENILE JUSTICE.***

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

1 Section 1. (NEW) (*Effective October 1, 2005*) If a child, who is  
2 convicted as delinquent by the Superior Court and subsequently  
3 committed to the Department of Children and Families, was arrested  
4 and (1) held prior to the disposition of a juvenile offense in a juvenile  
5 detention center, an alternative detention center, the Connecticut  
6 Juvenile Training School or any other facility or hospital pursuant to a  
7 detention order, or (2) confined to a police station, courthouse lockup  
8 or correctional facility in connection with a juvenile offense prior to the  
9 disposition of such offense, the period of such child's commitment  
10 shall be reduced by the number of days such child was so held or  
11 confined.

12 Sec. 2. Section 46b-120 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective October 1, 2005*):

14 The terms used in this chapter shall, in its interpretation and in the  
15 interpretation of other statutes, be defined as follows: (1) "Child"  
16 means any person under sixteen years of age and, for purposes of

17 delinquency matters, "child" means any person (A) under sixteen years  
18 of age, or (B) sixteen years of age or older who, prior to attaining  
19 sixteen years of age, has violated any federal or state law or municipal  
20 or local ordinance, other than an ordinance regulating behavior of a  
21 child in a family with service needs, and, subsequent to attaining  
22 sixteen years of age, violates any order of the Superior Court or any  
23 condition of probation ordered by the Superior Court with respect to  
24 such delinquency proceeding; (2) "youth" means any person sixteen or  
25 seventeen years of age; (3) "youth in crisis" means any youth who,  
26 within the last two years, (A) has without just cause run away from the  
27 parental home or other properly authorized and lawful place of abode,  
28 (B) is beyond the control of parents, guardian or other custodian, or (C)  
29 has four unexcused absences from school in any one month or ten  
30 unexcused absences in any school year; (4) "abused" means that a child  
31 or youth (A) has been inflicted with physical injury or injuries other  
32 than by accidental means, or (B) has injuries that are at variance with  
33 the history given of them, or (C) is in a condition that is the result of  
34 maltreatment such as, but not limited to, malnutrition, sexual  
35 molestation or exploitation, deprivation of necessities, emotional  
36 maltreatment or cruel punishment; (5) a child may be found "mentally  
37 deficient" who, by reason of a deficiency of intelligence that has existed  
38 from birth or from early age, requires, or will require, for his protection  
39 or for the protection of others, special care, supervision and control; (6)  
40 a child may be convicted as "delinquent" who has violated (A) any  
41 federal or state law or municipal or local ordinance, other than an  
42 ordinance regulating behavior of a child in a family with service needs,  
43 (B) any order of the Superior Court, other than a pretrial court order or  
44 order that imposes a condition as part of a family with service needs  
45 supervision order, or (C) conditions of probation as ordered by the  
46 court; (7) a child or youth may be found "dependent" whose home is a  
47 suitable one for the child or youth, save for the financial inability of  
48 parents, parent, guardian or other person maintaining such home, to  
49 provide the specialized care the condition of the child or youth  
50 requires; (8) "family with service needs" means a family that includes a

51 child who (A) has without just cause run away from the parental home  
52 or other properly authorized and lawful place of abode, (B) is beyond  
53 the control of parent, parents, guardian or other custodian, (C) has  
54 engaged in indecent or immoral conduct, (D) is a truant or habitual  
55 truant or who, while in school, has been continuously and overtly  
56 defiant of school rules and regulations, or (E) is thirteen years of age or  
57 older and has engaged in sexual intercourse with another person and  
58 such other person is thirteen years of age or older and not more than  
59 two years older or younger than such child; (9) a child or youth may be  
60 found "neglected" who (A) has been abandoned, or (B) is being denied  
61 proper care and attention, physically, educationally, emotionally or  
62 morally, or (C) is being permitted to live under conditions,  
63 circumstances or associations injurious to the well-being of the child or  
64 youth, or (D) has been abused; (10) a child or youth may be found  
65 "uncared for" who is homeless or whose home cannot provide the  
66 specialized care that the physical, emotional or mental condition of the  
67 child requires. For the purposes of this section, the treatment of any  
68 child by an accredited Christian Science practitioner in lieu of  
69 treatment by a licensed practitioner of the healing arts, shall not of  
70 itself constitute neglect or maltreatment; (11) "delinquent act" means  
71 the violation of any federal or state law or municipal or local  
72 ordinance, other than an ordinance regulating the behavior of a child  
73 in a family with service needs, or the violation of any order of the  
74 Superior Court, other than a pretrial court order or order of the  
75 Superior Court that imposes a condition as part of a family with  
76 service needs supervision order; (12) "serious juvenile offense" means  
77 (A) the violation by a child, including attempt or conspiracy to violate  
78 sections 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b,  
79 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59  
80 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92  
81 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to  
82 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,  
83 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,  
84 53a-136a, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-196a,

85 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without  
86 just cause, from any secure placement other than home while referred  
87 as a delinquent child to the Court Support Services Division or  
88 committed as a delinquent child to the Commissioner of Children and  
89 Families for a serious juvenile offense; (13) "serious juvenile offender"  
90 means any child convicted as delinquent for commission of a serious  
91 juvenile offense; (14) "serious juvenile repeat offender" means any  
92 child charged with the commission of any felony if such child has  
93 previously been convicted delinquent at any age for two violations of  
94 any provision of title 21a, 29, 53 or 53a that is designated as a felony;  
95 (15) "alcohol-dependent child" means any child who has a  
96 psychoactive substance dependence on alcohol as that condition is  
97 defined in the most recent edition of the American Psychiatric  
98 Association's "Diagnostic and Statistical Manual of Mental Disorders";  
99 and (16) "drug-dependent child" means any child who has a  
100 psychoactive substance dependence on drugs as that condition is  
101 defined in the most recent edition of the American Psychiatric  
102 Association's "Diagnostic and Statistical Manual of Mental Disorders".  
103 No child shall be classified as drug dependent who is dependent (A)  
104 upon a morphine-type substance as an incident to current medical  
105 treatment of a demonstrable physical disorder other than drug  
106 dependence, or (B) upon amphetamine-type, ataractic,  
107 barbiturate-type, hallucinogenic or other stimulant and depressant  
108 substances as an incident to current medical treatment of a  
109 demonstrable physical or psychological disorder, or both, other than  
110 drug dependence.

111 Sec. 3. Section 46b-137 of the general statutes is repealed and the  
112 following is substituted in lieu thereof (*Effective October 1, 2005*):

113 (a) Any admission, confession or statement, written or oral, made by  
114 a child to a police officer or Juvenile Court official shall be inadmissible  
115 in any proceeding concerning [the alleged delinquency of] the child  
116 making such admission, confession or statement unless made by such  
117 child in the presence of his parent or parents or guardian and after the

118 parent or parents or guardian and child have been advised (1) of the  
119 child's right to retain counsel, or if unable to afford counsel, to have  
120 counsel appointed on the child's behalf, (2) of the child's right to refuse  
121 to make any statements, and (3) that any statements [he] the child  
122 makes may be introduced into evidence against him.

123 (b) Any confession, admission or statement, written or oral, made  
124 by the parent or parents or guardian of the child or youth after the  
125 filing of a petition alleging such child or youth to be neglected,  
126 uncared-for or dependent, shall be inadmissible in any proceeding  
127 held upon such petition against the person making such admission or  
128 statement unless such person shall have been advised of his right to  
129 retain counsel, and that if he is unable to afford counsel, counsel will  
130 be appointed to represent him, that he has a right to refuse to make  
131 any statement and that any statements he makes may be introduced in  
132 evidence against him.

133 Sec. 4. Section 17a-7a of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective October 1, 2005*):

135 The Commissioner of Children and Families shall adopt regulations,  
136 in accordance with chapter 54, setting standard leave and release  
137 policies for juvenile delinquents committed to the Department of  
138 Children and Families and assigned to state facilities and private  
139 residential programs. [Such] Except as provided in this section, such  
140 regulations shall provide that juvenile delinquents shall not be eligible  
141 for leave without an initial sixty-day evaluation of fitness and security  
142 risk, including a trial leave not exceeding one day. Such regulations  
143 shall provide that juvenile delinquents shall not be eligible for any  
144 leave or release without (1) an evaluation of fitness and security risk,  
145 (2) the assignment of supervision and clear identification of custody of  
146 a parent, legal guardian or other responsible adult, (3) confidential  
147 notification of local police for a leave or release granted to a serious  
148 juvenile offender, and (4) a determination of eligibility immediately  
149 prior to granting the leave or release of a delinquent. The

150 Commissioner of Children and Families may waive the leave  
151 requirement for a new sixty-day evaluation of fitness and security risk  
152 when a juvenile delinquent is transferred from one facility to another.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	46b-120
Sec. 3	<i>October 1, 2005</i>	46b-137
Sec. 4	<i>October 1, 2005</i>	17a-7a

**KID**

*Joint Favorable C/R*

JUD