



State of Connecticut

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TESTIMONY OF DEBORAH DeI PRETE SULLIVAN, LEGAL COUNSEL OFFICE OF CHIEF PUBLIC DEFENDER

*Raised House Bill No. 5209
An Act Concerning Youthful Offender Proceedings*

*Judiciary Committee Public Hearing
March 20, 2006*

The Office of Chief Public Defender urges support for passage of *Raised House Bill No. 5209, An Act Concerning Youthful Offender Proceedings*. This legislation makes technical changes and clarifies that the court has the discretion to decide a motion filed by the prosecutor. Exercising such discretion is not new to the court. For years, until the adoption of *P.A. No. 05-232, An Act Concerning Youthful Offender Proceedings*, the court was clearly authorized to exercise its discretion in regard to whether to grant Youthful Offender status.

The court, not the prosecutor, should have the discretion to transfer a case from the Youthful Offender docket. The court exercises its discretion daily in this state in regard to numerous motions that are filed. A prosecutor has the right to charge. But it should be the court that decides whether the case should be transferred. Therefore, the Office of Chief Public Defender supports passage of this bill and urges rejection of *Raised S.B. No. 440, An Act Concerning Juvenile Justice* which would eliminate such discretion for the court.