



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

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231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of Judge William J. Lavery  
Judiciary Committee Public Hearing  
March 20, 2006**

**House Bill 5209, An Act Concerning Youthful Offender Proceedings**

**Senate Bill 440, An Act Concerning Juvenile Justice**

**House Bill 5213, An Act Concerning Juvenile Offenders**

Good afternoon. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I appear before you today to testify in support of **House Bill 5209, An Act Concerning Youthful Offender Proceedings**, which was submitted by the Judicial Branch as part of our legislative package, and to address two other bills on the same topic.

As I am sure the Committee is aware, Public Act 05-232 made substantial changes to youthful offender procedures, including eliminating the application process and requiring that all 16 and 17 year olds (with a few statutorily defined exceptions) who are arrested start out as youthful offenders. The Judicial Branch worked diligently to implement this law, which became effective on January 1st of this year, and I am happy to report that the implementation has gone fairly smoothly. However, there are some aspects of the law that are not workable. This proposal addresses those areas, as described below.

The most substantial change in this proposal is to the process for deciding whether a youth should be transferred to the regular criminal docket. The language currently in the statute is unclear; we propose a process whereby the prosecutor would

request that a case be transferred to the regular criminal docket, a hearing would be held on the question, and a judge would make the final decision. We believe that this process will allow for the balancing of the interests of the prosecutors and defense attorneys, and will be more workable than what is currently in place.

The changes contained in section 1 and at lines 34 through 40 of the proposal simply clarify that a failure to appear or a violation of probation charge arising out of a case that has been transferred from the youthful offender docket to the regular criminal docket, would also be handled on the regular criminal docket. Conversely, a failure to appear or a violation of probation charge arising out of a case that has remained on the youthful offender docket would be handled on the youthful offender docket. I would like to respectfully request that the Committee consider an amendment to this language to more accurately reflect this, which I have attached hereto for your consideration.

The remainder of the changes in the proposal are technical or clarifying.

Turning to **Senate Bill 440**, which I believe was submitted by the Chief State's Attorney. This proposal would also make changes to the youthful offender process. It does not, however, allow for judicial discretion with respect to transfers to the regular criminal docket, and does not address the other problems with the current transfer process. For this reason, we would urge the Committee not to act favorably on that proposal.

**Senate Bill 5654, *An Act Concerning Eligibility for Youthful Offender Status***, would exclude motor vehicle violations from the youthful offender docket. This is a policy decision that is clearly in the realm of the Legislature, and the Branch does not have a position on this proposal. We would like to point out, however, that it is not entirely clear what is included in "motor vehicle violation" and would suggest that the proposal be amended to make reference to specific charges.

In conclusion, I urge the Committee to act favorably on **House Bill 5209**. Thank you for the opportunity to testify.

**Proposed Amendment to**  
**H. B. 5209, An Act Concerning Youthful Offender Proceedings**

1. In line 11, delete "(I).
2. In line 14, delete "(II) and insert (iii) in lieu thereof.
3. In line 15, after "section 53a-32" insert "where the underlying charge is one for which the defendant has been determined to be ineligible to be adjudged a youthful offender or has been transferred to the regular criminal docket of the Superior Court".
4. In line 36, delete "(A)".
5. In line 39, delete "(B)" and insert "(3) in lieu thereof.
6. In line 40, after "section 53a-32" insert "where the underlying charge is one for which the defendant has been determined to be ineligible to be adjudged a youthful offender or has been transferred to the regular criminal docket of the Superior Court".