



General Assembly

January Session, 2007

**Raised Bill No. 1325**

LCO No. 4637

\*04637\_\_\_\_\_KID\*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

**AN ACT CONCERNING PROTECTIONS FOR CHILDREN IN JUVENILE AND CRIMINAL PROCEEDINGS.**

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

1 Section 1. Subsection (a) of section 46b-133 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (a) Nothing in this part shall be construed as preventing the arrest of  
5 a child, with or without a warrant, as may be provided by law, or as  
6 preventing the issuance of warrants by judges in the manner provided  
7 by section 54-2a, except that no child shall be taken into custody on  
8 such process except on apprehension in the act, or on speedy  
9 information, or in other cases when the use of such process appears  
10 imperative, and no child shall be handcuffed prior to being convicted  
11 or adjudicated as a delinquent. Whenever a child is arrested and  
12 charged with a crime, such child may be required to submit to the  
13 taking of his photograph, physical description and fingerprints.  
14 Notwithstanding the provisions of section 46b-124, the name,  
15 photograph and custody status of any child arrested for the  
16 commission of a capital felony or class A felony may be disclosed to

17 the public.

18 Sec. 2. Subsection (a) of section 46b-137 of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2007*):

21 (a) Any admission, confession or statement, written or oral, made by  
22 a child to a police officer or [Juvenile Court] court official shall be  
23 inadmissible in any juvenile proceeding concerning the alleged  
24 delinquency of the child making such admission, confession or  
25 statement or in any criminal proceeding concerning the alleged  
26 criminal conduct of the child making such admission, confession or  
27 statement unless made by such child in the presence of his or her  
28 parent or parents or guardian and after the parent or parents or  
29 guardian and child have been advised (1) of the child's right to retain  
30 counsel, or if unable to afford counsel, to have counsel appointed on  
31 the child's behalf, (2) of the child's right to refuse to make any  
32 statements, and (3) that any statements he or she makes may be  
33 introduced into evidence against him or her.

34 Sec. 3. Section 17a-7a of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2007*):

36 The Commissioner of Children and Families shall adopt regulations,  
37 in accordance with chapter 54, setting standard leave and release  
38 policies for juvenile delinquents committed to the Department of  
39 Children and Families and assigned to state facilities and private  
40 residential programs. Such regulations shall provide that juvenile  
41 delinquents [shall] not be eligible for leave without an initial sixty-day  
42 evaluation of fitness and security risk, including a trial leave not  
43 exceeding one day, unless such sixty-day evaluation has been waived  
44 in accordance with this section. Such regulations shall provide that  
45 juvenile delinquents shall not be eligible for any leave or release  
46 without (1) an evaluation of fitness and security risk, (2) the  
47 assignment of supervision and clear identification of custody of a  
48 parent, legal guardian or other responsible adult, (3) confidential

49 notification of local police for a leave or release granted to a serious  
50 juvenile offender, and (4) a determination of eligibility immediately  
51 prior to granting the leave or release of a delinquent. The  
52 Commissioner of Children and Families may waive the requirement  
53 for an initial sixty-day evaluation of fitness and security risk for any  
54 juvenile delinquent who has been transferred from one facility to  
55 another.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	46b-133(a)
Sec. 2	<i>October 1, 2007</i>	46b-137(a)
Sec. 3	<i>October 1, 2007</i>	17a-7a

**Statement of Purpose:**

To enhance procedural protections for children involved in juvenile proceedings and criminal proceedings.

*[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.]*