



General Assembly

**Substitute Bill No. 1325**

January Session, 2007

\* SB01325KIDJUD030607 \*

**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. (NEW) (*Effective October 1, 2007*) At any proceeding  
2 concerning the alleged delinquency of a child, no child under the age  
3 of sixteen shall be physically restrained by the use of shackles,  
4 handcuffs or other mechanical restraint prior to being convicted or  
5 adjudicated as a delinquent, unless the judge determines that restraints  
6 on the child are necessary to ensure public safety. Nothing in this  
7 section shall be construed as preventing a child from being physically  
8 restrained while being transported from one place to another.

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10 repealed and the following is substituted in lieu thereof (*Effective*  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

12 (a) Any admission, confession or statement, written or oral, made by  
13 a child to a police officer or [Juvenile Court] court official shall be  
14 inadmissible in any juvenile proceeding concerning the alleged  
15 delinquency of the child making such admission, confession or  
16 statement or in any criminal proceeding concerning the alleged  
17 criminal conduct of the child making such admission, confession or  
18 statement unless made by such child in the presence of his or her  
19 parent or parents or guardian and after the parent or parents or

20 guardian and child have been advised (1) of the child's right to retain  
 21 counsel, or if unable to afford counsel, to have counsel appointed on  
 22 the child's behalf, (2) of the child's right to refuse to make any  
 23 statements, and (3) that any statements he or she makes may be  
 24 introduced into evidence against him or her.

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 Section 17a-7a of the general statutes is repealed and the  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

27 The Commissioner of Children and Families shall adopt regulations,  
 28 in accordance with chapter 54, setting standard leave and release  
 29 policies for juvenile delinquents committed to the Department of  
 30 Children and Families and assigned to state facilities and private  
 31 residential programs. Such regulations shall provide that juvenile  
 32 delinquents [shall] not be eligible for leave without an initial sixty-day  
 33 evaluation of fitness and security risk, including a trial leave not  
 34 exceeding one day, unless such sixty-day evaluation has been waived  
 35 in accordance with this section. Such regulations shall provide that  
 36 juvenile delinquents shall not be eligible for any leave or release  
 37 without (1) an evaluation of fitness and security risk, (2) the  
 38 assignment of supervision and clear identification of custody of a  
 39 parent, legal guardian or other responsible adult, (3) confidential  
 40 notification of local police for a leave or release granted to a serious  
 41 juvenile offender, and (4) a determination of eligibility immediately  
 42 prior to granting the leave or release of a delinquent. The  
 43 Commissioner of Children and Families may waive the requirement  
 44 for an initial sixty-day evaluation of fitness and security risk for any  
 45 juvenile delinquent who has been transferred from one facility to  
 46 another.

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

**KID**

*Joint Favorable Subst. C/R*

JUD