



General Assembly

Substitute Bill No. 5748

February Session, 2008

* HB05748JUD 032408 *

AN ACT CONCERNING TEENAGE DRIVERS.

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

1 Section 1. Subsection (j) of section 14-227b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *August 1, 2008*):

4 (j) The commissioner shall suspend the operator's license or
5 nonresident operating privilege of a person under twenty-one years of
6 age who did not contact the department to schedule a hearing, who
7 failed to appear at a hearing or against whom, after a hearing the
8 commissioner held pursuant to subsection (h) of this section, as of the
9 effective date contained in the suspension notice or the date the
10 commissioner renders a decision whichever is later, for twice the
11 appropriate period of time specified in subsection (i) of this section,
12 except that, in the case of a person who is sixteen or seventeen years of
13 age at the time of the alleged offense, the period of suspension shall be
14 one year if such person submitted to a test or analysis and the results
15 of such test or analysis indicated that such person had an elevated
16 blood alcohol content or eighteen months if such person refused to
17 submit to such test or analysis.

18 Sec. 2. Subsection (c) of section 14-36 of the 2008 supplement to the
19 general statutes is repealed and the following is substituted in lieu
20 thereof (*Effective August 1, 2008*):

21 (c) (1) On or after January 1, 1997, a person who is sixteen or
22 seventeen years of age and who has not had a motor vehicle operator's
23 license or right to operate a motor vehicle in this state suspended or
24 revoked may apply to the Commissioner of Motor Vehicles for a
25 learner's permit. The commissioner may issue a learner's permit to an
26 applicant after the applicant has passed a vision screening and test as
27 to knowledge of the laws concerning motor vehicles and the rules of
28 the road, has paid the fee required by subsection (v) of section 14-49 of
29 the 2008 supplement to the general statutes and has filed a certificate,
30 in such form as the commissioner prescribes, requesting or consenting
31 to the issuance of the learner's permit and the motor vehicle operator's
32 license, signed by (A) one or both parents or foster parents of the
33 applicant, as the commissioner requires, (B) the legal guardian of the
34 applicant, (C) the applicant's spouse, if the spouse is eighteen years of
35 age or older, or (D) if the applicant has no qualified spouse and such
36 applicant's parent or foster parent or legal guardian is deceased,
37 incapable, domiciled without the state or otherwise unavailable or
38 unable to sign or file the certificate, the applicant's stepparent, or uncle
39 or aunt by blood or marriage, provided such person is eighteen years
40 of age or older. The commissioner may, for the more efficient
41 administration of the commissioner's duties, appoint any drivers'
42 school licensed in accordance with the provisions of section 14-69 or
43 any secondary school providing instruction in motor vehicle operation
44 and highway safety in accordance with section 14-36e to issue a
45 learner's permit, subject to such standards and requirements as the
46 commissioner may prescribe in regulations adopted in accordance
47 with chapter 54. Each learner's permit shall expire on the date the
48 holder of the permit is issued a motor vehicle operator's license or on
49 the date the holder attains the age of eighteen years, whichever is
50 earlier. (2) The learner's permit shall entitle the holder, while such
51 holder has the permit in his or her immediate possession, to operate a
52 motor vehicle on the public highways, provided such holder is under
53 the instruction of, and accompanied by, a person who holds an
54 instructor's license issued under the provisions of section 14-73 or a
55 person twenty years of age or older who has been licensed to operate,

56 for at least four years preceding the instruction, a motor vehicle of the
57 same class as the motor vehicle being operated and who has not had
58 his or her motor vehicle operator's license suspended by the
59 commissioner during the four-year period preceding the instruction.
60 (3) [For the period of three months after the date of issuance of such
61 permit, unless] Unless the holder of the permit is under the instruction
62 of and accompanied by a person who holds an instructor's license
63 issued under the provisions of section 14-73, [the holder shall not
64 transport more than (A) one passenger who meets the provisions of
65 subdivision (2) of this subsection, or (B) such holder's parents or legal
66 guardian, at least one of whom holds a motor vehicle operator's
67 license. (4) For the period beginning three months after the date of
68 issuance of such permit and ending six months after the date of
69 issuance of such permit, unless the holder is under the instruction of
70 and accompanied by a person who holds an instructor's license issued
71 under the provisions of section 14-73, such holder shall not transport
72 any passenger other than as permitted under subdivision (2) or (3) of
73 this subsection and any additional member or members of such
74 holder's immediate family. (5)] no passenger in addition to the person
75 providing instruction shall be transported unless such passenger is a
76 parent or legal guardian of the holder of the permit. (4) The holder of a
77 learner's permit who (A) is an active member of a certified ambulance
78 service, as defined in section 19a-175, (B) has commenced an
79 emergency vehicle operator's course that conforms to the national
80 standard curriculum developed by the United States Department of
81 Transportation, and (C) has had state and national criminal history
82 records checks conducted by the certified ambulance service or by the
83 municipality in which such ambulance service is provided, shall be
84 exempt from the provisions of subdivisions (2) [,] and (3) [and (4)] of
85 this subsection only when such holder is en route to or from the
86 location of the ambulance for purposes of responding to an emergency
87 call. [(6)] (5) The commissioner may revoke any learner's permit used
88 in violation of the limitations imposed by subdivision (2) [,] or (3) [or
89 (4)] of this subsection.

90 Sec. 3. Subsection (d) of section 14-36 of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective*
92 *August 1, 2008*):

93 (d) (1) No motor vehicle operator's license shall be issued to any
94 applicant who is sixteen or seventeen years of age unless the applicant
95 has held a learner's permit and has satisfied the requirements specified
96 in this subsection. The applicant shall (A) present to the commissioner
97 a certificate of the successful completion (i) in a public secondary
98 school, a state vocational school or a private secondary school of a full
99 course of study in motor vehicle operation prepared as provided in
100 section 14-36e, (ii) of training of similar nature provided by a licensed
101 drivers' school approved by the commissioner, or (iii) of home training
102 in accordance with subdivision (2) of this subsection, including, in each
103 case, or by a combination of such types of training, successful
104 completion of not less than [twenty] forty clock hours of behind-the-
105 wheel, on-the-road instruction; (B) present to the commissioner a
106 certificate of the successful completion of a course of not less than eight
107 hours relative to safe driving practices, including a minimum of four
108 hours on the nature and the medical, biological and physiological
109 effects of alcohol and drugs and their impact on the operator of a
110 motor vehicle, the dangers associated with the operation of a motor
111 vehicle after the consumption of alcohol or drugs by the operator, the
112 problems of alcohol and drug abuse and the penalties for alcohol and
113 drug-related motor vehicle violations; and (C) pass an examination
114 which [shall] may include a comprehensive test as to knowledge of the
115 laws concerning motor vehicles and the rules of the road in addition to
116 the test required under subsection (c) of this section and shall include
117 an on-the-road skills test as prescribed by the commissioner. At the
118 time of application and examination for a motor vehicle operator's
119 license, an applicant sixteen or seventeen years of age shall have held a
120 learner's permit for not less than one hundred eighty days, except that
121 an applicant who presents a certificate under subparagraph (A)(i) or
122 subparagraph (A)(ii) of this subdivision shall have held a learner's
123 permit for not less than one hundred twenty days and an applicant

124 who is undergoing training and instruction by the handicapped driver
125 training unit in accordance with the provisions of section 14-11b shall
126 have held such permit for the period of time required by said unit. The
127 Commissioner of Motor Vehicles shall approve the content of the safe
128 driving instruction at drivers' schools, high schools and other
129 secondary schools. Such hours of instruction required by this
130 subdivision shall be included as part of or in addition to any existing
131 instruction programs. Any fee charged for the course required under
132 subparagraph (B) of this subdivision shall not exceed an amount
133 prescribed by the commissioner by regulation, adopted in accordance
134 with chapter 54. Any applicant sixteen or seventeen years of age who,
135 while a resident of another state, completed the course required in
136 subparagraph (A) of this subdivision, but did not complete the safe
137 driving course required in subparagraph (B) of this subdivision, shall
138 complete the safe driving course, and any fee charged for the course
139 shall not exceed an amount prescribed by the commissioner by
140 regulation, adopted in accordance with chapter 54. The commissioner
141 may waive any requirement in this subdivision, except for that in
142 subparagraph (C) of this subdivision, in the case of an applicant
143 sixteen or seventeen years of age who holds a valid motor vehicle
144 operator's license issued by any other state, provided the
145 commissioner is satisfied that the applicant has received training and
146 instruction of a similar nature. (2) The commissioner may accept as
147 evidence of sufficient training under subparagraph (A) of subdivision
148 (1) of this subsection home training as evidenced by a written
149 statement signed by the spouse of a married minor applicant, or by a
150 parent, grandparent, foster parent or legal guardian of an applicant
151 which states that the applicant has obtained a learner's permit and has
152 successfully completed a driving course taught by the person signing
153 the statement, that the signer has had an operator's license for at least
154 four years preceding the date of the statement, and that the signer has
155 not had such license suspended by the commissioner for at least four
156 years preceding the date of the statement or, if the applicant has no
157 spouse, parent, grandparent, foster parent or guardian so qualified and
158 available to give the instruction, a statement signed by the applicant's

159 stepparent, brother, sister, uncle or aunt, by blood or marriage,
160 provided the person signing the statement is qualified. (3) If the
161 commissioner requires a written test of any applicant under this
162 section, the test shall be given in English or Spanish at the option of the
163 applicant, provided the commissioner shall require that the applicant
164 shall have sufficient understanding of English for the interpretation of
165 traffic control signs. (4) The Commissioner of Motor Vehicles may
166 adopt regulations, in accordance with the provisions of chapter 54, to
167 implement the purposes of this subsection concerning the
168 requirements for behind-the-wheel, on-the-road instruction and the
169 content of safe driving instruction at drivers' schools, high schools and
170 other secondary schools.

171 Sec. 4. Section 14-36g of the 2008 supplement to the general statutes
172 is repealed and the following is substituted in lieu thereof (*Effective*
173 *August 1, 2008*):

174 (a) Each person who holds a motor vehicle operator's license and
175 who is sixteen or seventeen years of age shall comply with the
176 following requirements:

177 (1) Except as provided in subsection (b) of this section, for the
178 period of [three] six months after the date of issuance of such license,
179 such person shall not transport more than (A) such person's parents or
180 legal guardian, at least one of whom holds a motor vehicle operator's
181 license, or (B) one passenger who is a driving instructor licensed by the
182 Department of Motor Vehicles, or a person twenty years of age or
183 older who has been licensed to operate, for at least four years
184 preceding the time of being transported, a motor vehicle of the same
185 class as the motor vehicle being operated and who has not had his or
186 her motor vehicle operator's license suspended by the commissioner
187 during such four-year period;

188 (2) Except as provided in subsection (b) of this section, for the
189 period beginning [three] six months after the date of issuance of such
190 license and ending [six months] one year after the date of issuance of

191 such license, such person shall not transport any passenger other than
192 as permitted under subdivision (1) of this subsection and any
193 additional member or members of such person's immediate family;

194 (3) No such person shall operate any motor vehicle for which a
195 public passenger transportation permit is required in accordance with
196 the provisions of section 14-44 of the 2008 supplement to the general
197 statutes or a vanpool vehicle, as defined in section 14-1 of the 2008
198 supplement to the general statutes;

199 (4) No such person shall transport more passengers in a motor
200 vehicle than the number of seat safety belts permanently installed in
201 such motor vehicle;

202 (5) No such person issued a motorcycle endorsement shall transport
203 any passenger on a motorcycle for a period of six months after the date
204 of issuance; and

205 (6) Except as provided in subsection (b) of this section, no such
206 person shall operate a motor vehicle on any highway, as defined in
207 section 14-1 of the 2008 supplement to the general statutes, at or after
208 [midnight] 11:00 p.m. until and including 5:00 a.m. of the [same]
209 following day unless (A) such person is traveling for his or her
210 employment or school or religious activities, (B) there is a medical
211 necessity for such travel, or (C) such person is an assigned driver in a
212 Safe Ride program sponsored by the American Red Cross, the Boy
213 Scouts of America or other national public service organization.

214 (b) A person who holds a motor vehicle operator's license and who
215 is sixteen or seventeen years of age shall not be subject to the
216 restrictions on the number or type of passengers specified in
217 subdivision (1) or (2) of subsection (a) of this section, or to the
218 restrictions specified in subdivision (6) of said subsection (a), if such
219 person is an active member of a volunteer fire company or department,
220 a volunteer ambulance service or company or an emergency medical
221 service organization and if such person is responding to an emergency
222 or is carrying out his or her duties as such active member.

223 (c) The Commissioner of Motor Vehicles may adopt regulations, in
224 accordance with chapter 54, to implement the provisions of subsection
225 (a) of this section.

226 (d) Any person who violates any provision of subsection (a) of this
227 section shall be deemed to have committed an infraction. The
228 Commissioner of Motor Vehicles, after notice and opportunity for a
229 hearing, in accordance with chapter 54, [may] shall suspend the motor
230 vehicle operator's license of any person who [commits a second or
231 subsequent violation of] violates the provisions of subsection (a) of this
232 section for a period of thirty days for a first violation, and for a period
233 of six months or until such person attains the age of eighteen years,
234 whichever is longer, for a second violation.

235 Sec. 5. Subsection (c) of section 14-100a of the 2008 supplement to
236 the general statutes is repealed and the following is substituted in lieu
237 thereof (*Effective August 1, 2008*):

238 (c) (1) The operator of and any front seat passenger in a motor
239 vehicle with a gross vehicle weight rating not exceeding ten thousand
240 pounds or fire fighting apparatus originally equipped with seat safety
241 belts complying with the provisions of the Code of Federal
242 Regulations, Title 49, Section 571.209, as amended from time to time,
243 shall wear such seat safety belt while the vehicle is being operated on
244 [the highways of this state] any highway, except [that a] as follows:

245 (A) A child six years of age and under shall be restrained as
246 provided in subsection (d) of this section; [. Each]

247 (B) The operator of such vehicle shall secure or cause to be secured
248 in a seat safety belt any passenger seven years of age or older and
249 under sixteen years of age; and

250 (C) If the operator of such vehicle is under eighteen years of age,
251 such operator and each passenger in such vehicle shall wear such seat
252 safety belt while the vehicle is being operated on any highway.

253 (2) The provisions of subdivision (1) of this subsection shall not
254 apply to (A) any person whose physical disability or impairment
255 would prevent restraint in such safety belt, provided such person
256 obtains a written statement from a licensed physician containing
257 reasons for such person's inability to wear such safety belt and
258 including information concerning the nature and extent of such
259 condition. Such person shall carry the statement on his or her person
260 or in the motor vehicle at all times when it is being operated, or (B) an
261 authorized emergency vehicle, other than fire fighting apparatus,
262 responding to an emergency call or a motor vehicle operated by a rural
263 letter carrier of the United States postal service while performing his or
264 her official duties or by a person engaged in the delivery of
265 newspapers.

266 (3) Failure to wear a seat safety belt shall not be considered as
267 contributory negligence nor shall such failure be admissible evidence
268 in any civil action.

269 (4) [On and after February 1, 1986, any] Any person eighteen years
270 of age or older who violates [the provisions] any provision of this
271 subsection shall have committed an infraction and shall be fined fifteen
272 dollars. Any person under eighteen years of age who violates any
273 provision of this subsection shall have committed an infraction and
274 shall be fined seventy-five dollars. Points may not be assessed against
275 the operator's license of any person convicted of such violation.

276 Sec. 6. Subsection (b) of section 14-111 of the general statutes is
277 repealed and the following is substituted in lieu thereof (*Effective*
278 *August 1, 2008*):

279 (b) (1) [Whenever] Except as provided in subdivision (2) of this
280 subsection, whenever the holder of any motor vehicle operator's
281 license has been convicted or has forfeited any bond taken or has
282 received a suspended judgment or sentence for any of the following
283 violations, the commissioner shall, without hearing, suspend [his] such
284 person's operator's license as follows: For a first violation of subsection

285 (a) of section 14-224 or section 14-110, 14-215 or 53a-119b, for a period
286 of not less than one year and, for a subsequent violation thereof, for a
287 period of not less than two years; for a violation of subsection (a) of
288 section 14-222, for a period of not less than thirty days or more than
289 ninety days and, for a subsequent violation thereof, for a period of not
290 less than ninety days; for a violation of subsection (b) of section 14-224,
291 for a period of not less than ninety days; for a first violation of
292 subsection (b) of section 14-147, for a period of not less than ninety
293 days and, for a subsequent violation thereof, for a period of not less
294 than five years; for a first violation of subsection (c) of section 14-147,
295 for a period of not less than thirty days and, for a subsequent violation
296 thereof, for a period of not less than one year.

297 (2) Notwithstanding the provisions of section 14-111b, whenever the
298 holder of any motor vehicle operator's license who is less than eighteen
299 years of age has been convicted or has forfeited any bond taken or has
300 received a suspended judgment or sentence for any of the following
301 violations, the commissioner shall suspend such person's operator's
302 license as follows: For a first violation of section 14-219, for a period of
303 forty-five days and, for a second violation thereof, for a period of
304 ninety days and, for a third or subsequent violation thereof, for a
305 period of six months; for a first violation of subsection (a) of section 14-
306 222, for a period of six months and, for a subsequent violation thereof,
307 for a period of one year; for a violation of subsection (c) of section 14-
308 224, for a period of six months and, for a subsequent violation thereof,
309 for a period of one year; for a first violation of section 14-296aa, for a
310 period of thirty days and, for a second violation thereof, for a period of
311 ninety days and, for a third or subsequent violation thereof, for a
312 period of six months.

313 [(2)] (3) The commissioner may suspend the motor vehicle
314 operator's license of any person (A) who was arrested for a felony, and
315 (B) for whom there is an outstanding warrant for rearrest for failing to
316 appear when legally called with regard to such felony. The suspension
317 shall terminate no later than the date on which such person appears
318 before the court with regard to such felony or such failure to appear.

319 Sec. 7. Subsection (a) of section 14-111g of the general statutes is
320 repealed and the following is substituted in lieu thereof (*Effective*
321 *August 1, 2008*):

322 (a) For the purposes of this subsection, "moving violation" means
323 any violation of subsection (c) of section 14-36, as amended by this act,
324 section 14-36g, as amended by this act, 14-218a, 14-219, 14-222, 14-223,
325 14-230 to 14-249, inclusive, 14-279, 14-289b, 14-296aa, 14-299, 14-301,
326 14-302 or 14-303, and "suspension violation" means a violation of
327 section 14-222a or 14-224, subsection (a) of section 14-227a, or section
328 53a-56b, 53a-57 or 53a-60d. The Commissioner of Motor Vehicles may
329 require any licensed motor vehicle operator who is twenty-four years
330 of age or less, who has been convicted of a moving violation or a
331 suspension violation, or both, committed on two or more occasions to
332 attend a motor vehicle operator's retraining program. The
333 commissioner may require any licensed motor vehicle operator over
334 twenty-four years of age, who has been convicted of a moving
335 violation or a suspension violation or a combination of said violations,
336 committed on three or more occasions to attend a motor vehicle
337 operator's retraining program. The retraining program shall (1) review
338 principles of motor vehicle operation, (2) develop alternative attitudes
339 for those attitudes contributing to aggressive driving behavior, and (3)
340 emphasize the need to practice safe driving behavior. The retraining
341 program shall be offered by the Department of Motor Vehicles or by
342 any other organization conducting such a program certified by the
343 commissioner. The commissioner shall notify such operator, in
344 writing, of such requirement. A fee of not more than sixty dollars shall
345 be charged for the retraining program. The commissioner, after notice
346 and opportunity for hearing, may suspend the motor vehicle
347 operator's license of any such operator who fails to attend or
348 successfully complete the program until the operator successfully
349 completes the program. The hearing shall be limited to any claim of
350 impossibility of the operator to attend the retraining program, or to a
351 determination of mistake or misidentification.

352 Sec. 8. (NEW) (*Effective August 1, 2008*) (a) If a police officer issues an

353 infractions complaint to any person for a violation of the provisions of
354 section 14-36g of the 2008 supplement to the general statutes, as
355 amended by this act, the motor vehicle operator's license of such
356 person shall be suspended for a period of forty-eight hours, and such
357 officer, acting on behalf of the Commissioner of Motor Vehicles, shall
358 immediately seize and take possession of such person's motor vehicle
359 operator's license and may cause such vehicle to be removed. The
360 officer shall notify the registered owner of such motor vehicle that such
361 motor vehicle has been removed and of the location of such vehicle. In
362 order to regain possession of such person's operator's license, after
363 such forty-eight-hour period, such person and such person's parent or
364 legal guardian shall appear in person at the police department, state
365 police barracks or other location designated by the police officer, and
366 sign a written acknowledgement of the return of such license. In order
367 for the owner of such motor vehicle to regain possession of such motor
368 vehicle, such owner shall appear in person at the police department,
369 state police barracks or other location designated by the police officer,
370 and sign a written acknowledgement of the return of such motor
371 vehicle. No restoration fee shall be required to be paid to the
372 commissioner, in accordance with the provisions of section 14-50b of
373 the general statutes, but the police officer shall make a written report
374 of the violation and the suspension action, in such form and containing
375 such information as the commissioner shall prescribe, and shall file or
376 transmit such report to the commissioner in such time and manner as
377 the commissioner shall prescribe.

378 (b) If any person operating a motor vehicle, subject to the provisions
379 of section 14-36g of the 2008 supplement to the general statutes, as
380 amended by this act, is stopped by a police officer and arrested or
381 issued a summons by such officer for (A) exceeding a posted speed
382 limit established pursuant to section 14-218a of the general statutes by
383 twenty miles per hour or more, (B) speeding while operating a motor
384 vehicle in violation of subsection (c) of section 14-219 of the general
385 statutes, (C) operating a motor vehicle under the influence of alcohol
386 or any drug or both in violation of section 14-227a or 14-227g of the

387 general statutes, (D) engaging in racing a motor vehicle on a public
388 highway in violation of subsection (c) of section 14-224 of the general
389 statutes, or (E) operating a motor vehicle recklessly in violation of
390 section 14-222 of the general statutes, the motor vehicle operator's
391 license of such person shall be suspended for a period of forty-eight
392 hours, and such officer, acting on behalf of the Commissioner of Motor
393 Vehicles, shall immediately seize and take possession of such person's
394 motor vehicle operator's license and cause such motor vehicle to be
395 removed. The officer shall notify the registered owner of such motor
396 vehicle that such motor vehicle has been removed and of the location
397 of such vehicle. In order to regain possession of such person's
398 operator's license after such forty-eight-hour period, such person and
399 such person's parent or legal guardian shall appear in person at the
400 police department, state police barracks or other location designated
401 by the police officer, and sign a written acknowledgement of the return
402 of such license. In order for the owner of such motor vehicle to regain
403 possession of such motor vehicle, such owner shall appear in person at
404 the police department, state police barracks or other location
405 designated by the police officer, and sign a written acknowledgement
406 of the return of such motor vehicle. No restoration fee shall be required
407 to be paid to the commissioner, in accordance with the provisions of
408 section 14-50b of the general statutes, but the police officer shall make
409 a written report of the violation and the suspension action, in such
410 form and containing such information as the commissioner shall
411 prescribe, and shall file or transmit such report to the commissioner in
412 such time and manner as the commissioner shall prescribe.

413 Sec. 9. (NEW) (*Effective August 1, 2008*) (a) The Commissioner of
414 Motor Vehicles shall amend the regulations adopted pursuant to
415 section 14-36f of the general statutes concerning the content of safe
416 driving instruction courses offered at drivers' schools, high schools
417 and other secondary schools to require the eight hours of instruction
418 required by such regulations to include two hours of instruction
419 concerning the statutory provisions, including penalties, applicable to
420 drivers who are less than eighteen years of age, the dangers of teenage

421 driving, the cognitive development of adolescents, the responsibilities
422 and liabilities of parents of teenage drivers, and related topics deemed
423 by the commissioner to be appropriate.

424 (b) A parent or guardian of any person with a learner's permit who
425 is less than eighteen years of age shall attend such two hours of
426 instruction with such person. Before the holder of a learner's permit is
427 permitted to take the driver's test, such person shall provide an
428 affidavit to the commissioner, signed under penalty of false statement,
429 by an official of the driver's school, high school or other secondary
430 school by which such course was conducted, that a parent or guardian
431 attended the two hours of instruction required by subsection (a) of this
432 section with such person.

433 Sec. 10. Subsection (a) of section 54-76b of the general statutes is
434 repealed and the following is substituted in lieu thereof (*Effective*
435 *August 1, 2008*):

436 (a) For the purposes of sections 54-76b to 54-76n, inclusive, as
437 amended by this act:

438 (1) "Youth" means (A) a minor who has reached the age of sixteen
439 years but has not reached the age of eighteen years at the time of the
440 alleged offense, or (B) a child who has been transferred to the regular
441 criminal docket of the Superior Court pursuant to section 46b-127 of
442 the 2008 supplement to the general statutes; and

443 (2) "Youthful offender" means a youth who (A) is charged with the
444 commission of a crime or motor vehicle violation which is not a class A
445 felony or a violation of section 14-222a, subsection (a) of section 14-224,
446 section 14-227a, 14-227g, subdivision (2) of subsection (a) of section 53-
447 21 of the 2008 supplement to the general statutes or section 53a-70, 53a-
448 70a, 53a-70b, 53a-71 of the 2008 supplement to the general statutes,
449 53a-72a or 53a-72b, except a violation involving consensual sexual
450 intercourse or sexual contact between the youth and another person
451 who is thirteen years of age or older but under sixteen years of age,
452 and (B) has not previously been convicted of a felony in the regular

453 criminal docket of the Superior Court or been previously adjudged a
454 serious juvenile offender or serious juvenile repeat offender, as defined
455 in section 46b-120 of the 2008 supplement to the general statutes.

456 Sec. 11. Subsection (a) of section 54-76c of the general statutes is
457 repealed and the following is substituted in lieu thereof (*Effective*
458 *August 1, 2008*):

459 (a) In any case where an information or complaint has been laid
460 charging a defendant with the commission of a crime, and where it
461 appears that the defendant is a youth, such defendant shall be
462 presumed to be eligible to be adjudged a youthful offender and the
463 court having jurisdiction shall, but only as to the public, order the
464 court file sealed, unless such defendant (1) is charged with the
465 commission of a crime or motor vehicle violation which is a class A
466 felony or a violation of section 14-222a, subsection (a) of section 14-224,
467 section 14-227a, 14-227g, subdivision (2) of subsection (a) of section 53-
468 21 of the 2008 supplement to the general statutes or section 53a-70, 53a-
469 70a, 53a-70b, 53a-71 of the 2008 supplement to the general statutes,
470 53a-72a or 53a-72b, except a violation involving consensual sexual
471 intercourse or sexual contact between the youth and another person
472 who is thirteen years of age or older but under sixteen years of age, or
473 (2) has been previously convicted of a felony in the regular criminal
474 docket of the Superior Court or been previously adjudged a serious
475 juvenile offender or serious juvenile repeat offender, as defined in
476 section 46b-120 of the 2008 supplement to the general statutes. Except
477 as provided in subsection (b) of this section, upon motion of the
478 prosecuting official, the court may order that an investigation be made
479 of such defendant under section 54-76d, for the purpose of
480 determining whether such defendant is ineligible to be adjudged a
481 youthful offender, provided the court file shall remain sealed, but only
482 as to the public, during such investigation.

483 Sec. 12. Section 54-76l of the general statutes is repealed and the
484 following is substituted in lieu thereof: (*Effective August 1, 2008*):

485 (a) The records or other information of a youth, other than a youth
486 arrested for or charged with the commission of a crime or a motor
487 vehicle violation which is a class A felony or a violation of section 14-
488 222a, subsection (a) of section 14-224, section 14-227a, 14-227g,
489 subdivision (2) of subsection (a) of section 53-21 of the 2008
490 supplement to the general statutes or section 53a-70, 53a-70a, 53a-70b,
491 53a-71 of the 2008 supplement to the general statutes, 53a-72a or 53a-
492 72b, except a violation involving consensual sexual intercourse or
493 sexual contact between the youth and another person who is thirteen
494 years of age or older but under sixteen years of age, including
495 fingerprints, photographs and physical descriptions, shall be
496 confidential and shall not be open to public inspection or be disclosed
497 except as provided in this section, but such fingerprints, photographs
498 and physical descriptions submitted to the State Police Bureau of
499 Identification of the Division of State Police within the Department of
500 Public Safety at the time of the arrest of a person subsequently
501 adjudged, or subsequently presumed or determined to be eligible to be
502 adjudged, a youthful offender shall be retained as confidential matter
503 in the files of the bureau and be opened to inspection only as provided
504 in this section. Other data ordinarily received by the bureau, with
505 regard to persons arrested for a crime, shall be forwarded to the
506 bureau to be filed, in addition to such fingerprints, photographs and
507 physical descriptions, and be retained in the division as confidential
508 information, open to inspection only as provided in this section.

509 (b) The records of any such youth, or any part thereof, may be
510 disclosed to and between individuals and agencies, and employees of
511 such agencies, providing services directly to the youth, including law
512 enforcement officials, state and federal prosecutorial officials, school
513 officials in accordance with section 10-233h, court officials, the Division
514 of Criminal Justice, the Court Support Services Division, the Board of
515 Pardons and Paroles and an advocate appointed pursuant to section
516 54-221 for a victim of a crime committed by the youth. Such records
517 shall also be available to the attorney representing the youth, in any
518 proceedings in which such records are relevant, to the parents or

519 guardian of such youth, until such time as the youth reaches the age of
520 majority or is emancipated, and to the youth upon his or her
521 emancipation or attainment of the age of majority, provided proof of
522 the identity of such youth is submitted in accordance with guidelines
523 prescribed by the Chief Court Administrator. Such records disclosed
524 pursuant to this subsection shall not be further disclosed.

525 (c) The records of any such youth, or any part thereof, may be
526 disclosed upon order of the court to any person who has a legitimate
527 interest in the information and is identified in such order. Records or
528 information disclosed pursuant to this subsection shall not be further
529 disclosed.

530 (d) The records of any such youth, or any part thereof, shall be
531 available to the victim of the crime committed by such youth to the
532 same extent as the record of the case of a defendant in a criminal
533 proceeding in the regular criminal docket of the Superior Court is
534 available to a victim of the crime committed by such defendant. The
535 court shall designate an official from whom such victim may request
536 such information. Information disclosed pursuant to this subsection
537 shall not be further disclosed.

538 (e) Any reports and files held by the Court Support Services
539 Division regarding any such youth who served a period of probation
540 may be accessed and disclosed by employees of the division for the
541 purpose of performing the duties contained in section 54-63b.

542 (f) Information concerning any such youth who has escaped from an
543 institution to which such youth has been committed or for whom an
544 arrest warrant has been issued may be disclosed by law enforcement
545 officials.

546 (g) The information contained in and concerning the issuance of any
547 protective order issued in a case in which a person is presumed or
548 determined to be eligible to be adjudged a youthful offender shall be
549 entered in the registry of protective orders pursuant to section 51-5c
550 and may be further disclosed as specified in said section.

551 (h) The records of any youth adjudged a youthful offender for a
 552 motor vehicle violation shall be disclosed to the Department of Motor
 553 Vehicles for administrative use in determining whether suspension of
 554 such person's motor vehicle operator's license is warranted. Such
 555 records disclosed pursuant to this subsection shall not be further
 556 disclosed.

557 [(h)] (i) The provisions of this section, as amended by public act 05-
 558 232, apply to offenses committed after January 1, 2006, and do not
 559 affect any cases pending on said date or any investigations involving
 560 offenses committed prior to said date.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>August 1, 2008</i>	14-227b(j)
Sec. 2	<i>August 1, 2008</i>	14-36(c)
Sec. 3	<i>August 1, 2008</i>	14-36(d)
Sec. 4	<i>August 1, 2008</i>	14-36g
Sec. 5	<i>August 1, 2008</i>	14-100a(c)
Sec. 6	<i>August 1, 2008</i>	14-111(b)
Sec. 7	<i>August 1, 2008</i>	14-111g(a)
Sec. 8	<i>August 1, 2008</i>	New section
Sec. 9	<i>August 1, 2008</i>	New section
Sec. 10	<i>August 1, 2008</i>	54-76b(a)
Sec. 11	<i>August 1, 2008</i>	54-76c(a)
Sec. 12	<i>August 1, 2008</i>	54-76l

TRA *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable Subst.*