



General Assembly

February Session, 2008

Raised Bill No. 337

LCO No. 1731

01731_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING JUVENILE JUSTICE.

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

1 Section 1. Section 46b-120 of the 2008 supplement to the general
2 statutes, as amended by section 73 of public act 07-4 of the June special
3 session, is repealed and the following is substituted in lieu thereof
4 (*Effective January 1, 2010*):

5 The terms used in this chapter shall, in its interpretation and in the
6 interpretation of other statutes, be defined as follows: (1) "Child"
7 [means any person under sixteen years of age, except that for purposes
8 of delinquency matters and proceedings, "child"] means any person
9 who has not been legally emancipated and (A) is under eighteen years
10 of age, or (B) is eighteen years of age or older who, prior to attaining
11 eighteen years of age, [has] committed a delinquent act, [and,] or (C)
12 subsequent to attaining eighteen years of age, [violates] violated any
13 order of the Superior Court or any condition of probation ordered by
14 the Superior Court with respect to such a delinquency proceeding; (2)
15 "youth" means any person sixteen or seventeen years of age who has
16 not been legally emancipated; (3) "abused" means that a child or youth
17 (A) has been inflicted with physical injury or injuries other than by

18 accidental means, (B) has injuries that are at variance with the history
19 given of them, or (C) is in a condition that is the result of maltreatment,
20 including, but not limited to, malnutrition, sexual molestation or
21 exploitation, deprivation of necessities, emotional maltreatment or
22 cruel punishment; (4) a child may be found "mentally deficient" who,
23 by reason of a deficiency of intelligence that has existed from birth or
24 from early age, requires, or will require, for such child's protection or
25 for the protection of others, special care, supervision and control; (5) a
26 child, other than a youth, may be convicted as "delinquent" who has
27 [violated] (A) violated any federal or state law, [other than the
28 commission of (i) an infraction or violation by a youth under
29 subsection (b) of section 51-164n, or (ii) a motor vehicle violation by a
30 youth for which a sentence to a term of imprisonment may be
31 imposed, (B) any order of the Superior Court, except as provided in
32 section 46b-148, or (C) conditions of probation as ordered by the court;
33 (6)] or municipal or local ordinance, except an ordinance regulating
34 behavior of a child in a family with service needs, (B) wilfully failed to
35 appear in response to a summons under section 46b-133 of the 2008
36 supplement to the general statutes, as amended by this act, or at any
37 other court hearing of which the child had notice, (C) violated any
38 order of the Superior Court, except as provided in section 46b-148, or
39 (D) violated conditions of probation as ordered by the court; (6) a
40 youth may be convicted as "delinquent" who has (A) violated any (i)
41 federal or state law, other than commission of an infraction or a
42 violation under subsection (b) of section 51-164n of the 2008
43 supplement to the general statutes, a motor vehicle offense or
44 violation, or (ii) municipal or local ordinance, except an ordinance
45 regulating behavior of a child in a family with service needs, (B)
46 wilfully failed to appear in response to a summons under section 46b-
47 133 of the 2008 supplement to the general statutes, as amended by this
48 act, or at any other court hearing of which the youth had notice, (C)
49 violated any order of the Superior Court, except as provided in section
50 46b-148, or (D) violated conditions of probation as ordered by the
51 court; (7) a child or youth may be found "dependent" whose home is a

52 suitable one for the child or youth, except for the financial inability of
53 the child's or youth's parents, parent or guardian, or other person
54 maintaining such home, to provide the specialized care the condition
55 of the child or youth requires; [(7)] (8) "family with service needs"
56 means a family that includes a child or youth who (A) has without just
57 cause run away from the parental home or other properly authorized
58 and lawful place of abode, (B) is beyond the control of the child's or
59 youth's parent, parents, guardian or other custodian, (C) has engaged
60 in indecent or immoral conduct, (D) is a truant or habitual truant or
61 who, while in school, has been continuously and overtly defiant of
62 school rules and regulations, or (E) is thirteen years of age or older and
63 has engaged in sexual intercourse with another person and such other
64 person is thirteen years of age or older and not more than two years
65 older or younger than such child or youth; [(8)] (9) a child or youth
66 may be found "neglected" who (A) has been abandoned, (B) is being
67 denied proper care and attention, physically, educationally,
68 emotionally or morally, (C) is being permitted to live under conditions,
69 circumstances or associations injurious to the well-being of the child or
70 youth, or (D) has been abused; [(9)] (10) a child or youth may be found
71 "uncared for" who is homeless or whose home cannot provide the
72 specialized care that the physical, emotional or mental condition of the
73 child or youth requires. For the purposes of this section, the treatment
74 of any child or youth by an accredited Christian Science practitioner, in
75 lieu of treatment by a licensed practitioner of the healing arts, shall not
76 of itself constitute neglect or maltreatment; [(10)] (11) "delinquent act"
77 means [the violation of any federal or state law, or the violation of any
78 order of the Superior Court, other than the commission of (A) an
79 infraction or violation by a youth under subsection (b) of section 51-
80 164n, or (B) a motor vehicle violation by a youth for which a sentence
81 to a term of imprisonment may be imposed; (11)] (A) the violation, by
82 a child other than a youth, of any federal or state law or municipal or
83 local ordinance, except an ordinance regulating behavior of a child in a
84 family with service needs, (B) the violation by a youth of (i) any federal
85 or state law, other than the commission of an infraction or a violation

86 under subsection (b) of section 51-164n of the 2008 supplement to the
87 general statutes, a motor vehicle offense or violation, or (ii) violation of
88 a municipal or local ordinance, except an ordinance regulating
89 behavior of a child in a family with service needs, (C) wilful failure to
90 appear in response to a summons under section 46b-133 of the 2008
91 supplement to the general statutes, as amended by this act, or at any
92 other court hearing of which the child or youth has notice, (D) the
93 violation of any order of the Superior Court, except as provided in
94 section 46b-148, or (E) the violation of conditions of probation as
95 ordered by the court; (12) "serious juvenile offense" means (A) the
96 violation of, including attempt or conspiracy to violate, (i) section
97 21a-277, 21a-278 of the 2008 supplement to the general statutes, 29-33,
98 29-34, 29-35, subdivisions (2) and (3) of subsection (a) of section 53-21
99 of the 2008 supplement to the general statutes, 53-80a, 53-202b, 53-202c,
100 [53-390 to 53-392, inclusive,] 53a-54a to 53a-56a, inclusive, 53a-59 to
101 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, of the 2008 supplement
102 to the general statutes, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive,
103 [53a-95,] 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
104 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
105 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
106 [53a-166 or] 53a-167c, subsection (a) of section 53a-174, or section 53a-
107 196a of the 2008 supplement to the general statutes, 53a-211, 53a-212,
108 53a-216 or 53a-217b, by a child, or (ii) section 53a-56b or 53a-57 by a
109 child under sixteen years of age, or (B) running away, without just
110 cause, from any secure placement other than home while referred as a
111 delinquent child to the Court Support Services Division or committed
112 as a delinquent child to the Commissioner of Children and Families for
113 a serious juvenile offense; [(12)] (13) "serious juvenile offender" means
114 any child convicted as delinquent for the commission of a serious
115 juvenile offense; [(13)] (14) "serious juvenile repeat offender" means
116 any child charged with the commission of any felony if such child has
117 previously been convicted as delinquent or otherwise convicted at any
118 age for two violations of any provision of title 21a, 29, 53 or 53a that is
119 designated as a felony; [(14)] (15) "alcohol-dependent" means a

120 psychoactive substance dependence on alcohol as that condition is
121 defined in the most recent edition of the American Psychiatric
122 Association's "Diagnostic and Statistical Manual of Mental Disorders";
123 and [(15)] (16) "drug-dependent" means a psychoactive substance
124 dependence on drugs as that condition is defined in the most recent
125 edition of the American Psychiatric Association's "Diagnostic and
126 Statistical Manual of Mental Disorders". No child shall be classified as
127 drug dependent who is dependent (A) upon a morphine-type
128 substance as an incident to current medical treatment of a
129 demonstrable physical disorder other than drug dependence, or (B)
130 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or
131 other stimulant and depressant substances as an incident to current
132 medical treatment of a demonstrable physical or psychological
133 disorder, or both, other than drug dependence.

134 Sec. 2. Section 46b-133 of the 2008 supplement to the general
135 statutes, as amended by section 85 of public act 07-4 of the June special
136 session, is repealed and the following is substituted in lieu thereof
137 (*Effective January 1, 2010*):

138 (a) Nothing in this part shall be construed as preventing the arrest of
139 a child, with or without a warrant, as may be provided by law, or as
140 preventing the issuance of warrants by judges in the manner provided
141 by section 54-2a, except that no child shall be taken into custody on
142 such process except on apprehension in the act, or on speedy
143 information, or in other cases when the use of such process appears
144 imperative. Whenever a child is arrested and charged with a crime,
145 such child may be required to submit to the taking of his photograph,
146 physical description and fingerprints. Notwithstanding the provisions
147 of section 46b-124 of the 2008 supplement to the general statutes, the
148 name, photograph and custody status of any child arrested for the
149 commission of a capital felony or class A felony may be disclosed to
150 the public.

151 (b) Whenever a child is brought before a judge of the Superior

152 Court, such judge shall immediately have the case proceeded upon as
153 a juvenile matter. Such judge may admit the child to bail or release the
154 child in the custody of the child's parent or parents, the child's
155 guardian or some other suitable person to appear before the Superior
156 Court when ordered. If detention becomes necessary, such detention
157 shall be in the manner prescribed by this chapter, provided the child
158 shall be placed in the least restrictive environment possible in a
159 manner consistent with public safety.

160 (c) Upon the arrest of any child by an officer, such officer may (1)
161 release [him] the child to the custody of [his] the child's parent or
162 parents, guardian or some other suitable person or agency, (2) at the
163 discretion of the officer, release the child to the child's own custody, or
164 [may] (3) immediately turn [him] the child over to a juvenile detention
165 center. When a child is arrested for the commission of a delinquent act
166 and the child is not placed in detention or referred to a diversionary
167 program, an officer shall serve a written complaint and summons on
168 the child and [his] the child's parent, guardian or [other person having
169 control of the child] some other suitable person or agency. If such child
170 is released to the child's own custody, the officer shall make reasonable
171 efforts to serve a written complaint and summons on the parent or
172 guardian or some other suitable person or agency before the court date
173 on the summons. Such parent, guardian or other person shall execute a
174 written promise to appear in court at the time and place specified in
175 such summons. If any person so summoned wilfully fails to appear in
176 court at the time and place so specified, the court may issue a warrant
177 for the child's arrest or a *capias* to assure the appearance in court of
178 such parent, guardian or other person. If a child wilfully fails to appear
179 in response to such a summons, the court may order such child taken
180 into custody and such child may be charged with the delinquent act of
181 failure to appear under section 46b-120 of the 2008 supplement to the
182 general statutes, as amended by this act. The court may punish for
183 contempt, as provided in section 46b-121 of the 2008 supplement to the
184 general statutes, any parent, guardian or other person so summoned
185 who wilfully fails to appear in court at the time and place so specified.

186 (d) The court or detention supervisor may turn such child over to a
187 youth service program created for such purpose, if such course is
188 practicable, or such child may be detained pending a hearing which
189 shall be held on the business day next following [his] the child's arrest.
190 No child shall be detained after such hearing or held in detention
191 pursuant to a court order unless it appears from the available facts that
192 there is probable cause to believe that the child has committed the acts
193 alleged, there is no less restrictive alternative available and that there is
194 (1) a strong probability that the child will run away [prior to] before
195 court hearing or disposition, (2) a strong probability that the child will
196 commit or attempt to commit other offenses injurious to [him] the
197 child or to the community before court disposition, (3) probable cause
198 to believe that the child's continued residence in [his] the child's home
199 pending disposition [will not safeguard the best interests of the child
200 or the community] poses a risk to the child or the community because
201 of the serious and dangerous nature of the act or acts [he] the child is
202 alleged to have committed, (4) a need to hold the child for another
203 jurisdiction, [or] (5) a need to hold the child to assure [his] the child's
204 appearance before the court, in view of [his] the child's previous
205 failure to respond to the court process, or (6) the child has violated one
206 or more of the conditions of a suspended detention order. Such
207 probable cause may be shown by sworn affidavit in lieu of testimony.
208 No child shall be released from detention who is alleged to have
209 committed a serious juvenile offense except by order of a judge of the
210 Superior Court. In no case shall a child be confined in a community
211 correctional center or lockup, or in any place where adults are or may
212 be confined, except in the case of a nursing infant; nor shall any child
213 at any time be held in solitary confinement. When a female child is
214 held in custody, she shall, as far as possible, be in the charge of a
215 woman attendant.

216 (e) The police officer who brings a child into detention shall have
217 first notified, or made a reasonable effort to notify, the parents or
218 guardian of the child in question of the intended action and shall file at
219 the detention center a signed statement setting forth the alleged

220 delinquent conduct of the child. Unless the arrest was for a serious
221 juvenile offense, or an order not to release is noted on the take into
222 custody order, arrest warrant or order to detain, the child may be
223 released by a detention supervisor to the custody of his parent or
224 parents, guardian or some other suitable person or agency.

225 (f) In conjunction with any order of release from detention the court
226 may, when it has reason to believe a child is alcohol-dependent or
227 drug-dependent as defined in section 46b-120 of the 2008 supplement
228 to the general statutes, and where necessary, reasonable and
229 appropriate, order the child to participate in a program of periodic
230 alcohol or drug testing and treatment as a condition of such release.
231 The results of any such alcohol or drug test shall be admissible only for
232 the purposes of enforcing the conditions of release from detention.

233 (g) Whenever the population of a juvenile detention center equals or
234 exceeds the maximum capacity for such center, as determined by the
235 Judicial Department, the detention supervisor in charge of intake shall
236 only admit a child who: (1) Is charged with the commission of a
237 serious juvenile offense, (2) is the subject of an order to detain or an
238 outstanding court order to take such child into custody, (3) is ordered
239 by a court to be held in detention, or (4) is being transferred to such
240 center to await a court appearance.

241 Sec. 3. Subsection (b) of section 46b-140 of the 2008 supplement to
242 the general statutes, as amended by section 79 of public act 07-4 of the
243 June special session, is repealed and the following is substitute in lieu
244 thereof (*Effective January 1, 2010*):

245 (b) Upon conviction of a child as delinquent, the court [: (1) May (A)
246 place] may: (1) Place the child in the care of any institution or agency
247 which is permitted by law to care for children; [(B)] (2) order the child
248 to participate in an alternative incarceration program; [(C)] (3) order
249 the child to participate in a wilderness school program operated by the
250 Department of Children and Families; [(D)] (4) order the child to
251 participate in a youth service bureau program; [(E)] (5) place the child

252 on probation; [(F)] (6) order the child or the parents or guardian of the
253 child or both to make restitution to the victim of the offense in
254 accordance with subsection (d) of this section; [(G)] (7) order the child
255 to participate in a program of community service in accordance with
256 subsection (e) of this section; or [(H)] (8) withhold or suspend
257 execution of any judgment. [; and (2) shall impose the penalty
258 established in subsection (b) of section 30-89, for any violation of said
259 subsection (b).]

260 Sec. 4. Subsection (g) of section 46b-140 of the 2008 supplement to
261 the general statutes is repealed and the following is substituted in lieu
262 thereof (*Effective January 1, 2010*):

263 (g) Any child or youth coming within the jurisdiction of the court,
264 who is found to be mentally ill, may be committed by said court to the
265 Commissioner of Children and Families and, if the court convicts a
266 child as delinquent and finds such child to be mentally deficient, it
267 may commit such child to an institution for mentally deficient children
268 or youth or delinquents. Whenever it is found that a child who is
269 fourteen years of age or older and convicted [by the court] as
270 delinquent or adjudged [by the court] to be a member of a family with
271 service needs [who is fourteen years of age or older] would [not benefit
272 from continued school attendance] benefit from a work-study program
273 or employment with or without continued school attendance, the court
274 may, [order] as a condition of probation or supervision, authorize such
275 child to be [placed on vocational probation if such court finds that such
276 child may properly be] employed for part or full-time at some useful
277 occupation [and] that [such employment] would be favorable to such
278 child's welfare, and the probation officer shall supervise such
279 employment. For the purposes of this section, the limitations of
280 subsection (a) of section 31-23 on the employment of minors under the
281 age of sixteen years shall not apply for the duration of such
282 [vocational] probation or supervision.

283 Sec. 5. Section 46b-146 of the 2008 supplement to the general

284 statutes, as amended by section 80 of public act 07-4 of the June special
285 session, is repealed and the following is substituted in lieu thereof
286 (*Effective January 1, 2010*):

287 Whenever any child has been [found to be] convicted as delinquent,
288 [or] has been adjudicated a [member of] child in a family with service
289 needs, or has signed a statement of responsibility admitting to having
290 committed a delinquent act, [or being a member of a family with
291 service needs,] and has subsequently been discharged from the
292 supervision of the Superior Court or from the custody of the
293 Department of Children and Families or from the care of any other
294 institution or agency to whom the child has been committed by the
295 court, such child, or the child's parent or guardian, may file a petition
296 with the Superior Court. [and, if] If such court finds (1) that at least
297 two years or, in the case of a child convicted as delinquent for the
298 commission of a serious juvenile offense, four years have elapsed from
299 the date of such discharge, (2) that no subsequent juvenile proceeding
300 [has been instituted] or adult criminal proceeding is pending against
301 such child, (3) that such child has not been [found guilty of a crime]
302 convicted of a delinquent act that would constitute a felony or
303 misdemeanor if committed by an adult during such two or four-year
304 period, (4) that such child has not been convicted as an adult of a
305 felony or misdemeanor during such two or four-year period, and (5)
306 that such child has reached [sixteen] eighteen years of age, [within
307 such period,] it shall order all police and court records pertaining to
308 such child to be erased. Upon the entry of such an erasure order, all
309 references including arrest, complaint, referrals, petitions, reports and
310 orders, shall be removed from all agency, official and institutional files,
311 and a finding of delinquency or that the child was a member of a
312 family with service needs shall be deemed never to have occurred. The
313 persons in charge of such records shall not disclose to any person
314 information pertaining to the record so erased, except that the fact of
315 such erasure may be substantiated where, in the opinion of the court, it
316 is in the best interests of such child to do so. No child who has been the
317 subject of such an erasure order shall be deemed to have been arrested

318 ab initio, within the meaning of the general statutes, with respect to
319 proceedings so erased. Copies of the erasure order shall be sent to all
320 persons, agencies, officials or institutions known to have information
321 pertaining to the delinquency or family with service needs proceedings
322 affecting such child. Whenever a child is dismissed as not delinquent
323 or as not being a member of a family with service needs, all police and
324 court records pertaining to such charge shall be ordered erased
325 immediately, without the filing of a petition. Nothing in this section
326 shall prohibit the court from granting a petition to erase a child's
327 records on a showing of good cause, after a hearing, prior to the time
328 when such records could be erased.

329 Sec. 6. Section 46b-150d of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective January 1, 2010*):

331 An order that a minor is emancipated shall have the following
332 effects: (1) The minor may consent to medical, dental or psychiatric
333 care, without parental consent, knowledge or liability; (2) the minor
334 may enter into a binding contract; (3) the minor may sue and be sued
335 in such minor's own name; (4) the minor shall be entitled to such
336 minor's own earnings and shall be free of control by such minor's
337 parents or guardian; (5) the minor may establish such minor's own
338 residence; (6) the minor may buy and sell real and personal property;
339 (7) the minor may not thereafter be the subject of (A) a petition under
340 section 46b-129 of the 2008 supplement to the general statutes as an
341 abused, dependent, neglected or uncared for child or youth, (B) a
342 petition under section 46b-128 or 46b-133 of the 2008 supplement to the
343 general statutes, as amended by this act, as a delinquent child or
344 youth, or (C) a petition under section 46b-149 of the 2008 supplement
345 to the general statutes, as a child or youth in a family with service
346 needs; (8) the minor may enroll in any school or college, without
347 parental consent; (9) the minor shall be deemed to be over eighteen
348 years of age for purposes of securing an operator's license under
349 section 14-36 of the 2008 supplement to the general statutes, and a
350 marriage license under subsection (b) of section 46b-30 or a civil union

351 license under section 46b-38jj without parental consent; (10) the minor
352 shall be deemed to be over eighteen years of age for purposes of
353 registering a motor vehicle under section 14-12; (11) the parents of the
354 minor shall no longer be the guardians of the minor under section 45a-
355 606; (12) the parents of a minor shall be relieved of any obligations
356 respecting such minor's school attendance under section 10-184; (13)
357 the parents shall be relieved of all obligation to support the minor; (14)
358 the minor shall be emancipated for the purposes of parental liability
359 for such minor's acts under section 52-572; (15) the minor may execute
360 releases in such minor's own name under section 14-118; and (16) the
361 minor may enlist in the armed forces of the United States without
362 parental consent.

363 Sec. 7. (NEW) (*Effective January 1, 2010*) (a) There shall be established
364 a pretrial program for accelerated rehabilitation of a child accused of a
365 delinquent act that is not a serious juvenile offense as described in
366 section 46b-120 of the 2008 supplement to the general statutes, as
367 amended by this act.

368 (b) The court may invoke the pretrial program for accelerated
369 rehabilitation of a child on application of a child who (1) the court
370 believes will probably not offend in the future, (2) has no previous
371 record of conviction as a delinquent, and (3) states under oath, in open
372 court or before a person designated by the clerk and duly authorized
373 to administer oaths, under the penalties of perjury, that such child has
374 never had such program invoked in the child's behalf, provided the
375 child shall agree thereto. The court may not invoke such program
376 unless notice has been given by the child to the victim, if any, of such
377 delinquent act by registered or certified mail and such victim has been
378 provided an opportunity to be heard. In determining whether to grant
379 an application under this section with respect to a child who has
380 previously been the subject of a delinquency or criminal proceeding,
381 the court shall have access to any probation records of such child and
382 may consider the nature and circumstances of any ending or prior
383 delinquent act or crime with which such child has been charged.

384 (c) This section shall not be applicable to a child charged with a
385 violation of section 21a-267 or 21a-279 of the general statutes who (1) is
386 eligible for the community service program, as established by section 8
387 of this act, or (2) has previously had the community service program,
388 as established by section 8 of this act, invoked in such child's behalf.

389 (d) A child who enters the program established pursuant to
390 subsection (a) of this section shall agree to the tolling of any statute of
391 limitations with respect to such crime and to a waiver of the right to a
392 speedy trial. Any such child shall appear in court and shall, under such
393 conditions as the court orders, be placed under the accelerated
394 rehabilitation supervision of a juvenile probation officer. The period of
395 such accelerated rehabilitation supervision shall not exceed one year.
396 When determining conditions for a child entering such program, the
397 court may consider ordering the child to perform community service.
398 If the child is charged with a violation of section 46a-58 or 53-37a of the
399 2008 supplement to the general statutes or section 53a-181j, 53a-181k or
400 53a-181l of the general statutes, the court may order that, as a
401 condition of participation in such accelerated rehabilitation program,
402 the child participate in a hate crimes diversion program as provided in
403 subsection (e) of this section. If a child is charged with a violation of
404 section 53-247 of the general statutes, the court may order that, as a
405 condition of participation in such accelerated rehabilitation program,
406 the child undergo psychiatric or psychological counseling or
407 participate in animal cruelty prevention and education program
408 provided such a program exists and is available to the child.

409 (e) The Court Support Services Division of the judicial branch shall
410 contract with service providers, develop standards and oversee
411 appropriate hate crimes diversion programs to meet the requirements
412 of this section. The hate crimes diversion program shall consist of an
413 educational program and supervised community service.

414 (f) If a child supervised by a juvenile probation officer satisfactorily
415 completes such child's period of accelerated rehabilitation supervision,

416 the court, on finding such satisfactory completion, shall dismiss such
417 charges. The clerk of the court shall notify the child and parent or
418 guardian of such dismissal. On dismissal, all records of such charges
419 shall be immediately ordered erased. A decision of the court
420 determining that a child has not successfully completed such child's
421 period of accelerated rehabilitation supervision or terminating the
422 participation of a child in such program shall not be a final judgment
423 for purposes of appeal.

424 (g) If the juvenile probation officer reports to the court that such
425 child did not successfully complete the accelerated rehabilitation
426 program or such child is no longer amenable to participation in such
427 program, the court shall terminate the program, enter a plea of not
428 guilty for such child and immediately place the case on the regular
429 juvenile court docket for delinquency matters.

430 Sec. 8. (NEW) (*Effective January 1, 2010*) (a) There shall be established
431 a pretrial community service program for children charged with a
432 violation of section 21a-267 or 21a-279 of the general statutes who have
433 not previously been convicted of a delinquent act based on a violation
434 of section 21a-267 or 21a-277 of the general statutes, section 21a-278 of
435 the 2008 supplement to the general statutes or section 21a-279 of the
436 general statutes. If any such child applies for participation in such
437 program and if such child has not previously been placed in the
438 community service program, the court may grant such application,
439 suspend prosecution of the child and place such child in such
440 program.

441 (b) A child for whom prosecution is suspended and who is placed in
442 the community service program, pursuant to subsection (a) of this
443 section, shall agree to the tolling of the statute of limitations with
444 respect to such crime and to a waiver of such juvenile's right to a
445 speedy trial. A community service program established under this
446 section for a child for whom prosecution is suspended shall include a
447 drug education component and random drug testing. Such child's

448 participation in a program under a suspended prosecution shall be
449 supervised by a juvenile probation officer. If such child satisfactorily
450 completes the community service program to which such child was
451 assigned under a suspended prosecution, the court, on reviewing the
452 report of the juvenile probation officer of such child's participation in
453 such program and on finding satisfactory completion of the
454 community service program to which the child was assigned, shall
455 dismiss the charges. On dismissal, all records of such charges shall be
456 immediately ordered erased. A decision of the court determining that a
457 child has not successfully completed such child's community service
458 program or terminating the participation of a child in such program
459 shall not be a final judgment for purposes of appeal.

460 (c) If the juvenile probation officer reports to the court that such
461 child did not successfully complete the program of community service
462 to which such child was assigned or such child is no longer amenable
463 to participation in such program, the court shall enter a plea of not
464 guilty for such child and immediately place the case on the regular
465 juvenile court docket for delinquency matters.

466 (d) The period of participation in a community service program
467 shall not exceed one year and the number of hours of community
468 service ordered shall not exceed fifty.

469 Sec. 9. (NEW) (*Effective January 1, 2010*) (a) There shall be established
470 in the juvenile court a program of mediation. The court may refer a
471 child accused of a delinquent act to mediation for resolution. For the
472 purposes of this section, "mediation" means the process in which two
473 or more persons to a dispute agree to meet with an impartial third
474 party approved by the court to work toward resolution of the dispute
475 that is satisfactory to all parties in accordance with principles of
476 mediation commonly used in labor management disputes. A child's
477 participation in the mediation program shall be supervised by a
478 juvenile probation officer.

479 (b) Upon receipt of a report from the mediation program that

480 mediation was successful, the court shall dismiss the charges against
 481 the child. On dismissal, all records of such charges shall be
 482 immediately ordered erased.

483 (c) If mediation is unsuccessful or the child alleged to be a
 484 delinquent is no longer amenable to participation in such program or
 485 fails to comply with the terms of any mediation agreement, the
 486 juvenile probation officer shall notify the court and the court shall
 487 terminate the program, enter a plea of not guilty for such child and
 488 immediately place the case on the regular juvenile court docket for
 489 delinquency matters.

490 (d) A decision of the court determining that a child has not
 491 successfully completed a mediation program or terminating the
 492 participation of a child in such program shall not be a final judgment
 493 for purposes of appeal.

494 (e) Mediation services in cases referred by the court to the program
 495 of mediation may be provided by private agencies under contract with
 496 the Court Support Services Division of the judicial branch.

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>January 1, 2010</i> | 46b-120 |
| Sec. 2 | <i>January 1, 2010</i> | 46b-133 |
| Sec. 3 | <i>January 1, 2010</i> | 46b-140(b) |
| Sec. 4 | <i>January 1, 2010</i> | 46b-140(g) |
| Sec. 5 | <i>January 1, 2010</i> | 46b-146 |
| Sec. 6 | <i>January 1, 2010</i> | 46b-150d |
| Sec. 7 | <i>January 1, 2010</i> | New section |
| Sec. 8 | <i>January 1, 2010</i> | New section |
| Sec. 9 | <i>January 1, 2010</i> | New section |

Statement of Purpose:

To expand on the reforms made to the statutes concerning juvenile justice.

[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.]