



House of Representatives

General Assembly

File No. 765

January Session, 2009

Substitute House Bill No. 6575

House of Representatives, April 21, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO PROVISIONS RAISING THE AGE OF JUVENILE JURISDICTION.

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

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2 section 73 of public act 07-4 of the June special session, is repealed and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

4 The terms used in this chapter and in section 29 of this act shall, in
5 its interpretation and in the interpretation of other statutes, be defined
6 as follows:

7 (1) "Child" means any person [under sixteen years of age, except
8 that for purposes of delinquency matters and proceedings, "child"
9 means any person] (A) who is under [eighteen] ~~seventeen~~ years of age
10 [, or] and has not been legally emancipated, (B) who is [eighteen]
11 ~~seventeen~~ years of age or older and who, prior to attaining [eighteen]
12 ~~seventeen~~ years of age, [has] ~~was not legally emancipated and~~
13 committed a delinquent act, [and,] or (C) who, subsequent to attaining

14 [eighteen] seventeen years of age, [violates] violated any order of the
15 Superior Court or any condition of probation ordered by the Superior
16 Court with respect to [such] a delinquency proceeding;

17 (2) ["youth"] (A) "Youth" means any person sixteen or seventeen
18 years of age who has not been legally emancipated, except that with
19 respect to a delinquency, youth means any person sixteen years of age
20 who has not been legally emancipated; and (B) "youth in crisis" means
21 any youth seventeen years of age who, within the last two years, (i) has
22 without just cause run away from the parental home or other properly
23 authorized and lawful place of abode, (ii) is beyond the control of the
24 youth's parents, guardian or other custodian, or (iii) has four
25 unexcused absences from school in any one month or ten unexcused
26 absences in any school year;

27 (3) ["abused"] "Abused" means that a child or youth (A) has been
28 inflicted with physical injury or injuries other than by accidental
29 means, (B) has injuries that are at variance with the history given of
30 them, or (C) is in a condition that is the result of maltreatment,
31 including, but not limited to, malnutrition, sexual molestation or
32 exploitation, deprivation of necessities, emotional maltreatment or
33 cruel punishment;

34 (4) [a] A child may be found "mentally deficient" who, by reason of
35 a deficiency of intelligence that has existed from birth or from early
36 age, requires, or will require, for such child's protection or for the
37 protection of others, special care, supervision and control;

38 (5) [a] A child, other than a youth, may be convicted as "delinquent"
39 who has [violated] (A) violated any federal or state law [, other than
40 the commission of (i) an infraction or violation by a youth under
41 subsection (b) of section 51-164n, or (ii) a motor vehicle violation by a
42 youth for which a sentence to a term of imprisonment may be
43 imposed, (B) any order of the Superior Court, except as provided in
44 section 46b-148, or (C) conditions of probation as ordered by the court;
45 (6)] or municipal or local ordinance, except an ordinance regulating
46 behavior of a child in a family with service needs, (B) wilfully failed to

47 appear in response to a summons under section 46b-133, as amended
48 by this act, or at any other court hearing of which the child had notice,
49 (C) violated any order of the Superior Court, except as provided in
50 section 46b-148, or (D) violated conditions of probation as ordered by
51 the court;

52 (6) A youth age sixteen may be convicted as "delinquent" who has
53 (A) violated any federal or state law, other than (i) an infraction, (ii) a
54 violation, (iii) a motor vehicle offense or violation as defined in chapter
55 248, or (iv) a violation of a municipal or local ordinance, (B) wilfully
56 failed to appear in response to a summons under section 46b-133, as
57 amended by this act, or at any other court hearing of which the youth
58 had notice, (C) violated any order of the Superior Court, except as
59 provided in section 46b-148, or (D) violated conditions of probation as
60 ordered by the court;

61 (7) [a] A child or youth may be found "dependent" whose home is a
62 suitable one for the child or youth, except for the financial inability of
63 the child's or youth's parents, parent or guardian, or other person
64 maintaining such home, to provide the specialized care the condition
65 of the child or youth requires;

66 [(7) "family] (8) "Family with service needs" means a family that
67 includes a child or youth who (A) has without just cause run away
68 from the parental home or other properly authorized and lawful place
69 of abode, (B) is beyond the control of the child's or youth's parent,
70 parents, guardian or other custodian, (C) has engaged in indecent or
71 immoral conduct, (D) is a truant or habitual truant or who, while in
72 school, has been continuously and overtly defiant of school rules and
73 regulations, or (E) is thirteen years of age or older and has engaged in
74 sexual intercourse with another person and such other person is
75 thirteen years of age or older and not more than two years older or
76 younger than such child or youth;

77 [(8) a] (9) A child or youth may be found "neglected" who (A) has
78 been abandoned, (B) is being denied proper care and attention,
79 physically, educationally, emotionally or morally, (C) is being

80 permitted to live under conditions, circumstances or associations
81 injurious to the well-being of the child or youth, or (D) has been
82 abused;

83 [(9) a] (10) A child or youth may be found "uncared for" who is
84 homeless or whose home cannot provide the specialized care that the
85 physical, emotional or mental condition of the child or youth requires.
86 For the purposes of this section, the treatment of any child or youth by
87 an accredited Christian Science practitioner, in lieu of treatment by a
88 licensed practitioner of the healing arts, shall not of itself constitute
89 neglect or maltreatment;

90 [(10) "delinquent act"] (11) "Delinquent act" means [the violation of
91 any federal or state law, or the violation of any order of the Superior
92 Court, other than the commission of (A) an infraction or violation by a
93 youth under subsection (b) of section 51-164n, or (B) a motor vehicle
94 violation by a youth for which a sentence to a term of imprisonment
95 may be imposed; (11) "serious"] (A) the violation, by a child other than
96 a youth, of any federal or state law or municipal or local ordinance,
97 except an ordinance regulating behavior of a child in a family with
98 service needs, (B) the violation by a youth age sixteen of any federal or
99 state law, other than (i) an infraction, (ii) a violation, (iii) a motor
100 vehicle offense or violation under chapter 248, or (iv) a violation of a
101 municipal or local ordinance, (C) wilful failure to appear in response to
102 a summons under section 46b-133, as amended by this act, or at any
103 other court hearing of which the child or a youth age sixteen has
104 notice, (D) the violation of any order of the Superior Court by a child
105 or a youth age sixteen, except as provided in section 46b-148, or (E) the
106 violation of conditions of probation by a child or a youth age sixteen as
107 ordered by the court;

108 (12) "Serious juvenile offense" means (A) the violation of, including
109 attempt or conspiracy to violate, (i) section 21a-277, 21a-278, 29-33,
110 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21,
111 53-80a, 53-202b, 53-202c, [53-390 to 53-392, inclusive,] 53a-54a to [53a-
112 56a] 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,

113 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, [53a-95,
114 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
115 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
116 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
117 [53a-166] or 53a-167c, subsection (a) of section 53a-174, or section
118 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, [by a child, or (ii)
119 section 53a-56b or 53a-57 by a child under sixteen years of age,] or (B)
120 running away, without just cause, from any secure placement other
121 than home while referred as a delinquent child or youth to the Court
122 Support Services Division or committed as a delinquent child or youth
123 to the Commissioner of Children and Families for a serious juvenile
124 offense;

125 [(12) "serious juvenile offender"] (13) "Serious juvenile offender"
126 means any child or youth convicted as delinquent for the commission
127 of a serious juvenile offense;

128 [(13) "serious juvenile repeat offender"] (14) "Serious juvenile repeat
129 offender" means any child or youth charged with the commission of
130 any felony if such child or youth has previously been convicted as
131 delinquent or otherwise convicted at any age for two violations of any
132 provision of title 21a, 29, 53 or 53a that is designated as a felony;

133 [(14) "alcohol-dependent"] (15) "Alcohol-dependent" means a
134 psychoactive substance dependence on alcohol as that condition is
135 defined in the most recent edition of the American Psychiatric
136 Association's "Diagnostic and Statistical Manual of Mental Disorders";
137 and

138 [(15) "drug-dependent"] (16) "Drug dependent" means a
139 psychoactive substance dependence on drugs as that condition is
140 defined in the most recent edition of the American Psychiatric
141 Association's "Diagnostic and Statistical Manual of Mental Disorders".
142 No child or youth shall be classified as drug dependent who is
143 dependent (A) upon a morphine-type substance as an incident to
144 current medical treatment of a demonstrable physical disorder other
145 than drug dependence, or (B) upon amphetamine-type, ataractic,

146 barbiturate-type, hallucinogenic or other stimulant and depressant
147 substances as an incident to current medical treatment of a
148 demonstrable physical or psychological disorder, or both, other than
149 drug dependence.

150 Sec. 2. Section 46b-121 of the general statutes, as amended by section
151 74 of public act 07-4 of the June special session, is repealed and the
152 following is substituted in lieu thereof (*Effective January 1, 2010*):

153 (a) (1) Juvenile matters in the civil session include all proceedings
154 concerning uncared-for, neglected or dependent children and youths
155 within this state, termination of parental rights of children or youths
156 committed to a state agency, matters concerning families with service
157 needs, contested matters involving termination of parental rights or
158 removal of guardian transferred from the Probate Court and the
159 emancipation of minors, but does not include matters of guardianship
160 and adoption or matters affecting property rights of any child or youth
161 over which the Probate Court has jurisdiction, except that appeals
162 from probate concerning adoption, termination of parental rights and
163 removal of a parent as guardian shall be included.

164 (2) Juvenile matters in the criminal session include all proceedings
165 concerning delinquent children and youths within this state and
166 persons [eighteen] seventeen years of age and older who are under the
167 supervision of a juvenile probation officer while on probation or a
168 suspended commitment to the Department of Children and Families,
169 for purposes of enforcing any court orders entered as part of such
170 probation or suspended commitment.

171 (b) (1) In juvenile matters, the Superior Court shall have authority to
172 make and enforce such orders directed to parents, including any
173 person who acknowledges before the court paternity of a child born
174 out of wedlock, guardians, custodians or other adult persons owing
175 some legal duty to a child or youth therein, as the court deems
176 necessary or appropriate to secure the welfare, protection, proper care
177 and suitable support of a child or youth subject to the court's
178 jurisdiction or otherwise committed to or in the custody of the

179 Commissioner of Children and Families. The Superior Court may
180 order a local or regional board of education to provide to the court
181 educational records of a child or youth for the purpose of determining
182 the need for services or placement of the child or youth. In proceedings
183 concerning a child or youth charged with a delinquent act or with
184 being from a family with service needs, records produced subject to
185 such an order shall be maintained under seal by the court and shall be
186 released only after a hearing or with the consent of the child or youth.
187 Educational records obtained pursuant to this section shall be used
188 only for dispositional purposes. In addition, with respect to
189 proceedings concerning delinquent children and youths, the Superior
190 Court shall have authority to make and enforce such orders as the
191 court deems necessary or appropriate to punish the child or youth,
192 deter the child or youth from the commission of further delinquent
193 acts, assure that the safety of any other person will not be endangered
194 and provide restitution to any victim. The Superior Court shall also
195 have authority to grant and enforce temporary and permanent
196 injunctive relief in all proceedings concerning juvenile matters.

197 (2) If any order for the payment of money is issued by the Superior
198 Court, including any order assessing costs issued under section
199 46b-134, as amended by this act, or 46b-136, the collection of such
200 money shall be made by the court, except orders for support of
201 children or youths committed to any state agency or department,
202 which orders shall be made payable to and collected by the
203 Department of Administrative Services. If the Superior Court after due
204 diligence is unable to collect such moneys within six months, the court
205 shall refer such case to the Department of Administrative Services for
206 collection as a delinquent account. In juvenile matters, the Superior
207 Court shall have authority to make and enforce orders directed to
208 persons liable hereunder on petition of the Department of
209 Administrative Services made to the court in the same manner as is
210 provided in section 17b-745, in accordance with the provisions of
211 section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section
212 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745
213 shall be applicable to such proceedings. Any judge hearing a juvenile

214 matter may make any other order in connection therewith that a judge
215 of the Superior Court is authorized to grant and such order shall have
216 the same force and effect as any other order of the Superior Court. In
217 the enforcement of the court's orders, in connection with any juvenile
218 matter, the court may issue process for the arrest of any person,
219 compel attendance of witnesses and punish for contempt by a fine not
220 exceeding one hundred dollars or imprisonment not exceeding six
221 months.

222 Sec. 3. Section 46b-121k of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective from passage*):

224 (a) (1) The [Court Support Services Division] Judicial Branch shall
225 develop constructive programs for the prevention and reduction of
226 delinquency and crime among juvenile offenders. To develop such
227 programs, the executive director of the Court Support Services
228 Division within the Judicial Branch shall cooperate with other agencies
229 to encourage the establishment of new programs and to provide a
230 continuum of services for juvenile offenders who do not require secure
231 placement, including, but not limited to, juveniles classified pursuant
232 to the risk assessment instrument described in section 46b-121i, as
233 those who may be released with structured supervision and those who
234 may be released without supervision. When appropriate, the [Court
235 Support Services Division] Judicial Branch shall coordinate such
236 programs with the Department of Children and Families and the
237 Department of Mental Health and Addiction Services.

238 (2) The programs shall be tailored to the type of juvenile, including
239 the juvenile's offense history, age, maturity and social development,
240 gender, mental health, alcohol dependency or drug dependency, need
241 for structured supervision and other characteristics, and shall be
242 culturally appropriate, trauma-informed and provided in the least
243 restrictive environment possible in a manner consistent with public
244 safety. The [Court Support Services Division] Judicial Branch shall
245 develop programs that provide: (A) Intensive general education, with
246 an individualized remediation plan for each juvenile; (B) appropriate

247 job training and employment opportunities; (C) counseling sessions in
248 anger management and nonviolent conflict resolution; (D) treatment
249 and prevention programs for alcohol dependency and drug
250 dependency; (E) mental health screening, assessment and treatment;
251 (F) sexual offender treatment; and (G) services for families of juveniles.

252 (b) The Judicial [Department] Branch may contract to establish
253 regional secure residential facilities and regional highly supervised
254 residential and nonresidential facilities for juveniles referred by the
255 court. Such facilities shall operate within contracted-for capacity limits.
256 Such facilities shall be exempt from the licensing requirements of
257 section 17a-145.

258 (c) The [Court Support Services Division] Judicial Branch shall
259 collaborate with private residential facilities providing residential
260 programs and with community-based nonresidential postrelease
261 programs.

262 (d) The Judicial Branch, as part of a publicly bid contract for an
263 alternative incarceration program, may include a requirement that the
264 contractor provide for space necessary for juvenile probation offices
265 and other staff of the Court Support Services Division to perform their
266 duties.

267 [(d)] (e) Any program developed by the [Court Support Services
268 Division] Judicial Branch that is designed to prevent or reduce
269 delinquency and crime among juvenile offenders shall be gender
270 specific, as necessary, and shall comprehensively address the unique
271 needs of a targeted gender group.

272 [(e)] (f) The [Court Support Services Division] Judicial Branch shall
273 consult with the Commission on Racial and Ethnic Disparity in the
274 Criminal Justice System established pursuant to section 51-10c to
275 address the needs of minorities in the juvenile justice system.

276 Sec. 4. Section 46b-127 of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective January 1, 2010*):

278 (a) The court shall automatically transfer from the docket for
279 juvenile matters to the regular criminal docket of the Superior Court
280 the case of any child or youth charged with the commission of a capital
281 felony, a class A or B felony or a violation of section 53a-54d, provided
282 such offense was committed after such child or youth attained the age
283 of fourteen years and counsel has been appointed for such child or
284 youth if such child or youth is indigent. Such counsel may appear with
285 the child or youth but shall not be permitted to make any argument or
286 file any motion in opposition to the transfer. The child or youth shall
287 be arraigned in the regular criminal docket of the Superior Court at the
288 next court date following such transfer, provided any proceedings held
289 prior to the finalization of such transfer shall be private and shall be
290 conducted in such parts of the courthouse or the building wherein
291 court is located as shall be separate and apart from the other parts of
292 the court which are then being held for proceedings pertaining to
293 adults charged with crimes. The file of any case so transferred shall
294 remain sealed until the end of the tenth working day following such
295 arraignment unless the state's attorney has filed a motion pursuant to
296 this subsection [,] in which case such file shall remain sealed until the
297 court makes a decision on the motion. A state's attorney may, not later
298 than ten working days after such arraignment, file a motion to transfer
299 the case of any child or youth charged with the commission of a class B
300 felony or a violation of subdivision (2) of subsection (a) of section 53a-
301 70 to the docket for juvenile matters for proceedings in accordance
302 with the provisions of this chapter. The court sitting for the regular
303 criminal docket shall, after hearing and not later than ten working
304 days after the filing of such motion, decide such motion.

305 (b) Upon motion of a juvenile prosecutor and order of the court, the
306 case of any child or youth charged with the commission of a class C or
307 D felony or an unclassified felony shall be transferred from the docket
308 for juvenile matters to the regular criminal docket of the Superior
309 Court, provided such offense was committed after such child or youth
310 attained the age of fourteen years and the court finds ex parte that
311 there is probable cause to believe the child or youth has committed the
312 act for which [he] the child or youth is charged. The file of any case so

313 transferred shall remain sealed until such time as the court sitting for
314 the regular criminal docket accepts such transfer. The court sitting for
315 the regular criminal docket may return any such case to the docket for
316 juvenile matters not later than ten working days after the date of the
317 transfer for proceedings in accordance with the provisions of this
318 chapter. The child or youth shall be arraigned in the regular criminal
319 docket of the Superior Court by the next court date following such
320 transfer, provided any proceedings held prior to the finalization of
321 such transfer shall be private and shall be conducted in such parts of
322 the courthouse or the building wherein court is located as shall be
323 separate and apart from the other parts of the court which are then
324 being held for proceedings pertaining to adults charged with crimes.

325 (c) Upon the effectuation of the transfer, such child or youth shall
326 stand trial and be sentenced, if convicted, as if such child or youth
327 were eighteen years of age. Such child or youth shall receive credit
328 against any sentence imposed for time served in a juvenile facility
329 prior to the effectuation of the transfer. A child or youth who has been
330 transferred may enter a guilty plea to a lesser offense if the court finds
331 that such plea is made knowingly and voluntarily. Any child or youth
332 transferred to the regular criminal docket who pleads guilty to a lesser
333 offense shall not resume such child's or youth's status as a juvenile
334 regarding such offense. If the action is dismissed or nolle or if such
335 child or youth is found not guilty of the charge for which such child or
336 youth was transferred or of any lesser included offenses, the child or
337 youth shall resume such child's or youth's status as a juvenile until
338 such child or youth attains the age of eighteen years.

339 (d) Any child or youth transferred to the regular criminal docket of
340 the Superior Court who is detained shall be in the custody of the
341 Commissioner of Correction upon the finalization of such transfer. A
342 transfer shall be final (1) upon the expiration of ten working days after
343 the arraignment if no motion has been filed by the state's attorney
344 pursuant to subsection (a) of this section or, if such motion has been
345 filed, upon the decision of the court to deny such motion, or (2) upon
346 the court accepting the transfer pursuant to subsection (b) of this

347 section. Any child or youth returned to the docket for juvenile matters
348 who is detained shall be in the custody of the Judicial Department.

349 (e) The transfer of a child or youth to a Department of Correction
350 facility shall be limited to the provisions of subsection (d) of this
351 section and said subsection shall not be construed to permit the
352 transfer of or otherwise reduce or eliminate any other population of
353 juveniles in detention or confinement within the Judicial Department
354 or the Department of Children and Families.

355 Sec. 5. Section 46b-128 of the general statutes is repealed and the
356 following is substituted in lieu thereof (*Effective January 1, 2010*):

357 (a) Whenever the Superior Court is in receipt of any written
358 complaint filed by any person, any public or private agency or any
359 federal, state, city or town department maintaining that a child's or
360 youth's conduct constitutes delinquency within the meaning of section
361 46b-120, as amended by this act, it shall make a preliminary
362 investigation to determine whether the facts, if true, would be
363 sufficient to be a juvenile matter and whether the interests of the public
364 or the child or youth require that further action be taken. If so, the
365 court may authorize the filing of a verified petition of alleged
366 delinquency or it may make without such petition whatever
367 nonjudicial disposition is practicable, including the ordering of such
368 child or youth to do work of which [he] the child or youth is capable in
369 public buildings or on public property, particularly in cases in which
370 the complaint alleges that the conduct of such child or youth resulted
371 in the wilful destruction of property, provided the facts establishing
372 jurisdiction are admitted and that a competent acceptance of such a
373 disposition has been given by the child or youth and [his] the child's or
374 youth's parent or guardian. If a nonjudicial disposition is made, the
375 term of any nonjudicial supervision shall be established by the juvenile
376 probation supervisor, provided such period of supervision shall not
377 exceed one hundred eighty days. Each verified petition of delinquency
378 filed by the court shall set forth plainly (1) the facts which bring the
379 child or youth within the jurisdiction of the court, (2) the name, date of

380 birth, sex and residence of the child or youth, (3) the names and
381 residence of his parent or parents, guardian or other person having
382 control of the child or youth, and (4) a prayer for appropriate action by
383 the court in conformity with the provisions of this chapter.

384 (b) Upon the filing of a delinquency petition, the court may, either
385 forthwith or after investigation, cause a summons, which summons
386 shall have a copy of said verified petition attached thereto, signed by
387 the judge or by the clerk or assistant clerk of such court, to be issued,
388 requiring the child or youth and the parent or parents, guardian or
389 other person having control of the child or youth to appear in court at
390 the time and place therein specified. Whenever it appears to the judge
391 that orders addressed to an adult, as set forth in section 46b-121, as
392 amended by this act, are necessary for the welfare of such child or
393 youth, a similar summons shall be issued and served upon such adult
394 if such adult is not already in court. Service of summons, together with
395 a copy of the verified petition, may be made by any one of the
396 following methods: (1) By the delivery of a true and attested copy
397 thereof to the person summoned, or at such person's usual place of
398 abode; (2) by restricted delivery addressed to the person summoned,
399 return receipt requested; or (3) by first class mail addressed to the
400 person summoned. Any notice sent by first class mail shall include a
401 provision informing the party that appearance in court as a result of
402 the notice may subject the appearing party to the jurisdiction of the
403 court. If service is made by first class mail and the party does not
404 appear, no order may be entered by the court in the case. If, after
405 reasonable effort, personal service has not been made, such substitute
406 service, by publication or otherwise, as the judge may order, shall be
407 sufficient. Service may be made by any officer authorized by law to
408 serve process, or by a probation officer, probation aide or indifferent
409 person, and the court may allow suitable expenses and a reasonable
410 fee therefor. The court may punish for contempt, as provided in
411 section 46b-121, as amended by this act, any parent, guardian or other
412 person so summoned who fails to appear in court at the time and place
413 so specified.

414 Sec. 6. Section 46b-132a of the general statutes is repealed and the
415 following is substituted in lieu thereof (*Effective January 1, 2010*):

416 When deemed in the best interests of a child or youth placed in a
417 juvenile detention center, the administrator of such detention center
418 may authorize, under policies promulgated by the Chief Court
419 Administrator, such medical assessment and treatment and dentistry
420 as is necessary to ensure the continued good health or life of the child
421 or youth. The administrator of the detention center shall make
422 reasonable efforts to inform the child's or youth's parents or guardian
423 prior to taking such action, and in all cases shall send notice to the
424 parents or guardian by letter to their last-known address informing
425 them of the actions taken and of the outcome, provided failure to
426 notify shall not affect the validity of the authorization.

427 Sec. 7. Section 46b-133 of the general statutes, as amended by section
428 85 of public act 07-4 of the June special session, is repealed and the
429 following is substituted in lieu thereof (*Effective January 1, 2010*):

430 (a) Nothing in this part shall be construed as preventing the arrest of
431 a child or youth, with or without a warrant, as may be provided by
432 law, or as preventing the issuance of warrants by judges in the manner
433 provided by section 54-2a, except that no child or youth shall be taken
434 into custody on such process except on apprehension in the act, or on
435 speedy information, or in other cases when the use of such process
436 appears imperative. Whenever a child or youth is arrested and charged
437 with a crime, such child or youth may be required to submit to the
438 taking of his photograph, physical description and fingerprints.
439 Notwithstanding the provisions of section 46b-124, the name,
440 photograph and custody status of any child or youth arrested for the
441 commission of a capital felony or class A felony may be disclosed to
442 the public.

443 (b) Whenever a child or youth is brought before a judge of the
444 Superior Court, such judge shall immediately have the case proceeded
445 upon as a juvenile matter. Such judge may admit the child or youth to
446 bail or release the child or youth in the custody of the child's or youth's

447 parent or parents, the child's or youth's guardian or some other
448 suitable person to appear before the Superior Court when ordered. If
449 detention becomes necessary, such detention shall be in the manner
450 prescribed by this chapter, provided the child or youth shall be placed
451 in the least restrictive environment possible in a manner consistent
452 with public safety.

453 (c) Upon the arrest of any child or youth by an officer, such officer
454 (1) may release [him] the child or youth to the custody of [his] the
455 child's or youth's parent or parents, guardian or some other suitable
456 person or agency, (2) at the discretion of the officer, release the child or
457 youth to the child's or youth's own custody, or [may] (3) immediately
458 turn [him] the child or youth over to a juvenile detention center. When
459 a child or youth is arrested for the commission of a delinquent act and
460 the child or youth is not placed in detention or referred to a
461 diversionary program, an officer shall serve a written complaint and
462 summons on the child or youth and [his] the child's or youth's parent,
463 guardian or [other person having control of the child] some other
464 suitable person or agency. If such child or youth is released to the
465 child's or youth's own custody, the officer shall make reasonable
466 efforts to notify, and to provide a copy of a written complaint and
467 summons to, the parent or guardian or some other suitable person or
468 agency prior to the court date on the summons. [Such parent, guardian
469 or other person shall execute a written promise to appear in court at
470 the time and place specified in such summons.] If any person so
471 summoned wilfully fails to appear in court at the time and place so
472 specified, the court may issue a warrant for the child's or youth's arrest
473 or a capias to assure the appearance in court of such parent, guardian
474 or other person. If a child or youth wilfully fails to appear in response
475 to such a summons, the court may order such child or youth taken into
476 custody and such child or youth may be charged with the delinquent
477 act of failure to appear under section 46b-120, as amended by this act.
478 The court may punish for contempt, as provided in section 46b-121, as
479 amended by this act, any parent, guardian or other person so
480 summoned who wilfully fails to appear in court at the time and place
481 so specified.

482 (d) The court or detention supervisor may turn such child or youth
483 over to a youth service program created for such purpose, if such
484 course is practicable, or such child or youth may be detained pending a
485 hearing which shall be held on the business day next following [his]
486 the child's or youth's arrest. No child or youth shall be detained after
487 such hearing or held in detention pursuant to a court order unless it
488 appears from the available facts that there is probable cause to believe
489 that the child or youth has committed the acts alleged, there is no less
490 restrictive alternative available and that there is (1) a strong probability
491 that the child or youth will run away prior to the court hearing or
492 disposition, (2) a strong probability that the child or youth will commit
493 or attempt to commit other offenses injurious to [him] the child or
494 youth or to the community [before] prior to the court disposition, (3)
495 probable cause to believe that the child's or youth's continued
496 residence in [his] the child's or youth's home pending disposition [will
497 not safeguard the best interests of the child or the community] poses a
498 risk to the child, youth or the community because of the serious and
499 dangerous nature of the act or acts [he] the child or youth is alleged to
500 have committed, (4) a need to hold the child or youth for another
501 jurisdiction, [or] (5) a need to hold the child or youth to assure [his] the
502 child's or youth's appearance before the court, in view of [his] the
503 child's or youth's previous failure to respond to the court process, or
504 (6) the child or youth has violated one or more of the conditions of a
505 suspended detention order. Such probable cause may be shown by
506 sworn affidavit in lieu of testimony. No child or youth shall be
507 released from detention who is alleged to have committed a serious
508 juvenile offense except by order of a judge of the Superior Court. In no
509 case shall a child or youth be confined in a community correctional
510 center or lockup, or in any place where adults are or may be confined,
511 except in the case of a nursing infant; nor shall any child or youth at
512 any time be held in solitary confinement. When a female child or youth
513 is held in custody, she shall, as far as possible, be in the charge of a
514 woman attendant.

515 (e) The police officer who brings a child or youth into detention
516 shall have first notified, or made a reasonable effort to notify, the

517 parents or guardian of the child or youth in question of the intended
518 action and shall file at the detention center a signed statement setting
519 forth the alleged delinquent conduct of the child or youth. Unless the
520 arrest was for a serious juvenile offense or unless an order not to
521 release is noted on the take into custody order, arrest warrant or order
522 to detain, the child or youth may be released by a detention supervisor
523 to the custody of [his] the child's or youth's parent or parents, guardian
524 or some other suitable person or agency.

525 (f) In conjunction with any order of release from detention the court
526 may, when it has reason to believe a child or youth is alcohol-
527 dependent or drug-dependent as defined in section 46b-120, as
528 amended by this act, and where necessary, reasonable and
529 appropriate, order the child or youth to participate in a program of
530 periodic alcohol or drug testing and treatment as a condition of such
531 release. The results of any such alcohol or drug test shall be admissible
532 only for the purposes of enforcing the conditions of release from
533 detention.

534 (g) Whenever the population of a juvenile detention center equals or
535 exceeds the maximum capacity for such center, as determined by the
536 Judicial [Department] Branch, the detention supervisor in charge of
537 intake shall [only] admit only a child or youth who: (1) Is charged with
538 the commission of a serious juvenile offense, (2) is the subject of an
539 order to detain or an outstanding court order to take such child or
540 youth into custody, (3) is ordered by a court to be held in detention, or
541 (4) is being transferred to such center to await a court appearance.

542 Sec. 8. Section 46b-133a of the general statutes is repealed and the
543 following is substituted in lieu thereof (*Effective January 1, 2010*):

544 (a) A nolle prosequi may not be entered as to any count of
545 delinquency if the [juvenile] child or youth objects to the nolle
546 prosequi and demands either a trial or dismissal, except with respect
547 to prosecutions in which a nolle prosequi is entered upon a
548 representation to the court by the juvenile prosecutor that a material
549 witness has died, disappeared or become disabled or that material

550 evidence has disappeared or has been destroyed and that a further
551 investigation is therefore necessary.

552 (b) Whenever a nolle prosequi has been entered as to any count of
553 delinquency, or whenever any count of delinquency has been
554 dismissed without prejudice, if at least thirteen months have elapsed
555 since such nolle or dismissal without prejudice, all police and court
556 records pertaining to such count shall be erased. Whenever any such
557 count has been continued at the request of the juvenile prosecutor and
558 a period of thirteen months has elapsed since the granting of such
559 continuance during which period there has been no prosecution or
560 other disposition of the matter, the count shall be construed to have
561 been nolle as of the date of termination of such thirteen-month period
562 and such erasure may thereafter be effected as provided in this
563 subsection for nolle cases.

564 Sec. 9. Section 46b-133b of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective January 1, 2010*):

566 (a) The court, on motion of a child or youth charged with a
567 delinquency offense, but not yet convicted, may order that such child
568 or youth be examined to determine whether the child or youth is
569 alcohol-dependent or drug-dependent as defined in section 46b-120, as
570 amended by this act. Such motion shall be filed with the court within
571 ten days after a plea is entered, except if waived by the court or
572 pursuant to an agreement by the parties. The results of any
573 examination ordered pursuant to this subsection shall be utilized only
574 for the purposes of determining whether the delinquency proceeding
575 should be suspended under this section.

576 (b) The court, upon motion of the child or youth charged with a
577 delinquency offense but not yet convicted, may order the suspension
578 of the delinquency proceedings for a period of up to one year, order
579 periodic alcohol and drug testing of such child or youth during the
580 period of suspension and order treatment for alcohol or drug
581 dependency if the court, after consideration of information before it
582 concerning the alcohol or drug dependency of the child or youth, finds

583 that (1) the child or youth is alcohol-dependent or drug-dependent as
584 defined in section 46b-120, as amended by this act, (2) the child or
585 youth presently needs and is likely to benefit from treatment for the
586 dependency and (3) the suspension of the delinquency proceedings
587 will advance the interests of justice. During the period of suspension, a
588 child or youth shall be placed under the supervision of a juvenile
589 probation officer for treatment for alcohol or drug dependency and
590 such officer shall monitor the compliance of the child or youth with the
591 orders of the court.

592 (c) If the court denies the motion for suspension of the delinquency
593 proceedings, the juvenile prosecutor may proceed with the
594 delinquency proceedings. Any order of the court granting or denying a
595 motion for suspension of the delinquency proceedings shall not be
596 deemed a final order for purposes of appeal.

597 (d) At any time before the end of the period of the suspension of the
598 delinquency proceedings, but not later than one month before the end
599 of the period of suspension, a juvenile probation officer shall notify the
600 court of the impending conclusion of the suspension and submit a
601 report on whether the child or youth has completed the treatment
602 program and has complied with all other conditions of the suspension
603 order imposed by the court.

604 (e) If the court, on motion of the child or youth or on its own
605 motion, finds that the child or youth has completed the treatment
606 program and has complied with all other conditions of suspension, it
607 may dismiss the charge for which the delinquency proceedings had
608 been suspended. If the court denies the motion and terminates the
609 suspension of the delinquency proceedings, the juvenile prosecutor
610 may proceed with such proceedings.

611 (f) The provisions of this section shall not apply to any child or
612 youth charged with a serious juvenile offense as defined in section 46b-
613 120, as amended by this act, or any child or youth who was previously
614 ordered treated under this section.

615 Sec. 10. Section 46b-133c of the general statutes, as amended by
616 section 76 of public act 07-4 of the June special session, is repealed and
617 the following is substituted in lieu thereof (*Effective January 1, 2010*):

618 (a) Whenever a child or youth is referred for the commission of a
619 felony committed after such child or youth attained the age of fourteen
620 years and such child or youth is a serious juvenile repeat offender, as
621 defined in section 46b-120, as amended by this act, the juvenile
622 prosecutor may request the court to designate the proceeding as a
623 serious juvenile repeat offender prosecution.

624 (b) If a juvenile prosecutor requests that a proceeding be designated
625 a serious juvenile repeat offender prosecution, the court shall hold a
626 hearing not later than thirty days after the filing of such request unless
627 good cause is shown by the juvenile prosecutor or by the child or
628 youth as to why the hearing should not be held within such period. If
629 good cause is shown, the hearing shall be held not later than ninety
630 days after the filing of such request. The court shall decide whether to
631 designate the proceeding as a serious juvenile repeat offender
632 prosecution not later than thirty days after the completion of such
633 hearing. The court shall grant the request to designate the proceeding
634 as a serious juvenile repeat offender prosecution if the juvenile
635 prosecutor shows by clear and convincing evidence that such
636 designation will serve the public safety. The decision to designate the
637 proceeding as a serious juvenile repeat offender prosecution shall not
638 be a final judgment for purposes of appeal.

639 (c) A proceeding designated as a serious juvenile repeat offender
640 prosecution pursuant to subsection (b) of this section shall be held
641 before the court without a jury, provided the child or youth has
642 waived his right to a trial by jury. If a child or youth is convicted of or
643 pleads guilty to a felony in such proceeding, the court shall: (1)
644 Sentence the child or youth in accordance with section 46b-140, as
645 amended by this act, or 46b-141a, as amended by this act, and (2)
646 sentence the child or youth in accordance with section 53a-28 with the
647 execution of such sentence stayed on the condition that the child or

648 youth not violate the conditions of the sentence imposed pursuant to
649 subdivision (1) of this subsection or commit a subsequent crime.

650 (d) If a child or youth is convicted of or pleads guilty to a
651 misdemeanor in a proceeding designated as a serious juvenile repeat
652 offender prosecution pursuant to subsection (b) of this section, the
653 court shall sentence the child or youth in accordance with section 46b-
654 140, as amended by this act, or 46b-141a, as amended by this act.

655 (e) Whenever it appears that a child or youth who has been
656 sentenced pursuant to subsection (c) of this section has violated the
657 conditions of the sentence imposed pursuant to subdivision (1) of said
658 subsection (c) or has committed a subsequent crime, the court may,
659 without notice, order that the child or youth be immediately taken into
660 custody in accordance with the provisions of section 46b-125. The
661 court shall notify the child or youth and such child's or youth's parent
662 or guardian and the attorney of record, if any, in writing of the reasons
663 alleged to exist for the lifting of the stay of execution of the sentence
664 imposed pursuant to subdivision (2) of said subsection (c). If the child
665 or youth challenges such reasons, the court shall hold a hearing at
666 which the child or youth shall be entitled to be heard and be
667 represented by counsel. After such hearing, if the court finds that the
668 child or youth has violated the conditions of the sentence imposed
669 pursuant to subdivision (1) of said subsection (c) or committed a
670 subsequent crime, it shall order the child or youth to serve a sentence
671 not to exceed that imposed pursuant to subdivision (2) of said
672 subsection (c) unless it determines there are mitigating circumstances
673 that justify continuing the stay of execution and specifically states such
674 mitigating circumstances in writing for the record. The child or youth
675 shall receive credit against any sentence imposed pursuant to
676 subdivision (2) of said subsection (c) for time served in a juvenile
677 facility pursuant to the sentence imposed pursuant to subdivision (1)
678 of said subsection (c).

679 (f) Whenever a proceeding has been designated a serious juvenile
680 repeat offender prosecution pursuant to subsection (b) of this section

681 and the child or youth does not waive such child's or youth's right to a
682 trial by jury, the court shall transfer the case from the docket for
683 juvenile matters to the regular criminal docket of the Superior Court.
684 Upon transfer, such child or youth shall stand trial and be sentenced, if
685 convicted, as if such child or youth were [eighteen] seventeen years of
686 age, except that no such child or youth shall be placed in a correctional
687 facility but shall be maintained in a facility for children and youths
688 until such child or youth attains [eighteen] seventeen years of age or
689 until such child or youth is sentenced, whichever occurs first. Such
690 child or youth shall receive credit against any sentence imposed for
691 time served in a juvenile facility prior to the effectuation of the
692 transfer. A child or youth who has been transferred may enter a guilty
693 plea to a lesser offense if the court finds that such plea is made
694 knowingly and voluntarily. Any child or youth transferred to the
695 regular criminal docket who pleads guilty to a lesser offense shall not
696 resume such child's or youth's status as a juvenile regarding such
697 offense. If the action is dismissed or nolle or if such child or youth is
698 found not guilty of the charge for which such child or youth was
699 transferred, the child or youth shall resume such child's or youth's
700 status as a juvenile until such child or youth attains [eighteen]
701 seventeen years of age.

702 Sec. 11. Section 46b-133d of the general statutes, as amended by
703 section 77 of public act 07-4 of the June special session, is repealed and
704 the following is substituted in lieu thereof (*Effective January 1, 2010*):

705 (a) For the purposes of this section, "special juvenile probation"
706 means a period of probation imposed by the superior court for juvenile
707 matters upon a child or youth in a proceeding designated as a serious
708 sexual offender prosecution during which the child or youth is
709 supervised by a juvenile probation officer prior to such child or youth
710 attaining eighteen years of age and by an adult probation officer after
711 such child or youth attains eighteen years of age.

712 (b) Whenever a child or youth is referred for the commission of any
713 crime of a sexual nature, and such case is not transferred to the regular

714 criminal docket pursuant to section 46b-127, as amended by this act,
715 the juvenile prosecutor may request the court to designate the
716 proceeding as a serious sexual offender prosecution.

717 (c) If a juvenile prosecutor requests that a proceeding be designated
718 a serious sexual offender prosecution, the court shall hold a hearing
719 not later than thirty days after the filing of such request unless good
720 cause is shown by the juvenile prosecutor or by the child or youth as to
721 why the hearing should not be held within such period. If good cause
722 is shown, the hearing shall be held not later than ninety days after the
723 filing of such request. The court shall decide whether to designate the
724 proceeding as a serious sexual offender prosecution not later than
725 thirty days after the completion of such hearing. The court shall grant
726 the request to designate the proceeding as a serious sexual offender
727 prosecution if the juvenile prosecutor shows by a preponderance of the
728 evidence that such designation will serve the public safety. The
729 decision to designate the proceeding as a serious sexual offender
730 prosecution shall not be a final judgment for purposes of appeal.

731 (d) A proceeding designated as a serious sexual offender
732 prosecution pursuant to subsection (c) of this section shall be held
733 before the court without a jury, provided the child or youth has
734 waived the right to a trial by jury. If a child or youth is convicted of or
735 pleads guilty or nolo contendere to a charge in a proceeding that has
736 been designated as a serious sexual offender prosecution, the court
737 shall: (1) Sentence the child or youth in accordance with section 46b-
738 140, as amended by this act, or 46b-141a, as amended by this act, (2)
739 sentence the child or youth to a period of special juvenile probation of
740 at least five years, to commence upon the release of the child or youth
741 from the institution, agency or program in whose care the child or
742 youth had been placed, and (3) sentence the child or youth in
743 accordance with section 53a-28 with the execution of such sentence
744 stayed on the condition that the child or youth not violate the
745 conditions of the sentence imposed pursuant to subdivisions (1) and
746 (2) of this subsection or commit a subsequent crime.

747 (e) Whenever it appears that a child or youth who has been
748 sentenced pursuant to subsection (d) of this section has violated the
749 conditions of the sentence imposed pursuant to subdivision (2) of said
750 subsection or has committed a subsequent crime, the court may,
751 without notice, order that the child or youth be immediately taken into
752 custody in accordance with the provisions of sections 46b-125 and 53a-
753 32. If such violation of probation or subsequent crime occurs prior to
754 the person attaining eighteen years of age, the matter shall be handled
755 by the superior court for juvenile matters. If such violation of
756 probation or subsequent crime occurs after the person has attained
757 eighteen years of age, the matter shall be handled by the regular
758 criminal docket of the Superior Court. Whenever such matter is
759 handled by the superior court for juvenile matters, the court shall
760 notify the child or youth and such child's or youth's parent or guardian
761 and the attorney of record, if any, in writing of the reasons alleged to
762 exist for the lifting of the stay of execution of the sentence imposed
763 pursuant to subdivision (3) of subsection (d) of this section. If the child
764 or youth challenges such reasons, the court shall hold a hearing at
765 which the child or youth shall be entitled to be heard and be
766 represented by counsel. After such hearing, if the court finds that the
767 child or youth has violated the conditions of the sentence imposed
768 pursuant to subdivision (2) of subsection (d) of this section or
769 committed a subsequent crime, it shall order the child or youth to
770 serve a sentence not to exceed that imposed pursuant to subdivision
771 (3) of subsection (d) of this section unless it determines there are
772 mitigating circumstances that justify continuing the stay of execution
773 and specifically states such mitigating circumstances in writing for the
774 record. The child or youth shall receive credit against any sentence
775 imposed pursuant to subdivision (3) of subsection (d) of this section
776 for time served in a juvenile facility pursuant to the sentence imposed
777 pursuant to subdivision (1) of said subsection.

778 (f) When a proceeding has been designated a serious sexual
779 offender prosecution pursuant to subsection (c) of this section and the
780 child or youth does not waive the right to a trial by jury, the court shall
781 transfer the case from the docket for juvenile matters to the regular

782 criminal docket of the Superior Court. Upon transfer, such child or
783 youth shall stand trial and be sentenced, if convicted, as if such child or
784 youth were eighteen years of age, except that no such child or youth
785 shall be placed in a correctional facility but shall be maintained in a
786 facility for children and youths until such child or youth attains
787 eighteen years of age or until such child or youth is sentenced,
788 whichever occurs first. Such child or youth shall receive credit against
789 any sentence imposed for time served in a juvenile facility prior to the
790 effectuation of the transfer. A child or youth who has been transferred
791 may enter a guilty plea to a lesser offense if the court finds that such
792 plea is made knowingly and voluntarily. Any child or youth
793 transferred to the regular criminal docket who pleads guilty to a lesser
794 offense shall not resume such child's or youth's status as a juvenile
795 regarding such offense. If the action is dismissed or nolleed or if such
796 child or youth is found not guilty of the charge for which such child or
797 youth was transferred, the child or youth shall resume such child's or
798 youth's status as a juvenile until such child or youth attains eighteen
799 years of age.

800 Sec. 12. Section 46b-133e of the general statutes is repealed and the
801 following is substituted in lieu thereof (*Effective January 1, 2010*):

802 (a) The court, upon motion of a child or youth charged with an
803 offense involving the use or threatened use of physical violence in or
804 on the real property comprising a public or private elementary or
805 secondary school or at a school-sponsored activity as defined in
806 subsection (h) of section 10-233a, may order the suspension of the
807 delinquency proceedings for a period of one year and order the child
808 or youth to participate in a school violence prevention program during
809 the period of suspension if the court, after consideration of information
810 before it, finds that (1) the child or youth presently needs and is likely
811 to benefit from participation in a school violence prevention program,
812 and (2) the suspension of the delinquency proceedings will advance
813 the interests of justice.

814 (b) As a condition of eligibility for suspension of prosecution and

815 placement in a school violence prevention program pursuant to this
816 section, (1) the child or youth shall agree to participate in a program of
817 anger management and nonviolent conflict resolution consisting of at
818 least eight group counseling sessions, and to satisfactorily complete
819 such program, (2) the child or youth shall agree to comply with any
820 orders of the court, and (3) the parents or guardian of such child or
821 youth shall certify under penalty of false statement that, to the best of
822 such parents' or guardian's knowledge and belief, neither such parent
823 or guardian nor such child or youth possesses any firearms, dangerous
824 weapons, controlled substances or other property or materials the
825 possession of which is prohibited by law or in violation of the law.

826 (c) The cost of participation in such program shall be paid by the
827 parent or guardian of such child or youth, except that no child or
828 youth shall be excluded from such program for inability to pay such
829 cost, provided (1) the parent or guardian of such child or youth files
830 with the court an affidavit of indigency or inability to pay, and (2) the
831 court enters a finding thereof.

832 (d) During the period of suspension, a child or youth shall be placed
833 under the supervision of a juvenile probation officer for placement in a
834 school violence prevention program and such officer shall monitor the
835 compliance of the child or youth with the orders of the court including,
836 but not limited to, maintaining contact with the child or youth and
837 officials of the child's or youth's school.

838 (e) If the court denies the motion for suspension of the delinquency
839 proceedings, the juvenile prosecutor may proceed with the
840 delinquency proceedings. Any order of the court granting or denying a
841 motion for suspension of the delinquency proceedings shall not be
842 deemed a final order for purposes of appeal.

843 (f) At any time before the end of the period of the suspension of the
844 delinquency proceedings, but not later than one month before the end
845 of the period of suspension, a juvenile probation officer shall notify the
846 court of the impending conclusion of the suspension and submit a
847 report on whether the child or youth has satisfactorily completed the

848 school violence prevention program and has complied with all other
849 conditions of the suspension order imposed by the court.

850 (g) If the court, on motion of the child or youth or on its own
851 motion, finds that the child or youth has satisfactorily completed the
852 school violence prevention program and has complied with all other
853 conditions of suspension, and one year has elapsed since the child or
854 youth was placed in such program, [it] the court may dismiss the
855 charge for which the delinquency proceedings had been suspended. If
856 the court denies the motion and terminates the suspension of the
857 delinquency proceedings, the juvenile prosecutor may proceed with
858 such proceedings.

859 Sec. 13. Section 46b-134 of the general statutes is repealed and the
860 following is substituted in lieu thereof (*Effective January 1, 2010*):

861 Prior to the disposition of the case of any child or youth convicted of
862 a delinquent act, investigation shall be made of the facts as specified in
863 this section by the probation officer, and until such investigation has
864 been completed and the results thereof placed before the judge, no
865 disposition of the child's or youth's case shall be made. Such
866 investigation shall consist of an examination of the parentage and
867 surroundings of the child or youth and the child's or youth's age,
868 habits and history, and shall include also an inquiry into the home
869 conditions, habits and character of the child's or youth's parents or
870 guardians. Such investigation shall include an inquiry into the
871 circumstances of the offense, the attitude of the complainant or victim,
872 the criminal record, the present condition of the child or youth and any
873 damages suffered by the victim including medical expenses, loss of
874 earnings and property loss. If the child or youth is or legally should be
875 in attendance at school, such investigation shall further contain a
876 report of the child's or youth's school attendance, adjustment and
877 behavior, the child's or youth's individualized education program if
878 the child or youth has been identified pursuant to sections 10-76a to
879 10-76gg, inclusive, as requiring special education and related services
880 and any recommendations from school officials on conditions of

881 probation if the child or youth is placed on probation pursuant to
882 section 46b-140, as amended by this act, which shall be furnished by
883 the school officials to the court upon its request. The court shall, when
884 it is found necessary to the disposition, cause a complete physical or
885 mental examination, or both, to be made of the child or youth by
886 persons professionally qualified to do so. Such examination may
887 include testing to determine whether the child or youth is alcohol-
888 dependent or drug-dependent as defined in section 46b-120, as
889 amended by this act. If the court causes a complete physical or mental
890 examination, or both, to be made of a child or youth whose parents,
891 guardian or custodian is found able to pay in whole or in part the cost
892 thereof, it shall assess as costs against such parents, guardian or
893 custodian, including any agency vested with the legal custody of the
894 child or youth, the expense so incurred and paid for by the court in
895 having such examination performed, to the extent of their financial
896 ability to do so. Prior to the disposition of the case of any child or
897 youth convicted of a delinquent act, the court may cause a complete
898 diagnostic examination to be made, unless such information is
899 otherwise available. Such information shall include physical and
900 psychological diagnoses and may include medical, psychiatric,
901 neurological, learning disability diagnoses and such other diagnoses as
902 the court deems necessary. If such child or youth is committed to the
903 Department of Children and Families, such information shall be
904 shared with the Department of Children and Families.

905 Sec. 14. Section 46b-135 of the general statutes is repealed and the
906 following is substituted in lieu thereof (*Effective January 1, 2010*):

907 (a) At the commencement of any proceeding concerning the alleged
908 delinquency of a child or youth, the child or youth shall have the right
909 to counsel and be so informed by the judge, and that if the child or
910 youth and the parent or parents or guardian of the child or youth are
911 unable to afford counsel, counsel will be provided for the child or
912 youth. Such counsel and the child or youth shall have the rights of
913 confrontation and cross-examination. If a parent fails to comply with a
914 court order entered in the best interests of the alleged or adjudicated

915 delinquent child or youth and is facing potential imprisonment for
916 contempt of court, such parent, if unable to afford counsel, shall be
917 entitled to have counsel provided for such parent pursuant to this
918 subsection.

919 (b) At the commencement of any proceeding on behalf of a
920 neglected, uncared-for or dependent child or youth, the parent or
921 parents or guardian of the child or youth shall have the right to
922 counsel, and shall be so informed by the judge, and that if they are
923 unable to afford counsel, counsel will be provided for them. Such
924 parent or guardian of the child or youth shall have the rights of
925 confrontation and cross-examination.

926 Sec. 15. Section 46b-137 of the general statutes is repealed and the
927 following is substituted in lieu thereof (*Effective January 1, 2010*):

928 (a) Any admission, confession or statement, written or oral, made by
929 a child under the age of sixteen to a police officer or Juvenile Court
930 official shall be inadmissible in any proceeding concerning the alleged
931 delinquency of the child making such admission, confession or
932 statement unless made by such child in the presence of [his] the child's
933 parent or parents or guardian and after the parent or parents or
934 guardian and child have been advised (1) of the child's right to retain
935 counsel, or if unable to afford counsel, to have counsel appointed on
936 the child's behalf, (2) of the child's right to refuse to make any
937 statements and (3) that any statements [he] the child makes may be
938 introduced into evidence against [him] the child.

939 (b) Any admission, confession or statement, written or oral, made
940 by a child or youth who has attained the age of sixteen years to a police
941 officer or Juvenile Court official shall be inadmissible in any
942 proceeding concerning the alleged delinquency of the child or youth
943 making such admission, confession or statement, unless (1) the police
944 or Juvenile Court official has made reasonable efforts to contact a
945 parent or guardian of the child or youth, and (2) such child or youth
946 has been advised that (A) the child or youth has the right to contact a
947 parent or guardian and to have a parent or guardian present during

948 any interview, (B) the child or youth has the right to retain counsel or,
949 if unable to afford counsel, to have counsel appointed on behalf of the
950 child or youth, (C) the child or youth has the right to refuse to make
951 any statement, and (D) any statement the child or youth makes may be
952 introduced into evidence against the child or youth.

953 (c) The admissibility of any admission, confession or statement,
954 written or oral, made by a child or youth who has attained the age of
955 sixteen years to a police officer or Juvenile Court official shall be
956 determined by considering the totality of the circumstances at the time
957 of the making of such admission, confession or statement. When
958 determining the admissibility of such admission, confession or
959 statement, the court shall consider (1) the age, experience, education,
960 background and intelligence of the child or youth, (2) the capacity of
961 the child or youth to understand the advice concerning rights and
962 warnings required under subdivision (2) of subsection (b) of this
963 section, the nature of the privilege against self-incrimination under the
964 United States and Connecticut Constitutions, and the consequences of
965 waiving such rights and privilege, (3) the opportunity the child or
966 youth had to speak with a parent, guardian or some other suitable
967 individual prior to or while making such admission, confession or
968 statement, and (4) the circumstances surrounding the making of the
969 admission, confession or statement, including, but not limited to, (A)
970 when and where the admission, confession or statement was made, (B)
971 the reasonableness of proceeding, or the need to proceed, without a
972 parent or guardian present, and (C) the reasonableness of efforts by the
973 police or Juvenile Court official to attempt to contact a parent or
974 guardian.

975 [(b)] (d) Any confession, admission or statement, written or oral,
976 made by the parent or parents or guardian of the child or youth after
977 the filing of a petition alleging such child or youth to be neglected,
978 uncared-for or dependent, shall be inadmissible in any proceeding
979 held upon such petition against the person making such admission or
980 statement unless such person shall have been advised of [his] the
981 person's right to retain counsel, and that if [he] the person is unable to

982 afford counsel, counsel will be appointed to represent [him] the
983 person, that [he] the person has a right to refuse to make any statement
984 and that any statements [he] the person makes may be introduced in
985 evidence against [him] the person.

986 Sec. 16. Section 46b-138a of the general statutes is repealed and the
987 following is substituted in lieu thereof (*Effective January 1, 2010*):

988 In any juvenile proceeding in the Superior Court, the accused child
989 or youth shall be a competent witness, and at his or her option may
990 testify or refuse to testify in such proceedings. The parent or guardian
991 of such child or youth shall be a competent witness but may elect or
992 refuse to testify for or against the accused child or youth, except that a
993 parent or guardian who has received personal violence from the child
994 or youth may, upon the child's or youth's trial for offenses arising from
995 such personal violence, be compelled to testify in the same manner as
996 any other witness. No unfavorable inferences shall be drawn by the
997 court from the accused child's or youth's silence.

998 Sec. 17. Section 46b-138b of the general statutes is repealed and the
999 following is substituted in lieu thereof (*Effective January 1, 2010*):

1000 In any proceeding concerning the alleged delinquency of a child or
1001 youth, any victim of the alleged delinquent conduct, the parents or
1002 guardian of such victim, an advocate for such victim, appointed under
1003 section 54-221, or such victim's counsel shall have the right to appear
1004 before the court for the purpose of making a statement to the court
1005 concerning the disposition of the case.

1006 Sec. 18. Section 46b-140 of the general statutes, as amended by
1007 section 79 of public act 07-4 of the June special session, is repealed and
1008 the following is substituted in lieu thereof (*Effective January 1, 2010*):

1009 (a) In determining the appropriate disposition of a child or youth
1010 convicted as delinquent, the court shall consider: (1) The seriousness of
1011 the offense, including the existence of any aggravating factors such as
1012 the use of a firearm in the commission of the offense and the impact of

1013 the offense on any victim; (2) the child's or youth's record of
1014 delinquency; (3) the child's or youth's willingness to participate in
1015 available programs; (4) the existence of other mitigating factors; and (5)
1016 the culpability of the child or youth in committing the offense,
1017 including the level of the child's or youth's participation in the
1018 planning and carrying out of the offense.

1019 (b) Upon conviction of a child or youth as delinquent, the court
1020 may: (1) [May (A) place] Place the child or youth in the care of any
1021 institution or agency which is permitted by law to care for children or
1022 youths; [(B)] (2) order the child or youth to participate in an alternative
1023 incarceration program; [(C)] (3) order the child or youth to participate
1024 in a wilderness school program operated by the Department of
1025 Children and Families; [(D)] (4) order the child or youth to participate
1026 in a youth service bureau program; [(E)] (5) place the child or youth on
1027 probation; [(F)] (6) order the child or youth or the parents or guardian
1028 of the child or youth or both to make restitution to the victim of the
1029 offense in accordance with subsection (d) of this section; [(G)] (7) order
1030 the child or youth to participate in a program of community service in
1031 accordance with subsection (e) of this section; or [(H)] (8) withhold or
1032 suspend execution of any judgment.]; and (2) shall impose the penalty
1033 established in subsection (b) of section 30-89, for any violation of said
1034 subsection (b).]

1035 (c) The court may order, as a condition of probation, that the child
1036 or youth (1) reside with a parent, relative or guardian or in a suitable
1037 foster home or other residence approved by the court, (2) attend school
1038 and class on a regular basis and comply with school policies on
1039 student conduct and discipline, (3) refrain from violating any federal
1040 or state law or municipal or local ordinance, (4) undergo any medical
1041 or psychiatric evaluation or treatment deemed necessary by the court,
1042 (5) submit to random drug or alcohol testing, or both, (6) participate in
1043 a program of alcohol or drug treatment, or both, (7) make restitution to
1044 the victim of the offense in accordance with subsection (d) of this
1045 section, (8) participate in an alternative incarceration program or other
1046 program established through the Court Support Services Division, (9)

1047 participate in a program of community service, and (10) satisfy any
1048 other conditions deemed appropriate by the court. The court shall
1049 cause a copy of any such order to be delivered to the child or youth,
1050 the child's or youth's parents or guardian and the child's or youth's
1051 probation officer. If the child or youth is convicted as delinquent for a
1052 violation of section 53-247, the court may order, as a condition of
1053 probation, that the child or youth undergo psychiatric or psychological
1054 counseling or participate in an animal cruelty prevention and
1055 education program provided such a program exists and is available to
1056 the child or youth.

1057 (d) If the child or youth has engaged in conduct which results in
1058 property damage or personal injury, the court may order the child or
1059 youth or the parent or parents or guardian of the child or youth, if
1060 such parent or parents or guardian had knowledge of and condoned
1061 the conduct of the child or youth, or both the child or youth and the
1062 parent or parents or guardian, to make restitution to the victim of such
1063 offense, provided the liability of such parent or parents or guardian
1064 shall be limited to an amount not exceeding the amount such parent or
1065 parents or guardian would be liable for in an action under section 52-
1066 572. Restitution may consist of monetary reimbursement for the
1067 damage or injury, based on the child's or youth's ability to pay, or the
1068 parent's, parents' or guardian's ability to pay, as the case may be, in the
1069 form of a lump sum or installment payments, paid to the court clerk or
1070 such other official designated by the court for distribution to the
1071 victim.

1072 (e) The court may order the child or youth to participate in a
1073 program of community service under the supervision of the court or
1074 any organization designated by the court. Such child or youth shall not
1075 be deemed to be an employee and the services of such child or youth
1076 shall not be deemed employment.

1077 (f) If the court further finds that its probation services or other
1078 services available to the court are not adequate for such child or youth,
1079 the court shall commit such child or youth to the Department of

1080 Children and Families in accordance with the provisions of section
1081 46b-141, as amended by this act. Prior to making such commitment,
1082 the court shall consult with the department to determine the placement
1083 which will be in the best interest of such child or youth.

1084 (g) Any child or youth coming within the jurisdiction of the court,
1085 who is found to be mentally ill, may be committed by said court to the
1086 Commissioner of Children and Families and, if the court convicts a
1087 child or youth as delinquent and finds such child or youth to be
1088 mentally deficient, [it] the court may commit such child or youth to an
1089 institution for mentally deficient children or youth or delinquents.
1090 Whenever it is found that a child or youth who is fourteen years of age
1091 or older and convicted [by the court] as delinquent or adjudged [by the
1092 court] to be a member of a family with service needs [who is fourteen
1093 years of age or older would not benefit from continued school
1094 attendance] would benefit from a work-study program or employment
1095 with or without continued school attendance, the court may, [order] as
1096 a condition of probation or supervision, authorize such child or youth
1097 to be [placed on vocational probation if such court finds that such child
1098 may properly be] employed for part or full-time at some useful
1099 occupation [and that such employment] that would be favorable to
1100 such child's or youth's welfare, and the probation officer shall
1101 supervise such employment. For the purposes of this section, the
1102 limitations of subsection (a) of section 31-23 on the employment of
1103 minors under the age of sixteen years shall not apply for the duration
1104 of such [vocational] probation or supervision.

1105 (h) Whenever the court commits a child or youth to the Department
1106 of Children and Families, there shall be delivered with the mittimus a
1107 copy of the results of the investigations made as required by section
1108 46b-134, as amended by this act. The court may, at any time, require
1109 from the department in whose care a child or youth has been placed
1110 such report as to such child or youth and such child's or youth's
1111 treatment.

1112 (i) If the delinquent act for which the child or youth is committed to

1113 the Department of Children and Families is a serious juvenile offense,
1114 the court may set a minimum period of twelve months during which
1115 the child or youth shall be placed in a residential facility operated by
1116 or under contract with said department, as determined by the
1117 Commissioner of Children and Families. The setting of such minimum
1118 period shall be in the form of an order of the court included in the
1119 mittimus. For good cause shown in the form of an affidavit annexed
1120 thereto, the Department of Children and Families, the parent or
1121 guardian of the child or youth or the child or youth may petition the
1122 court for modification of any such order.

1123 (j) Except as otherwise provided in this section, the court may order
1124 a child or youth be (1) committed to the Department of Children and
1125 Families and be placed directly in a residential facility within this state
1126 and under contract with said department, or (2) committed to the
1127 Commissioner of Children and Families for placement by the
1128 commissioner, in said commissioner's discretion, (A) with respect to
1129 the juvenile offenders determined by the Department of Children and
1130 Families to be the highest risk, in the Connecticut Juvenile Training
1131 School, if the juvenile offender is a male, or in another state facility,
1132 presumptively for a minimum period of twelve months, or (B) in a
1133 private residential or day treatment facility within or outside this state,
1134 or (C) on parole. The commissioner shall use a risk and needs
1135 assessment classification system to ensure that male children and
1136 youths who are in the highest risk level will be placed in the
1137 Connecticut Juvenile Training School.

1138 (k) On or after May 21, 2004, no female child or youth committed to
1139 the Department of Children and Families shall be placed in the
1140 Connecticut Juvenile Training School. Any female child or youth
1141 placed in the Connecticut Juvenile Training School before May 21,
1142 2004, shall be transferred to another appropriate facility not later than
1143 ninety days after May 21, 2004.

1144 (l) Notwithstanding any [provisions] provision of the general
1145 statutes concerning the confidentiality of records and information,

1146 whenever a child or youth convicted as delinquent is committed to the
1147 Department of Children and Families, the Commissioner of Children
1148 and Families shall have access to the following information: (1)
1149 Educational records of such child or youth; (2) records regarding such
1150 child's or youth's past treatment for physical or mental illness,
1151 including substance abuse; (3) records regarding such child's or
1152 youth's prior placement in a public or private residential facility; (4)
1153 records created or obtained by the Judicial [Department] Branch
1154 regarding such child or youth; and (5) records, as defined in subsection
1155 (a) of section 17a-28. The Commissioner of Children and Families shall
1156 review such information to determine the appropriate services and
1157 placement which will be in the best interest of the child or youth.

1158 Sec. 19. Section 46b-141 of the general statutes is repealed and the
1159 following is substituted in lieu thereof (*Effective January 1, 2010*):

1160 (a) Except as otherwise limited by subsection (i) of section 46b-140,
1161 as amended by this act, commitment of children or youths convicted as
1162 delinquent by the Superior Court to the Department of Children and
1163 Families shall be for (1) an indeterminate time up to a maximum of
1164 eighteen months, or (2) when so convicted for a serious juvenile
1165 offense, up to a maximum of four years at the discretion of the court,
1166 unless extended as [hereinafter] provided in this section.

1167 (b) The Commissioner of Children and Families may file a motion
1168 for an extension of the commitment as provided in subdivision (1) of
1169 subsection (a) of this section beyond the eighteen-month period on the
1170 grounds that such extension is for the best interest of the child or youth
1171 or the community. The court shall give notice to the parent or guardian
1172 and to the child or youth at least fourteen days prior to the hearing
1173 upon such motion. The court may, after hearing and upon finding that
1174 such extension is in the best interest of the child or youth or the
1175 community, continue the commitment for an additional period of not
1176 more than eighteen months. Not later than twelve months after a child
1177 or youth is committed to the Department of Children and Families in
1178 accordance with subdivision (1) of subsection (a) of this section the

1179 court shall hold a permanency hearing in accordance with subsection
1180 (d) of this section. After the initial permanency hearing, subsequent
1181 permanency hearings shall be held not less frequently than every
1182 twelve months while the child or youth remains committed to the
1183 Department of Children and Families.

1184 (c) The court shall hold a permanency hearing in accordance with
1185 subsection (d) of this section for each child or youth convicted as
1186 delinquent for a serious juvenile offense as provided in subdivision (2)
1187 of subsection (a) of this section within twelve months of commitment
1188 to the Department of Children and Families and every twelve months
1189 thereafter if the child or youth remains committed to the Department
1190 of Children and Families. Such hearing may include the submission of
1191 a motion to the court by the commissioner to either (1) modify such
1192 commitment, or (2) extend the commitment beyond such four-year
1193 period on the grounds that such extension is for the best interest of the
1194 child or youth or the community. The court shall give notice to the
1195 parent or guardian and to the child or youth at least fourteen days
1196 prior to the hearing upon such motion. The court, after hearing, may
1197 modify such commitment or, upon finding that such extension is in the
1198 best interest of the child or youth or the community, continue the
1199 commitment for an additional period of not more than eighteen
1200 months.

1201 (d) At least sixty days prior to each permanency hearing required
1202 pursuant to subsection (b) or (c) of this section, the Commissioner of
1203 Children and Families shall file a permanency plan with the court. At
1204 each permanency hearing, the court shall review and approve a
1205 permanency plan that is in the best interest of the child or youth and
1206 takes into consideration the child's or youth's need for permanency.
1207 Such permanency plan may include the goal of: (1) Revocation of
1208 commitment and placement of the child or youth with the parent or
1209 guardian, (2) transfer of guardianship, (3) permanent placement with a
1210 relative, (4) adoption, or (5) such other planned permanent living
1211 arrangement ordered by the court, provided the Commissioner of
1212 Children and Families has documented a compelling reason why it

1213 would not be in the best interest of the child or youth for the
1214 permanency plan to include the goals set forth in subdivisions (1) to
1215 (4), inclusive, of this subsection. Such other planned permanent living
1216 arrangement may include, but not be limited to, placement of the child
1217 or youth in an independent living program. At any such permanency
1218 hearing, the court shall also determine whether the Commissioner of
1219 Children and Families has made reasonable efforts to achieve the
1220 permanency plan.

1221 (e) All other commitments of delinquent, mentally deficient or
1222 mentally ill children by the court pursuant to the provisions of section
1223 46b-140, as amended by this act, may be for an indeterminate time.
1224 Commitments may be reopened and terminated at any time by said
1225 court, provided the Commissioner of Children and Families shall be
1226 given notice of such proposed reopening and a reasonable opportunity
1227 to present the commissioner's views thereon. The parents or guardian
1228 of such child or youth may apply not more than twice in any calendar
1229 year for such reopening and termination of commitment. Any order of
1230 the court made under the provisions of this section shall be deemed a
1231 final order for purposes of appeal, except that no bond shall be
1232 required and no costs shall be taxed on such appeal.

1233 Sec. 20. Section 46b-141a of the general statutes is repealed and the
1234 following is substituted in lieu thereof (*Effective January 1, 2010*):

1235 (a) Whenever a child or youth is convicted as delinquent, the court,
1236 in lieu of committing such child or youth to the Department of
1237 Children and Families or to a juvenile detention center, may, in its
1238 discretion, order an assessment for placement in an alternative
1239 incarceration program to be conducted by the Court Support Services
1240 Division. If the Court Support Services Division recommends
1241 placement in an alternative incarceration program, [it] the division
1242 shall also submit to the court a proposed alternative incarceration plan.
1243 Upon completion of the assessment, the court shall determine whether
1244 such child or youth shall be ordered to participate in such program as
1245 an alternative to commitment. If the court determines that the child or

1246 youth shall participate in such program, the court shall suspend any
1247 commitment to the Department of Children and Families or to a
1248 juvenile detention center and shall make participation in the
1249 alternative incarceration program a condition of probation.

1250 (b) An alternative incarceration program shall include, but not be
1251 limited to, fines, restitution, community service, halfway houses,
1252 alternative incarceration centers, day incarceration centers, drug,
1253 alcohol and mental health programs, electronic monitoring, intensive
1254 probation, vocational probation, boot camps, structured wilderness
1255 programs, pretrial diversion options aimed at creating alternatives to
1256 unnecessary detention, and school and job training programs.

1257 Sec. 21. Section 46b-141b of the general statutes is repealed and the
1258 following is substituted in lieu thereof (*Effective January 1, 2010*):

1259 (a) When a [juvenile] child or youth is referred to the Court Support
1260 Services Division, the division shall conduct an intake risk assessment
1261 and make a case classification evaluation. If the Court Support Services
1262 Division deems it appropriate, the proposed probation plan may be
1263 submitted to a professional evaluation team. Such team shall be
1264 composed of a juvenile probation officer, a representative of the Court
1265 Support Services Division who is familiar with the alternative
1266 incarceration programs operated by the division or a representative
1267 from a contracted agency, and, where applicable, a school employee
1268 and any other interested parties in the discretion of the court. The
1269 evaluation team shall develop a probation treatment plan for each
1270 [juvenile] child or youth within fifteen days of the date of the referral
1271 of the case to the professional evaluation team, unless the court orders
1272 otherwise. The probation treatment plan shall include the following
1273 components: (1) Type of residential or nonresidential placement; (2)
1274 projected length of placement for the [juvenile] child or youth and the
1275 projected cost; and (3) type of services needed by the [juvenile] child or
1276 youth and the projected cost.

1277 (b) The probation treatment plan shall be submitted to the court for
1278 consideration and approval prior to the court's final entry of a

1279 probation treatment order. In addition to any probation order, the
1280 court may order a medical and psychiatric or psychological
1281 examination of the [juvenile] child or youth. The court may assess the
1282 cost of the examination to the family based on its ability to pay.

1283 (c) In ordering implementation of a probation treatment plan, the
1284 court may reasonably designate from the programs and services under
1285 contract with the Judicial [Department] Branch the scope and extent of
1286 the services to be provided by the Court Support Services Division and
1287 the juvenile probation unit.

1288 (d) The Court Support Services Division shall proceed to implement
1289 the probation treatment plan immediately upon its approval by the
1290 court.

1291 Sec. 22. Section 46b-141c of the general statutes is repealed and the
1292 following is substituted in lieu thereof (*Effective January 1, 2010*):

1293 The Judicial [Department] Branch may require the parent or parents
1294 or guardian of any child or youth who receives probation supervision
1295 to fully or partially reimburse the [department] Judicial Branch for the
1296 costs of such child's or youth's supervision and may assess such person
1297 a monthly supervision fee for such purpose. If the [department]
1298 Judicial Branch finds that the parents or guardian are indigent and
1299 unable to pay a probation supervision fee, [it] the Judicial Branch shall
1300 waive such fee.

1301 Sec. 23. Section 46b-141d of the general statutes is repealed and the
1302 following is substituted in lieu thereof (*Effective January 1, 2010*):

1303 Any child or youth who is arrested and held in a detention center,
1304 an alternative detention center or a police station or courthouse lockup
1305 prior to the disposition of a juvenile matter shall, if subsequently
1306 convicted as delinquent by the Superior Court and sentenced to a
1307 period of probation, earn a reduction of such child's or youth's period
1308 of probation, including any extensions thereof, equal to the number of
1309 days that such child or youth spent in such detention center or lockup.

1310 Sec. 24. Subsection (a) of section 46b-142 of the general statutes is
1311 repealed and the following is substituted in lieu thereof (*Effective*
1312 *January 1, 2010*):

1313 (a) The Chief Court Administrator, in consultation with the judges
1314 of the Superior Court, shall establish districts for the purpose of
1315 establishing venue in juvenile matters. [All petitions] Each petition
1316 concerning a delinquent [children] child or youth shall be heard within
1317 the district where the delinquency is alleged to have occurred or where
1318 the child or youth resides, in the discretion of the court. All other
1319 petitions shall be heard within the district where the child or youth
1320 resided at the time of the filing of the petition, but for the purposes of
1321 this section any child or youth born in any hospital or institution
1322 where the mother is confined at the time of birth shall be deemed to
1323 have residence in the district wherein such child's or youth's mother
1324 was living at the time of her admission to such hospital or institution.

1325 Sec. 25. Section 46b-145 of the general statutes is repealed and the
1326 following is substituted in lieu thereof (*Effective January 1, 2010*):

1327 No child or youth shall be prosecuted for an offense before the
1328 regular criminal docket of the Superior Court except as provided in
1329 section 46b-127, as amended by this act, and subsection (f) of section
1330 46b-133c, as amended by this act.

1331 Sec. 26. Section 46b-146 of the general statutes, as amended by
1332 section 80 of public act 07-4 of the June special session, is repealed and
1333 the following is substituted in lieu thereof (*Effective January 1, 2010*):

1334 Whenever any child or youth has been [found to be] convicted as
1335 delinquent, [or] has been adjudicated a member of a family with
1336 service needs [,] or has signed a statement of responsibility admitting
1337 to having committed a delinquent act, [or being a member of a family
1338 with service needs,] and has subsequently been discharged from the
1339 supervision of the Superior Court or from the custody of the
1340 Department of Children and Families or from the care of any other
1341 institution or agency to whom the child or youth has been committed

1342 by the court, such child or youth, or the child's or youth's parent or
1343 guardian, may file a petition with the Superior Court. [and, if] If such
1344 court finds (1) that at least two years or, in the case of a child or youth
1345 convicted as delinquent for the commission of a serious juvenile
1346 offense, four years have elapsed from the date of such discharge, (2)
1347 that no subsequent juvenile proceeding [has been instituted] or adult
1348 criminal proceeding is pending against such child or youth, (3) that
1349 such child or youth has not been [found guilty of a crime] convicted of
1350 a delinquent act that would constitute a felony or misdemeanor if
1351 committed by an adult during such two-year or four-year period, (4)
1352 that such child or youth has not been convicted as an adult of a felony
1353 or misdemeanor during such two-year or four-year period, and (5) that
1354 such child or youth has reached [sixteen] eighteen years of age, [within
1355 such period, it] the court shall order all police and court records
1356 pertaining to such child or youth to be erased. Upon the entry of such
1357 an erasure order, all references including arrest, complaint, referrals,
1358 petitions, reports and orders, shall be removed from all agency, official
1359 and institutional files, and a finding of delinquency or that the child or
1360 youth was a member of a family with service needs shall be deemed
1361 never to have occurred. The persons in charge of such records shall not
1362 disclose to any person information pertaining to the record so erased,
1363 except that the fact of such erasure may be substantiated where, in the
1364 opinion of the court, it is in the best interests of such child or youth to
1365 do so. No child or youth who has been the subject of such an erasure
1366 order shall be deemed to have been arrested ab initio, within the
1367 meaning of the general statutes, with respect to proceedings so erased.
1368 Copies of the erasure order shall be sent to all persons, agencies,
1369 officials or institutions known to have information pertaining to the
1370 delinquency or family with service needs proceedings affecting such
1371 child or youth. Whenever a child or youth is dismissed as not
1372 delinquent or as not being a member of a family with service needs, all
1373 police and court records pertaining to such charge shall be ordered
1374 erased immediately, without the filing of a petition. Nothing in this
1375 section shall prohibit the court from granting a petition to erase a
1376 child's or youth's records on a showing of good cause, after a hearing,

1377 before the time when such records could be erased.

1378 Sec. 27. Section 46b-147 of the general statutes is repealed and the
1379 following is substituted in lieu thereof (*Effective January 1, 2010*):

1380 The disposition of any child or youth under the provisions of this
1381 chapter, evidence given in such cases, except evidence of crime which,
1382 if committed by a person of sufficient age, would be punishable by
1383 imprisonment in the Connecticut Correctional Institution, Somers, and
1384 all orders therein, shall be inadmissible as evidence in any criminal
1385 proceedings against such child or youth.

1386 Sec. 28. Section 46b-150d of the general statutes is repealed and the
1387 following is substituted in lieu thereof (*Effective January 1, 2010*):

1388 An order that a minor is emancipated shall have the following
1389 effects: (1) The minor may consent to medical, dental or psychiatric
1390 care, without parental consent, knowledge or liability; (2) the minor
1391 may enter into a binding contract; (3) the minor may sue and be sued
1392 in such minor's own name; (4) the minor shall be entitled to such
1393 minor's own earnings and shall be free of control by such minor's
1394 parents or guardian; (5) the minor may establish such minor's own
1395 residence; (6) the minor may buy and sell real and personal property;
1396 (7) the minor may not thereafter be the subject of (A) a petition under
1397 section 46b-129 as an abused, dependent, neglected or uncared for
1398 child or youth, (B) a petition under section 46b-128, as amended by this
1399 act, or 46b-133, as amended by this act, as a delinquent child or youth
1400 for any act committed before the date of the order, or (C) a petition
1401 under section 46b-149 alleging that the minor is a child or youth from a
1402 family with service needs; (8) the minor may enroll in any school or
1403 college, without parental consent; (9) the minor shall be deemed to be
1404 over eighteen years of age for purposes of securing an operator's
1405 license under section 14-36 and a marriage license under subsection (b)
1406 of section 46b-30 or a civil union license under section 46b-38jj without
1407 parental consent; (10) the minor shall be deemed to be over eighteen
1408 years of age for purposes of registering a motor vehicle under section
1409 14-12; (11) the parents of the minor shall no longer be the guardians of

1410 the minor under section 45a-606; (12) the parents of a minor shall be
1411 relieved of any obligations respecting such minor's school attendance
1412 under section 10-184; (13) the parents shall be relieved of all obligation
1413 to support the minor; (14) the minor shall be emancipated for the
1414 purposes of parental liability for such minor's acts under section 52-
1415 572; (15) the minor may execute releases in such minor's own name
1416 under section 14-118; and (16) the minor may enlist in the armed forces
1417 of the United States without parental consent.

1418 Sec. 29. (NEW) (*Effective January 1, 2010*) (a) Upon the motion of any
1419 party or upon the court's own motion, the case of any youth, except a
1420 case that has been transferred to the regular criminal docket of the
1421 Superior Court pursuant to section 46b-127 of the general statutes, as
1422 amended by this act, may, before trial or upon the entering of a guilty
1423 plea, be transferred to the docket for juvenile matters from the
1424 youthful offender docket, regular criminal docket of the Superior
1425 Court or any docket for the presentment of defendants in motor
1426 vehicle matters, if, after a hearing concerning the facts and
1427 circumstances of the case and the prior history of the youth, the court
1428 determines that the programs and services available pursuant to a
1429 proceeding in the superior court for juvenile matters would more
1430 appropriately address the needs of the youth and that the youth and
1431 the community would be better served by treating the youth as a
1432 delinquent. Upon ordering such transfer, the court shall vacate any
1433 pleas entered in the matter and the youth shall (1) be advised of the
1434 youth's rights, (2) enter pleas on the docket for juvenile matters in the
1435 jurisdiction where the youth resides, and (3) be subject to prosecution
1436 as a delinquent child. The decision of the court concerning the transfer
1437 of a youth's case from the youthful offender docket, regular criminal
1438 docket of the Superior Court or any docket for the presentment of
1439 defendants in motor vehicle matters shall not be a final judgment for
1440 purposes of an appeal.

1441 (b) The conviction of a youth as a delinquent after a transfer to the
1442 docket for juvenile matters shall not invalidate a penalty required to be
1443 imposed by the Department of Motor Vehicles. After such transfer, if

1444 the youth is convicted of an offense, violation or infraction that
1445 requires the Department of Motor Vehicles to deny, revoke or suspend
1446 the youth's license or impose some other penalty, the clerk of the
1447 superior court for juvenile matters or the clerk's designee shall
1448 promptly provide notice of the youth's record of having been
1449 convicted as delinquent to the Department of Motor Vehicles.

1450 Sec. 30. Subsection (d) of section 4b-3 of the general statutes is
1451 repealed and the following is substituted in lieu thereof (*Effective from*
1452 *passage*):

1453 (d) Notwithstanding any other statute or special act to the contrary,
1454 the Commissioner of Public Works shall be the sole person authorized
1455 to represent the state in its dealings with third parties for the
1456 acquisition, construction, development or leasing of real estate for
1457 housing the offices or equipment of all agencies of the state or for the
1458 state-owned public buildings or realty hereinafter provided for in
1459 sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27,
1460 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to
1461 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114,
1462 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9,
1463 51-27d and 51-27f, except that the Joint Committee on Legislative
1464 Management may represent the state in the planning and construction
1465 of the Legislative Office Building and related facilities, in Hartford; the
1466 Chief Court Administrator may represent the state in providing for
1467 space for the Court Support Services Division as part of a new or
1468 existing contract for an alternative incarceration program pursuant to
1469 section 54-103b or a program developed pursuant to section 46b-121i,
1470 46b-121j, 46b-121k, as amended by this act, or 46b-121l; the board of
1471 trustees of a constituent unit of the state system of higher education
1472 may represent the state in the leasing of real estate for housing the
1473 offices or equipment of such constituent unit, provided no lease
1474 payments for such realty are made with funds generated from the
1475 general revenues of the state; the Labor Commissioner may represent
1476 the state in the leasing of premises required for employment security
1477 operations as provided in subsection (c) of section 31-250; the

1478 Commissioner of Developmental Services may represent the state in
1479 the leasing of residential property as part of the program developed
1480 pursuant to subsection (b) of section 17a-218, provided such residential
1481 property does not exceed two thousand five hundred square feet, for
1482 the community placement of persons eligible to receive residential
1483 services from the department; and the Connecticut Marketing
1484 Authority may represent the state in the leasing of land or markets
1485 under the control of the Connecticut Marketing Authority, and, except
1486 for the housing of offices or equipment in connection with the initial
1487 acquisition of an existing state mass transit system or the leasing of
1488 land by the Connecticut Marketing Authority for a term of one year or
1489 more in which cases the actions of the Department of Transportation
1490 and the Connecticut Marketing Authority shall be subject to the review
1491 and approval of the State Properties Review Board. The Commissioner
1492 of Public Works shall have the power to establish and implement any
1493 procedures necessary for the commissioner to assume the
1494 commissioner's responsibilities as said sole bargaining agent for state
1495 realty acquisitions and shall perform the duties necessary to carry out
1496 such procedures. The Commissioner of Public Works may appoint,
1497 within the commissioner's budget and subject to the provisions of
1498 chapter 67, such personnel deemed necessary by the commissioner to
1499 carry out the provisions hereof, including experts in real estate,
1500 construction operations, financing, banking, contracting, architecture
1501 and engineering. The Attorney General's office, at the request of the
1502 commissioner, shall assist the commissioner in contract negotiations
1503 regarding the purchase, lease or construction of real estate.

1504 Sec. 31. Subsection (c) of section 10-19m of the general statutes, as
1505 amended by section 78 of public act 07-4 of the June special session, is
1506 repealed and the following is substituted in lieu thereof (*Effective*
1507 *January 1, 2010*):

1508 (c) The Commissioner of Education shall adopt regulations, in
1509 accordance with the provisions of chapter 54, establishing minimum
1510 standards for such youth service bureaus and the criteria for qualifying
1511 for state cost-sharing grants, including, but not limited to, allowable

1512 sources of funds covering the local share of the costs of operating such
1513 bureaus, acceptable in-kind contributions and application procedures.
1514 Said commissioner shall, on December 1, 1979, and annually thereafter,
1515 report to the General Assembly on the referral or diversion of children
1516 under the age of [eighteen] seventeen years from the juvenile justice
1517 system and on the referral or diversion of children aged seventeen and
1518 eighteen years from the court system. Such report shall include, but
1519 not be limited to, the number of times any child is so diverted, the
1520 number of children diverted, the type of service provided to any such
1521 child, by whom such child was diverted, the ages of the children
1522 diverted and such other information and statistics as the General
1523 Assembly may request from time to time. Any such report shall
1524 contain no identifying information about any particular child.

1525 Sec. 32. (*Effective from passage*) Section 123 of public act 07-4 of the
1526 June special session shall take effect January 1, 2012.

1527 Sec. 33. Section 46b-150f of the general statutes is repealed and the
1528 following is substituted in lieu thereof (*Effective January 1, 2010*):

1529 (a) Any selectman, town manager, police officer or welfare
1530 department of any town, city or borough, any probation officer, any
1531 superintendent of schools, any child-caring institution or agency
1532 approved or licensed by the Commissioner of Children and Families,
1533 any youth service bureau, a parent, guardian, foster parent or other
1534 custodian of a youth seventeen years of age, or a representative of a
1535 youth seventeen years of age, who believes that the acts or omissions
1536 of [a] such youth are such that such youth is a youth in crisis may file a
1537 written complaint setting forth those facts with the Superior Court
1538 which has venue over the matter.

1539 (b) A petition alleging that a youth is a youth in crisis shall be
1540 verified and filed with the Superior Court which has venue over the
1541 matter. The petition shall set forth plainly: (1) The facts which bring
1542 the youth within the jurisdiction of the court; (2) the name, date of
1543 birth, sex and residence of the youth; (3) the name and residence of the
1544 parent or parents, guardian, foster parent, other custodian or other

1545 person having control of the youth; and (4) a prayer for appropriate
1546 action by the court in conformity with the provisions of this section.

1547 (c) Upon determination that a youth is a youth in crisis in
1548 accordance with policies established by the Chief Court Administrator,
1549 the court may make and enforce orders, including, but not limited to,
1550 orders: (1) Directing the Commissioner of Motor Vehicles to suspend
1551 the motor vehicle operator's license of the youth in crisis for a period of
1552 time, as directed by the court, but not to exceed one year; (2) requiring
1553 work or specified community service; (3) mandating that the youth in
1554 crisis attend an educational program in the local community approved
1555 by the court; (4) requiring mental health services; (5) referring the
1556 youth in crisis to a youth service bureau, provided one exists in the
1557 local community; and (6) reviewing the option of emancipation,
1558 pursuant to section 46b-150, of the youth in crisis or the parent,
1559 guardian, foster parent or other custodian of such youth in crisis. Upon
1560 determination that a youth is a youth in crisis because the youth has
1561 without just cause run away from the parental home or other properly
1562 authorized and lawful place of abode, the court may, prior to January
1563 1, 2010, order the youth in crisis to be subject to the control of the
1564 youth's parent or parents, guardian, foster parent or other custodian,
1565 except as required under any other provision of law, for a period of
1566 time, as directed by the court, but not beyond the date the youth
1567 attains the age of eighteen. A youth in crisis found to be in violation of
1568 any order under this section shall not be considered to be delinquent
1569 and shall not be punished by the court by incarceration in any state-
1570 operated detention facility or correctional facility.

1571 (d) The Judicial Department may use any funds appropriated for
1572 purposes of this chapter for costs incurred by the department or the
1573 court pursuant to this section.

1574 Sec. 34. Section 46b-150g of the general statutes is repealed and the
1575 following is substituted in lieu thereof (*Effective January 1, 2010*):

1576 (a) Any police officer who receives a report from the parent or
1577 guardian of a youth in crisis, as defined in subparagraph [(A)] (B)(i) of

1578 subdivision [(3)] (2) of section 46b-120, as amended by this act, shall
1579 attempt to locate the youth in crisis. If the officer locates such youth in
1580 crisis, such officer shall report the location of the youth to the parent or
1581 guardian in accordance with the provisions of federal and state law
1582 after such officer determines that such report does not place the youth
1583 in any physical or emotional harm. In addition, the police officer shall
1584 respond in one of the following ways: (1) Transport the youth in crisis
1585 to the home of the child's parent or guardian or a suitable and worthy
1586 adult; (2) refer the youth in crisis to the probate court in the district
1587 where the youth in crisis is located, provided the probate judge for
1588 such probate court is willing to accept the referral; (3) hold the youth
1589 in crisis in protective custody for a maximum period of twelve hours
1590 until the officer can determine a more suitable disposition of the
1591 matter, provided (A) the youth in crisis is not held in any cell designed
1592 or used for adults, and (B) the officer may release the youth in crisis to
1593 the parent or guardian of the youth if the officer determines that
1594 returning the youth does not place the youth in any physical or
1595 emotional harm; (4) transport or refer a youth in crisis to any public or
1596 private agency serving children, with or without the agreement of the
1597 youth in crisis; (5) refer the youth in crisis to a youth service bureau,
1598 provided one exists in the local community; or (6) if the police officer is
1599 unable to transport, refer or hold the youth in crisis pursuant to
1600 subdivisions (1) to (5), inclusive, of this subsection, refer the youth in
1601 crisis to the superior court for juvenile matters in the district where the
1602 youth in crisis is located. If a youth in crisis is transported or referred
1603 to an agency pursuant to this section, such agency shall provide
1604 temporary services to the youth in crisis unless or until the parent or
1605 guardian of the youth in crisis at any time refuses to agree to those
1606 services.

1607 (b) Any police officer acting in accordance with the provisions of
1608 this section shall be deemed to be acting in the course of the police
1609 officer's official duties.

1610 Sec. 35. Section 46b-120 of the general statutes, as amended by
1611 section 73 of public act 07-4 of the June special session and section 1 of

1612 this act, is repealed and the following is substituted in lieu thereof
1613 (*Effective January 1, 2012*):

1614 The terms used in this chapter and in section 29 of this act shall, in
1615 its interpretation and in the interpretation of other statutes, be defined
1616 as follows:

1617 (1) "Child" means any person (A) who is under [seventeen] eighteen
1618 years of age and has not been legally emancipated, (B) who is
1619 [seventeen] eighteen years of age or older and who, prior to attaining
1620 [seventeen] eighteen years of age, was not legally emancipated and
1621 committed a delinquent act, or (C) who, subsequent to attaining
1622 [seventeen] eighteen years of age, violated any order of the Superior
1623 Court or any condition of probation ordered by the Superior Court
1624 with respect to a delinquency proceeding;

1625 (2) [(A)] "Youth" means any person sixteen or seventeen years of age
1626 who has not been legally emancipated; [, except that with respect to a
1627 delinquency, youth means any person sixteen years of age who has not
1628 been legally emancipated; and (B) "youth in crisis" means any youth
1629 seventeen years of age who, within the last two years, (i) has without
1630 just cause run away from the parental home or other properly
1631 authorized and lawful place of abode, (ii) is beyond the control of the
1632 youth's parents, guardian or other custodian, or (iii) has four
1633 unexcused absences from school in any one month or ten unexcused
1634 absences in any school year;]

1635 (3) "Abused" means that a child or youth (A) has been inflicted with
1636 physical injury or injuries other than by accidental means, (B) has
1637 injuries that are at variance with the history given of them, or (C) is in
1638 a condition that is the result of maltreatment, including, but not
1639 limited to, malnutrition, sexual molestation or exploitation,
1640 deprivation of necessities, emotional maltreatment or cruel
1641 punishment;

1642 (4) A child may be found "mentally deficient" who, by reason of a
1643 deficiency of intelligence that has existed from birth or from early age,

1644 requires, or will require, for such child's protection or for the
1645 protection of others, special care, supervision and control;

1646 (5) A child, other than a youth, may be convicted as "delinquent"
1647 who has (A) violated any federal or state law or municipal or local
1648 ordinance, except an ordinance regulating behavior of a child in a
1649 family with service needs, (B) wilfully failed to appear in response to a
1650 summons under section 46b-133, as amended by this act, or at any
1651 other court hearing of which the child had notice, (C) violated any
1652 order of the Superior Court, except as provided in section 46b-148, or
1653 (D) violated conditions of probation as ordered by the court;

1654 (6) A youth [age sixteen] may be convicted as "delinquent" who has
1655 (A) violated any federal or state law, other than (i) an infraction, (ii) a
1656 violation, (iii) a motor vehicle offense or violation as defined in chapter
1657 248, or (iv) a violation of a municipal or local ordinance, (B) wilfully
1658 failed to appear in response to a summons under section 46b-133, as
1659 amended by this act, or at any other court hearing of which the youth
1660 had notice, (C) violated any order of the Superior Court, except as
1661 provided in section 46b-148, or (D) violated conditions of probation as
1662 ordered by the court;

1663 (7) A child or youth may be found "dependent" whose home is a
1664 suitable one for the child or youth, except for the financial inability of
1665 the child's or youth's parents, parent or guardian, or other person
1666 maintaining such home, to provide the specialized care the condition
1667 of the child or youth requires;

1668 (8) "Family with service needs" means a family that includes a child
1669 or youth who (A) has without just cause run away from the parental
1670 home or other properly authorized and lawful place of abode, (B) is
1671 beyond the control of the child's or youth's parent, parents, guardian
1672 or other custodian, (C) has engaged in indecent or immoral conduct,
1673 (D) is a truant or habitual truant or who, while in school, has been
1674 continuously and overtly defiant of school rules and regulations, or (E)
1675 is thirteen years of age or older and has engaged in sexual intercourse
1676 with another person and such other person is thirteen years of age or

1677 older and not more than two years older or younger than such child or
1678 youth;

1679 (9) A child or youth may be found "neglected" who (A) has been
1680 abandoned, (B) is being denied proper care and attention, physically,
1681 educationally, emotionally or morally, (C) is being permitted to live
1682 under conditions, circumstances or associations injurious to the
1683 well-being of the child or youth, or (D) has been abused;

1684 (10) A child or youth may be found "uncared for" who is homeless
1685 or whose home cannot provide the specialized care that the physical,
1686 emotional or mental condition of the child or youth requires. For the
1687 purposes of this section, the treatment of any child or youth by an
1688 accredited Christian Science practitioner, in lieu of treatment by a
1689 licensed practitioner of the healing arts, shall not of itself constitute
1690 neglect or maltreatment;

1691 (11) "Delinquent act" means (A) the violation, by a child other than a
1692 youth, of any federal or state law or municipal or local ordinance,
1693 except an ordinance regulating behavior of a child in a family with
1694 service needs, (B) the violation by a youth [age sixteen] of any federal
1695 or state law, other than (i) an infraction, (ii) a violation, (iii) a motor
1696 vehicle offense or violation under chapter 248, or (iv) a violation of a
1697 municipal or local ordinance, (C) wilful failure to appear in response to
1698 a summons under section 46b-133, as amended by this act, or at any
1699 other court hearing of which the child or [a] youth [age sixteen] has
1700 notice, (D) the violation of any order of the Superior Court, [by a child
1701 or a youth age sixteen,] except as provided in section 46b-148, or (E)
1702 the violation of conditions of probation [by a child or a youth age
1703 sixteen] as ordered by the court;

1704 (12) "Serious juvenile offense" means (A) the violation of, including
1705 attempt or conspiracy to violate, (i) section 21a-277, 21a-278, 29-33,
1706 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21,
1707 53-80a, 53-202b, 53-202c, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c,
1708 inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a,
1709 inclusive, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,

1710 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
1711 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
1712 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
1713 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause,
1714 from any secure placement other than home while referred as a
1715 delinquent child or youth to the Court Support Services Division or
1716 committed as a delinquent child or youth to the Commissioner of
1717 Children and Families for a serious juvenile offense;

1718 (13) "Serious juvenile offender" means any child or youth convicted
1719 as delinquent for the commission of a serious juvenile offense;

1720 (14) "Serious juvenile repeat offender" means any child or youth
1721 charged with the commission of any felony if such child or youth has
1722 previously been convicted as delinquent or otherwise convicted at any
1723 age for two violations of any provision of title 21a, 29, 53 or 53a that is
1724 designated as a felony;

1725 (15) "Alcohol-dependent" means a psychoactive substance
1726 dependence on alcohol as that condition is defined in the most recent
1727 edition of the American Psychiatric Association's "Diagnostic and
1728 Statistical Manual of Mental Disorders"; and

1729 (16) "Drug dependent" means a psychoactive substance dependence
1730 on drugs as that condition is defined in the most recent edition of the
1731 American Psychiatric Association's "Diagnostic and Statistical Manual
1732 of Mental Disorders". No child or youth shall be classified as drug
1733 dependent who is dependent (A) upon a morphine-type substance as
1734 an incident to current medical treatment of a demonstrable physical
1735 disorder other than drug dependence, or (B) upon amphetamine-type,
1736 ataractic, barbiturate-type, hallucinogenic or other stimulant and
1737 depressant substances as an incident to current medical treatment of a
1738 demonstrable physical or psychological disorder, or both, other than
1739 drug dependence.

1740 Sec. 36. Section 46b-121 of the general statutes, as amended by
1741 section 74 of public act 07-4 of the June special session and section 2 of

1742 this act, is repealed and the following is substituted in lieu thereof
1743 (*Effective January 1, 2012*):

1744 (a) (1) Juvenile matters in the civil session include all proceedings
1745 concerning uncared-for, neglected or dependent children and youths
1746 within this state, termination of parental rights of children or youths
1747 committed to a state agency, matters concerning families with service
1748 needs, contested matters involving termination of parental rights or
1749 removal of guardian transferred from the Probate Court and the
1750 emancipation of minors, but does not include matters of guardianship
1751 and adoption or matters affecting property rights of any child or youth
1752 over which the Probate Court has jurisdiction, except that appeals
1753 from probate concerning adoption, termination of parental rights and
1754 removal of a parent as guardian shall be included.

1755 (2) Juvenile matters in the criminal session include all proceedings
1756 concerning delinquent children and youths within this state and
1757 persons [seventeen] eighteen years of age and older who are under the
1758 supervision of a juvenile probation officer while on probation or a
1759 suspended commitment to the Department of Children and Families,
1760 for purposes of enforcing any court orders entered as part of such
1761 probation or suspended commitment.

1762 (b) (1) In juvenile matters, the Superior Court shall have authority to
1763 make and enforce such orders directed to parents, including any
1764 person who acknowledges before the court paternity of a child born
1765 out of wedlock, guardians, custodians or other adult persons owing
1766 some legal duty to a child or youth therein, as the court deems
1767 necessary or appropriate to secure the welfare, protection, proper care
1768 and suitable support of a child or youth subject to the court's
1769 jurisdiction or otherwise committed to or in the custody of the
1770 Commissioner of Children and Families. The Superior Court may
1771 order a local or regional board of education to provide to the court
1772 educational records of a child or youth for the purpose of determining
1773 the need for services or placement of the child or youth. In proceedings
1774 concerning a child or youth charged with a delinquent act or with

1775 being from a family with service needs, records produced subject to
1776 such an order shall be maintained under seal by the court and shall be
1777 released only after a hearing or with the consent of the child or youth.
1778 Educational records obtained pursuant to this section shall be used
1779 only for dispositional purposes. In addition, with respect to
1780 proceedings concerning delinquent children and youths, the Superior
1781 Court shall have authority to make and enforce such orders as the
1782 court deems necessary or appropriate to punish the child or youth,
1783 deter the child or youth from the commission of further delinquent
1784 acts, assure that the safety of any other person will not be endangered
1785 and provide restitution to any victim. The Superior Court shall also
1786 have authority to grant and enforce temporary and permanent
1787 injunctive relief in all proceedings concerning juvenile matters.

1788 (2) If any order for the payment of money is issued by the Superior
1789 Court, including any order assessing costs issued under section
1790 46b-134, as amended by this act, or 46b-136, the collection of such
1791 money shall be made by the court, except orders for support of
1792 children or youths committed to any state agency or department,
1793 which orders shall be made payable to and collected by the
1794 Department of Administrative Services. If the Superior Court after due
1795 diligence is unable to collect such moneys within six months, the court
1796 shall refer such case to the Department of Administrative Services for
1797 collection as a delinquent account. In juvenile matters, the Superior
1798 Court shall have authority to make and enforce orders directed to
1799 persons liable hereunder on petition of the Department of
1800 Administrative Services made to the court in the same manner as is
1801 provided in section 17b-745, in accordance with the provisions of
1802 section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section
1803 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745
1804 shall be applicable to such proceedings. Any judge hearing a juvenile
1805 matter may make any other order in connection therewith that a judge
1806 of the Superior Court is authorized to grant and such order shall have
1807 the same force and effect as any other order of the Superior Court. In
1808 the enforcement of the court's orders, in connection with any juvenile
1809 matter, the court may issue process for the arrest of any person,

1810 compel attendance of witnesses and punish for contempt by a fine not
1811 exceeding one hundred dollars or imprisonment not exceeding six
1812 months.

1813 Sec. 37. Section 46b-133c of the general statutes, as amended by
1814 section 76 of public act 07-4 of the June special session and section 10 of
1815 this act, is repealed and the following is substituted in lieu thereof
1816 (*Effective January 1, 2012*):

1817 (a) Whenever a child or youth is referred for the commission of a
1818 felony committed after such child or youth attained the age of fourteen
1819 years and such child or youth is a serious juvenile repeat offender, as
1820 defined in section 46b-120, as amended by this act, the juvenile
1821 prosecutor may request the court to designate the proceeding as a
1822 serious juvenile repeat offender prosecution.

1823 (b) If a juvenile prosecutor requests that a proceeding be designated
1824 a serious juvenile repeat offender prosecution, the court shall hold a
1825 hearing not later than thirty days after the filing of such request unless
1826 good cause is shown by the juvenile prosecutor or by the child or
1827 youth as to why the hearing should not be held within such period. If
1828 good cause is shown, the hearing shall be held not later than ninety
1829 days after the filing of such request. The court shall decide whether to
1830 designate the proceeding as a serious juvenile repeat offender
1831 prosecution not later than thirty days after the completion of such
1832 hearing. The court shall grant the request to designate the proceeding
1833 as a serious juvenile repeat offender prosecution if the juvenile
1834 prosecutor shows by clear and convincing evidence that such
1835 designation will serve the public safety. The decision to designate the
1836 proceeding as a serious juvenile repeat offender prosecution shall not
1837 be a final judgment for purposes of appeal.

1838 (c) A proceeding designated as a serious juvenile repeat offender
1839 prosecution pursuant to subsection (b) of this section shall be held
1840 before the court without a jury, provided the child or youth has
1841 waived his right to a trial by jury. If a child or youth is convicted of or
1842 pleads guilty to a felony in such proceeding, the court shall: (1)

1843 Sentence the child or youth in accordance with section 46b-140, as
1844 amended by this act, or 46b-141a, as amended by this act, and (2)
1845 sentence the child or youth in accordance with section 53a-28 with the
1846 execution of such sentence stayed on the condition that the child or
1847 youth not violate the conditions of the sentence imposed pursuant to
1848 subdivision (1) of this subsection or commit a subsequent crime.

1849 (d) If a child or youth is convicted of or pleads guilty to a
1850 misdemeanor in a proceeding designated as a serious juvenile repeat
1851 offender prosecution pursuant to subsection (b) of this section, the
1852 court shall sentence the child or youth in accordance with section 46b-
1853 140, as amended by this act, or 46b-141a, as amended by this act.

1854 (e) Whenever it appears that a child or youth who has been
1855 sentenced pursuant to subsection (c) of this section has violated the
1856 conditions of the sentence imposed pursuant to subdivision (1) of said
1857 subsection (c) or has committed a subsequent crime, the court may,
1858 without notice, order that the child or youth be immediately taken into
1859 custody in accordance with the provisions of section 46b-125. The
1860 court shall notify the child or youth and such child's or youth's parent
1861 or guardian and the attorney of record, if any, in writing of the reasons
1862 alleged to exist for the lifting of the stay of execution of the sentence
1863 imposed pursuant to subdivision (2) of said subsection (c). If the child
1864 or youth challenges such reasons, the court shall hold a hearing at
1865 which the child or youth shall be entitled to be heard and be
1866 represented by counsel. After such hearing, if the court finds that the
1867 child or youth has violated the conditions of the sentence imposed
1868 pursuant to subdivision (1) of said subsection (c) or committed a
1869 subsequent crime, it shall order the child or youth to serve a sentence
1870 not to exceed that imposed pursuant to subdivision (2) of said
1871 subsection (c) unless it determines there are mitigating circumstances
1872 that justify continuing the stay of execution and specifically states such
1873 mitigating circumstances in writing for the record. The child or youth
1874 shall receive credit against any sentence imposed pursuant to
1875 subdivision (2) of said subsection (c) for time served in a juvenile
1876 facility pursuant to the sentence imposed pursuant to subdivision (1)

1877 of said subsection (c).

1878 (f) Whenever a proceeding has been designated a serious juvenile
1879 repeat offender prosecution pursuant to subsection (b) of this section
1880 and the child or youth does not waive such child's or youth's right to a
1881 trial by jury, the court shall transfer the case from the docket for
1882 juvenile matters to the regular criminal docket of the Superior Court.
1883 Upon transfer, such child or youth shall stand trial and be sentenced, if
1884 convicted, as if such child or youth were [seventeen] eighteen years of
1885 age, except that no such child or youth shall be placed in a correctional
1886 facility but shall be maintained in a facility for children and youths
1887 until such child or youth attains [seventeen] eighteen years of age or
1888 until such child or youth is sentenced, whichever occurs first. Such
1889 child or youth shall receive credit against any sentence imposed for
1890 time served in a juvenile facility prior to the effectuation of the
1891 transfer. A child or youth who has been transferred may enter a guilty
1892 plea to a lesser offense if the court finds that such plea is made
1893 knowingly and voluntarily. Any child or youth transferred to the
1894 regular criminal docket who pleads guilty to a lesser offense shall not
1895 resume such child's or youth's status as a juvenile regarding such
1896 offense. If the action is dismissed or nolleed or if such child or youth is
1897 found not guilty of the charge for which such child or youth was
1898 transferred, the child or youth shall resume such child's or youth's
1899 status as a juvenile until such child or youth attains [seventeen]
1900 eighteen years of age.

1901 Sec. 38. Subsection (c) of section 10-19m of the general statutes, as
1902 amended by section 78 of public act 07-4 of the June special session
1903 and section 31 of this act, is repealed and the following is substituted
1904 in lieu thereof (*Effective January 1, 2012*):

1905 (c) The Commissioner of Education shall adopt regulations, in
1906 accordance with the provisions of chapter 54, establishing minimum
1907 standards for such youth service bureaus and the criteria for qualifying
1908 for state cost-sharing grants, including, but not limited to, allowable
1909 sources of funds covering the local share of the costs of operating such

1910 bureaus, acceptable in-kind contributions and application procedures.
 1911 Said commissioner shall, on December 1, 1979, and annually thereafter,
 1912 report to the General Assembly on the referral or diversion of children
 1913 under the age of [seventeen] eighteen years from the juvenile justice
 1914 system and [on the referral or diversion of children aged seventeen
 1915 and eighteen years from] the court system. Such report shall include,
 1916 but not be limited to, the number of times any child is so diverted, the
 1917 number of children diverted, the type of service provided to any such
 1918 child, by whom such child was diverted, the ages of the children
 1919 diverted and such other information and statistics as the General
 1920 Assembly may request from time to time. Any such report shall
 1921 contain no identifying information about any particular child.

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-121
Sec. 3	<i>from passage</i>	46b-121k
Sec. 4	<i>January 1, 2010</i>	46b-127
Sec. 5	<i>January 1, 2010</i>	46b-128
Sec. 6	<i>January 1, 2010</i>	46b-132a
Sec. 7	<i>January 1, 2010</i>	46b-133
Sec. 8	<i>January 1, 2010</i>	46b-133a
Sec. 9	<i>January 1, 2010</i>	46b-133b
Sec. 10	<i>January 1, 2010</i>	46b-133c
Sec. 11	<i>January 1, 2010</i>	46b-133d
Sec. 12	<i>January 1, 2010</i>	46b-133e
Sec. 13	<i>January 1, 2010</i>	46b-134
Sec. 14	<i>January 1, 2010</i>	46b-135
Sec. 15	<i>January 1, 2010</i>	46b-137
Sec. 16	<i>January 1, 2010</i>	46b-138a
Sec. 17	<i>January 1, 2010</i>	46b-138b
Sec. 18	<i>January 1, 2010</i>	46b-140
Sec. 19	<i>January 1, 2010</i>	46b-141
Sec. 20	<i>January 1, 2010</i>	46b-141a
Sec. 21	<i>January 1, 2010</i>	46b-141b
Sec. 22	<i>January 1, 2010</i>	46b-141c
Sec. 23	<i>January 1, 2010</i>	46b-141d

Sec. 24	<i>January 1, 2010</i>	46b-142(a)
Sec. 25	<i>January 1, 2010</i>	46b-145
Sec. 26	<i>January 1, 2010</i>	46b-146
Sec. 27	<i>January 1, 2010</i>	46b-147
Sec. 28	<i>January 1, 2010</i>	46b-150d
Sec. 29	<i>January 1, 2010</i>	New section
Sec. 30	<i>from passage</i>	4b-3(d)
Sec. 31	<i>January 1, 2010</i>	10-19m(c)
Sec. 32	<i>from passage</i>	New section
Sec. 33	<i>January 1, 2010</i>	46b-150f
Sec. 34	<i>January 1, 2010</i>	46b-150g
Sec. 35	<i>January 1, 2012</i>	46b-120
Sec. 36	<i>January 1, 2012</i>	46b-121
Sec. 37	<i>January 1, 2012</i>	46b-133c
Sec. 38	<i>January 1, 2012</i>	10-19m(c)

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: See Below

Explanation

The bill revises the PA 07-4 of the June Special Session, which increases the age of juvenile jurisdiction to include 16 and 17 year olds effective January 1, 2010. The bill delays, until January 1, 2012, increasing the age of juvenile jurisdiction to include 17 year olds; it thereby results in the avoidance of significant state costs, in the approximate amount of \$60 million, during the 2010-2011 biennium.

Operating Funds

Funds in the approximate amount of \$42 million¹ are provided to the Judicial Department per sHB 6365 (the Appropriations Act for the 2010-2011 Biennium, as favorably reported from the Appropriations Committee) to implement the bill. It should be noted that sHB 6365 reflects the transfer of all juvenile justice programming from the Department of Children and Families to the Judicial Department, effective 1/1/10.

In addition, the bill precludes savings to the Department of Correction to the extent that 17 year olds who previously would have been diverted from DOC facilities would now continue to be housed at Manson Youth Facility. Any loss of savings would be less than \$1.0 million.

¹ This amount includes funds previously built into the Judicial Department's base and included within the Appropriation Committee's Joint Favorable Report.

Capital Funds

Renovations and improvements to the Connecticut Juvenile Training School (CJTS) are needed to allow it to accommodate an increased census following full implementation of “raise the age” on and after 1/1/12. While the Governor recommended \$8 million in FY 10 bonding to support related capital projects, this funding has not been included within sSB 833, as favorably reported by the Finance, Revenue and Bonding Committee.

Work is currently underway on construction of a new state-operated secure girls’ facility, anticipated to open no earlier than January 2011. A total of \$10,357,000 in unallocated bond authorizations are available for this project as of 4/20/09. sSB 833 cancels \$6 million of these funds.

The Judicial Department needs approximately \$5 million to make renovations to existing facilities in order to maintain sight/sound separation between adults and 16-17 year olds (who are designated as juveniles under “raise the age”) in accordance with federal law. Substitute Senate Bill 833 eliminates \$5 million in newly authorized bond funds to carry out these renovations. As a consequence, the Judicial Department would need to reallocate up to \$5 million of its \$10 million remaining unallocated bond balances for other renovation and improvement projects.

Other

Section 1 narrows the definition of serious juvenile offense, which is anticipated to result in minimal state savings by reducing the number of juveniles committed.

Section 7 allows police officers to release an arrested child or youth into their own custody, provided reasonable efforts have been made to serve a written complaint and summons on a parent, guardian, or agency prior to the summons date. This results in a potential workload reduction for state and local law enforcement agencies

which does not have any associated fiscal impact.

Section 29 permits (effective January 1, 2010) the court, when it deems appropriate, to transfer to the juvenile court docket 17-year-old defendants in adult criminal and motor vehicle matters. The extent to which this authorization would be used is uncertain. If this provision is used frequently, the demand on juvenile court resources (including funding for programs) could exceed the budgeted amounts indicated above for partially raising the age and the state could experience a significant revenue loss from motor vehicle fines.

Section 31 requires the State Department of Education to include in its annual report to the General Assembly information on the referral or diversion of children aged seventeen and eighteen years from the court system. Since the SDE already receives this information, there is no additional cost to include it in the agency's report.

The bill makes various other minor, technical and conforming changes that have no fiscal impact.

The Out Years

The bill delays until FY 14 the fully annualized cost (estimated to be \$95 million) to raise the age of juveniles to include 16 and 17 year olds.

OLR Bill Analysis

sHB 6575

***AN ACT CONCERNING REVISIONS TO PROVISIONS RAISING
THE AGE OF JUVENILE JURISDICTION.***

SUMMARY:

This bill:

1. raises the maximum age for juvenile court jurisdiction from age 15 to age 16 starting January 1, 2010;
2. on January 1, 2012, raises the age from 16 to 17;
3. consistent with the phase-in of the raise the age provisions, delays the repeal of the Youth in Crisis law from January 1, 2010 to January 1, 2012 and restricts eligibility to youths age 17 beginning in 2010, rather than the ages 16 and 17;
4. revises the definition of delinquent act and narrows the definition of serious juvenile offense;
5. eliminates juvenile court jurisdiction over matters involving emancipated minors;
6. allows police officers to release an arrested child into the child's own custody and makes it a delinquent act for a child that has been released into his or her own custody to willfully fail to appear in court;
7. sets rules for the admissibility of children's confessions;
8. limits the use of pretrial detention;
9. adds violating conditions of a suspended detention order as a basis for pretrial detention;

10. allows Superior Court judges to transfer cases involving 17-year-old youths from the adult criminal, youthful offender, and motor vehicle dockets to juvenile court when appropriate;
11. authorizes judges to order schools to provide educational records;
12. authorizes the Judicial Branch's competitively bid contracts for alternative incarceration programs to require contractors to provide space necessary for juvenile probation officers and other Court Support Service Division (CSSD) staff to perform their jobs;
13. modifies and expands vocational probation options;
14. expands the availability of record erasure for children (a) convicted as delinquent or (b) adjudicated as a child in a family with service needs (FWSN - truants, runaways, or children beyond control of parents or school officials) but delays, from 16 to 18, the age children must reach before becoming entitled to court consideration of an erasure petition;
15. transfers some functions from the Judicial Branch's CSSD to the entire Judicial Branch;
16. eliminates a mandate that juvenile court judges impose a statutory fine on youngsters convicted as delinquents for possessing alcohol that would otherwise go into effect January 1, 2010;
17. authorizes the chief court administrator, rather than the Department of Public Works commissioner, to contract for space for programs and treatment for children involved in the juvenile justice system; and
18. requires the education commissioner's annual report to the legislature to include information about referrals and diversions of 17- and 18-year olds from the court system to youth services

bureaus.

The bill inserts “or youth” in many statutes that refer to “child”. As the definition of child includes youths, it appears that these added references have no legal effect.

EFFECTIVE DATE: January 1, 2010, except the provisions extending juvenile court jurisdiction to 17-year-olds and repealing the youth in crisis law are effective January 1, 2012, and the provision authorizing CSSD to contract for space is effective on passage.

§ 1 — DELINQUENCY

Children Under Age 16

Current law covers federal, state, and municipal or local ordinance violations other than ordinances regulating the conduct of FWSN children. It does not make failure to appear a basis for a finding of delinquency. And legislation enacted in 2007 eliminated juvenile court jurisdiction over municipal or local ordinance violations beginning January 1, 2010.

The bill allows children under age 16 to be convicted as delinquent if they:

1. violated any federal or state law or municipal or local ordinance other than an ordinance regulating the behavior of a FWSN child;
2. willfully failed to appear in court in response to a summons or at any other court hearing of which they had notice;
3. violated a court order, except an order directed at a FWSN child;
or
4. violated court-ordered conditions of probation.

Youths Age 16

Under the bill, beginning January 1, 2010 16-year olds may also be convicted as delinquent for any of the above reasons, except that

infractions, violations, motor vehicle offenses or violations, or municipal ordinance violations must be handled on adult court dockets unless the court determines that it is appropriate to adjudicate the matter in juvenile court. Under the law currently scheduled to go into effect January 1, 2010, only infractions or violations that are subject to centralized infraction bureau procedures and motor vehicle violations for which a term of imprisonment may be imposed will be excluded from juvenile court; the bill restores juvenile court jurisdiction over these offenses.

§ 1 — SERIOUS JUVENILE OFFENSE

The bill excludes some crimes which can currently form the basis for a serious juvenile offender designation. By law, children convicted as serious juvenile offenders are subject to supervised detention for up to four years, while supervision of other juvenile offenders is generally limited to 18 months. And people with serious juvenile offense convictions are barred from possessing firearms and electronic defense weapons.

The offenses that are eliminated are:

1. Extortionate credit transactions,
2. 1st degree unlawful restraint,
3. 2nd degree hindering prosecution,
4. 2nd degree manslaughter with a motor vehicle, and
5. misconduct with a motor vehicle.

§ 7 — RELEASING CHILDREN INTO THEIR OWN CUSTODY

Currently, police officers can either release children who have been arrested into the custody of a parent, guardian, suitable person, or agency or turn them over to a juvenile detention center. The bill also allows the police to release a child into the child's own custody. When they do so, the bill requires that they make reasonable efforts to serve a written complaint and summons on the parent, guardian, suitable

person, or agency before the court date listed on the child's summons.

It makes it a delinquent act for a child to willfully fail to appear in court in response to the summons and authorizes the court to order the child taken into custody.

§ 15 — JUVENILE CONFESSIONS

Currently, confessions, statements, and admissions made by children are not admissible in delinquency proceedings unless the child has been advised of his or her constitutional rights and a parent is present. Under the bill, they may be used against children age 16 if:

1. the police or Juvenile Court officer made reasonable efforts to contact a parent and
2. the children have been advised of their legal rights, including the right to have a parent present during any interview.

Under the bill, admissibility of statements, confessions, and admissions of 16 year olds is determined based on the totality of circumstances at the time the admission, confession, or statement is made. The court must consider:

1. the child's age, experience, education, background and intelligence;
2. whether he or she had the capacity to understand (a) the advice concerning rights and warnings he or she was given, the nature of the constitutional privilege against self-incrimination, and the consequences of waiving his or her rights or privileges; and
3. whether the child had the opportunity to speak with a parent, guardian, or some other suitable individual before making the admission, confession, or statement; and
4. the circumstances surrounding the making of the admission, confession, or statement, including (a) when and where it was made, (b) the reasonableness of proceeding, or the need to

proceed, without a parent or guardian present, and (c) the reasonableness of efforts by the police or juvenile court official to attempt to contact a parent or guardian

§ 7 — PRETRIAL DETENTION

Currently, a court may order pretrial detention when it finds probable cause to believe that the arrested child committed the offense charged and there is:

1. a strong probability that he or she will run away or commit or attempt to commit other offenses before the court hearing or disposition,
2. probable cause to believe that the child's continued residence at home will not safeguard the child's or community's best interest because of the serious and dangerous nature of the acts he or she is accused of committing;
3. a need to hold the child to assure his or her appearance before the court in view of previous failure to respond to court process, or
4. a need to hold the child for another jurisdiction.

The bill makes violating a condition of a suspended detention order another ground for ordering pretrial detention. And it requires courts to find that those held because of the serious nature of the charges pose a risk to themselves or the community, rather than that release will not safeguard the best interests of the child or community.

It precludes courts from ordering pretrial detention unless the court finds that there is no less restrictive alternative available.

Under current law, detention supervisors may release children to their parent's or other suitable person or agency's custody unless the child has been arrested for a serious juvenile offense. The bill precludes pretrial release when an order not to release is noted on the take-into-custody order, arrest warrant, or order to detain.

§ 2 — EDUCATION RECORDS

The bill authorizes the Superior Court to order a local or regional board of education to provide the educational records of a child in order to determine his or her need for services or placement. In delinquency or FWSN cases, the court must keep the records under seal and unseal them only if the child consents or the court holds a hearing. In both cases, the records can only be used for dispositional purposes.

§ 29 — TRANSFERRING BETWEEN DOCKETS

Except in cases where adult prosecution is required by law (e.g., when a class A or B felony is charged), the bill allows judges to transfer cases involving 17-year-old defendants from the youthful offender, regular criminal, or motor vehicle dockets to juvenile court. The transfer must occur prior to trial or entry of a guilty plea and can be initiated by a motion filed by any party or the court on its own authority.

Before ruling on a transfer motion, the court must hold a hearing to consider the facts and circumstances of the case and the youth's prior history. It may order the transfer if it determines that the (1) programs and services available in juvenile court would more appropriately address the youth's needs and (2) youth and community will be better served by treating the youth as a juvenile. If it orders a transfer, the court must vacate any pleas already entered. The youth must be advised of his or her rights and enter pleas in the juvenile court in the jurisdiction where he or she resides (it is unclear where cases involving youth who reside out of state would be transferred) and be prosecuted as a delinquent child. Under the bill, a decision granting or denying a transfer is not a final judgment and therefore is not immediately appealable.

The bill also specifies that a conviction as a delinquent after the transfer does not negate a mandatory Department of Motor Vehicles (DMV) penalty. Juvenile court clerks or their designees must promptly notify DMV when a youth is convicted of an offense, violation, or

infraction that requires DMV to deny, revoke, or suspend a driver's license or requires the department to impose other legal penalties or administrative sanctions.

§ 18 — EXPANDING CONDITIONS OF JUVENILE PROBATION

Current law allows juvenile court judges to place delinquent or FWSN children on vocational probation if they are at least 14 years old and would not benefit from continued school attendance. Instead, the bill allows judges to order work-study or employment with or without continued school attendance as a condition of probation or supervision for these individuals.

ERASING JUVENILE COURT RECORDS

Under current law, Superior Court judges must grant petitions to erase police and court records concerning delinquent or FWSN children who:

1. are at least 16 years old,
2. have been discharged from court or Department of Children and Families' custody or supervision for at least two years (four years if convicted of a serious juvenile offense), and
3. have not been the subject of a subsequent juvenile proceeding or found guilty of a crime.

Under the bill, erasure petitions must be granted when the individual:

1. is at least 18 years old;
2. has been discharged under the same conditions and for the same period described above;
3. has no pending juvenile or adult criminal proceeding; and
4. since discharge, has not been convicted (a) of a felony or misdemeanor or of a delinquent act that would constitute a

felony or misdemeanor if committed by an adult or (b) as an adult; and

The bill also authorizes courts to hold hearings and grant record erasure petitions earlier for good cause.

TRANSFERRING FUNCTIONS FROM CSSD TO THE JUDICIAL BRANCH

Currently, the Judicial Branch’s CSSD is responsible for developing programs to prevent and reduce the frequency of delinquency and crime. The bill makes this the responsibility of the whole Judicial Branch. It makes the same change for (1) contracting to establish residential and nonresidential facilities for court-referred children and (2) consulting with the Commission on Racial and Ethnic Disparity about the needs of minorities in the Juvenile Justice system.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 31 Nay 10 (04/03/2009)