



General Assembly

January Session, 2009

Raised Bill No. 6575

LCO No. 4075

04075_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

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2 section 73 of public act 07-4 of the June special session, is repealed and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 years of age [, or] and
10 has not been legally emancipated, (B) who is eighteen years of age or
11 older and who, prior to attaining eighteen years of age, [has] was not
12 legally emancipated and committed a delinquent act, [and,] or (C)
13 who, subsequent to attaining eighteen years of age, [violates] violated
14 any order of the Superior Court or any condition of probation ordered
15 by the Superior Court with respect to [such] a delinquency proceeding;

16 (2) ["youth"] "Youth" means any person sixteen or seventeen years
17 of age who has not been legally emancipated;

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

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

29 (5) [a] A child, other than a youth, may be convicted as "delinquent"
30 who has [violated] (A) violated any federal or state law [, other than
31 the commission of (i) an infraction or violation by a youth under
32 subsection (b) of section 51-164n, or (ii) a motor vehicle violation by a
33 youth for which a sentence to a term of imprisonment may be
34 imposed, (B) any order of the Superior Court, except as provided in
35 section 46b-148, or (C) conditions of probation as ordered by the court;
36 (6)] or municipal or local ordinance, except an ordinance regulating
37 behavior of a child in a family with service needs, (B) wilfully failed to
38 appear in response to a summons under section 46b-133, as amended
39 by this act, or at any other court hearing of which the child had notice,
40 (C) violated any order of the Superior Court, except as provided in
41 section 46b-148, or (D) violated conditions of probation as ordered by
42 the court;

43 (6) A youth may be convicted as "delinquent" who has (A) violated
44 any federal or state law, other than (i) an infraction, (ii) a violation, (iii)
45 a motor vehicle offense or violation as defined in chapter 248, or (iv) a
46 violation of a municipal or local ordinance, (B) wilfully failed to appear
47 in response to a summons under section 46b-133, as amended by this

48 act, or at any other court hearing of which the youth had notice, (C)
49 violated any order of the Superior Court, except as provided in section
50 46b-148, or (D) violated conditions of probation as ordered by the
51 court;

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

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

68 [(8) a] (9) A child or youth may be found "neglected" who (A) has
69 been abandoned, (B) is being denied proper care and attention,
70 physically, educationally, emotionally or morally, (C) is being
71 permitted to live under conditions, circumstances or associations
72 injurious to the well-being of the child or youth, or (D) has been
73 abused;

74 [(9)] (10) a child or youth may be found "uncared for" who is
75 homeless or whose home cannot provide the specialized care that the
76 physical, emotional or mental condition of the child or youth requires.
77 For the purposes of this section, the treatment of any child or youth by
78 an accredited Christian Science practitioner, in lieu of treatment by a
79 licensed practitioner of the healing arts, shall not of itself constitute

80 neglect or maltreatment;

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

97 (12) "Serious juvenile offense" means (A) the violation of, including
98 attempt or conspiracy to violate, (i) section 21a-277, 21a-278, 29-33,
99 29-34, 29-35, subdivisions (2) and (3) of subsection (a) of section 53-21,
100 53-80a, 53-202b, 53-202c, [53-390 to 53-392, inclusive,] 53a-54a to [53a-
101 56a] 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,
102 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, [53a-95,]
103 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
104 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
105 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
106 [53a-166 or] 53a-167c, subsection (a) of section 53a-174, or section
107 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, [by a child, or (ii)
108 section 53a-56b or 53a-57 by a child under sixteen years of age,] or (B)
109 running away, without just cause, from any secure placement other
110 than home while referred as a delinquent child or youth to the Court
111 Support Services Division or committed as a delinquent child or youth
112 to the Commissioner of Children and Families for a serious juvenile

113 offense;

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

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

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

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

139 Sec. 2. Section 46b-121 of the general statutes, as amended by section
140 74 of public act 07-4 of the June special session, is repealed and the
141 following is substituted in lieu thereof (*Effective January 1, 2010*):

142 (a) (1) Juvenile matters in the civil session include all proceedings

143 concerning uncared-for, neglected or dependent children and youths
144 within this state, termination of parental rights of children or youths
145 committed to a state agency, matters concerning families with service
146 needs, contested matters involving termination of parental rights or
147 removal of guardian transferred from the Probate Court and the
148 emancipation of minors, but does not include matters of guardianship
149 and adoption or matters affecting property rights of any child or youth
150 over which the Probate Court has jurisdiction, except that appeals
151 from probate concerning adoption, termination of parental rights and
152 removal of a parent as guardian shall be included.

153 (2) Juvenile matters in the criminal session include all proceedings
154 concerning delinquent children and youths within this state and
155 persons eighteen years of age and older who are under the supervision
156 of a juvenile probation officer while on probation or a suspended
157 commitment to the Department of Children and Families, for purposes
158 of enforcing any court orders entered as part of such probation or
159 suspended commitment.

160 (b) (1) In juvenile matters, the Superior Court shall have authority to
161 make and enforce such orders directed to parents, including any
162 person who acknowledges before the court paternity of a child born
163 out of wedlock, guardians, custodians or other adult persons owing
164 some legal duty to a child or youth therein, as the court deems
165 necessary or appropriate to secure the welfare, protection, proper care
166 and suitable support of a child or youth subject to the court's
167 jurisdiction or otherwise committed to or in the custody of the
168 Commissioner of Children and Families. The Superior Court may
169 order a local or regional board of education to provide to the court
170 educational records of a child or youth for the purpose of determining
171 the need for services or placement of the child or youth. In proceedings
172 concerning a child or youth charged with a delinquent act or with
173 being from a family with service needs, records produced subject to
174 such an order shall be maintained under seal by the court and shall be
175 released only after a hearing or with the consent of the child or youth.

176 Educational records obtained pursuant to this section shall be used
177 only for dispositional purposes. In addition, with respect to
178 proceedings concerning delinquent children and youths, the Superior
179 Court shall have authority to make and enforce such orders as the
180 court deems necessary or appropriate to punish the child or youth,
181 deter the child or youth from the commission of further delinquent
182 acts, assure that the safety of any other person will not be endangered
183 and provide restitution to any victim. The Superior Court shall also
184 have authority to grant and enforce temporary and permanent
185 injunctive relief in all proceedings concerning juvenile matters.

186 (2) If any order for the payment of money is issued by the Superior
187 Court, including any order assessing costs issued under section
188 46b-134, as amended by this act, or 46b-136, the collection of such
189 money shall be made by the court, except orders for support of
190 children or youths committed to any state agency or department,
191 which orders shall be made payable to and collected by the
192 Department of Administrative Services. If the Superior Court after due
193 diligence is unable to collect such moneys within six months, the court
194 shall refer such case to the Department of Administrative Services for
195 collection as a delinquent account. In juvenile matters, the Superior
196 Court shall have authority to make and enforce orders directed to
197 persons liable hereunder on petition of the Department of
198 Administrative Services made to the court in the same manner as is
199 provided in section 17b-745, in accordance with the provisions of
200 section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section
201 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745
202 shall be applicable to such proceedings. Any judge hearing a juvenile
203 matter may make any other order in connection therewith that a judge
204 of the Superior Court is authorized to grant and such order shall have
205 the same force and effect as any other order of the Superior Court. In
206 the enforcement of the court's orders, in connection with any juvenile
207 matter, the court may issue process for the arrest of any person,
208 compel attendance of witnesses and punish for contempt by a fine not
209 exceeding one hundred dollars or imprisonment not exceeding six

210 months.

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

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

227 (2) The programs shall be tailored to the type of juvenile, including
228 the juvenile's offense history, age, maturity and social development,
229 gender, mental health, alcohol dependency or drug dependency, need
230 for structured supervision and other characteristics, and shall be
231 culturally appropriate, trauma-informed and provided in the least
232 restrictive environment possible in a manner consistent with public
233 safety. The [Court Support Services Division] Judicial Branch shall
234 develop programs that provide: (A) Intensive general education, with
235 an individualized remediation plan for each juvenile; (B) appropriate
236 job training and employment opportunities; (C) counseling sessions in
237 anger management and nonviolent conflict resolution; (D) treatment
238 and prevention programs for alcohol dependency and drug
239 dependency; (E) mental health screening, assessment and treatment;
240 (F) sexual offender treatment; and (G) services for families of juveniles.

241 (b) The Judicial [Department] Branch may contract to establish

242 regional secure residential facilities and regional highly supervised
243 residential and nonresidential facilities for juveniles referred by the
244 court. Such facilities shall operate within contracted-for capacity limits.
245 Such facilities shall be exempt from the licensing requirements of
246 section 17a-145.

247 (c) The [Court Support Services Division] Judicial Branch shall
248 collaborate with private residential facilities providing residential
249 programs and with community-based nonresidential postrelease
250 programs.

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

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

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

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

267 (a) The court shall automatically transfer from the docket for
268 juvenile matters to the regular criminal docket of the Superior Court
269 the case of any child or youth charged with the commission of a capital
270 felony, a class A or B felony or a violation of section 53a-54d, provided
271 such offense was committed after such child or youth attained the age

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

294 (b) Upon motion of a juvenile prosecutor and order of the court, the
295 case of any child or youth charged with the commission of a class C or
296 D felony or an unclassified felony shall be transferred from the docket
297 for juvenile matters to the regular criminal docket of the Superior
298 Court, provided such offense was committed after such child or youth
299 attained the age of fourteen years and the court finds ex parte that
300 there is probable cause to believe the child or youth has committed the
301 act for which [he] the child or youth is charged. The file of any case so
302 transferred shall remain sealed until such time as the court sitting for
303 the regular criminal docket accepts such transfer. The court sitting for
304 the regular criminal docket may return any such case to the docket for
305 juvenile matters not later than ten working days after the date of the

306 transfer for proceedings in accordance with the provisions of this
307 chapter. The child or youth shall be arraigned in the regular criminal
308 docket of the Superior Court by the next court date following such
309 transfer, provided any proceedings held prior to the finalization of
310 such transfer shall be private and shall be conducted in such parts of
311 the courthouse or the building wherein court is located as shall be
312 separate and apart from the other parts of the court which are then
313 being held for proceedings pertaining to adults charged with crimes.

314 (c) Upon the effectuation of the transfer, such child or youth shall
315 stand trial and be sentenced, if convicted, as if such child or youth
316 were eighteen years of age. Such child or youth shall receive credit
317 against any sentence imposed for time served in a juvenile facility
318 prior to the effectuation of the transfer. A child or youth who has been
319 transferred may enter a guilty plea to a lesser offense if the court finds
320 that such plea is made knowingly and voluntarily. Any child or youth
321 transferred to the regular criminal docket who pleads guilty to a lesser
322 offense shall not resume such child's or youth's status as a juvenile
323 regarding such offense. If the action is dismissed or nolleed or if such
324 child or youth is found not guilty of the charge for which such child or
325 youth was transferred or of any lesser included offenses, the child or
326 youth shall resume such child's or youth's status as a juvenile until
327 such child or youth attains the age of eighteen years.

328 (d) Any child or youth transferred to the regular criminal docket of
329 the Superior Court who is detained shall be in the custody of the
330 Commissioner of Correction upon the finalization of such transfer. A
331 transfer shall be final (1) upon the expiration of ten working days after
332 the arraignment if no motion has been filed by the state's attorney
333 pursuant to subsection (a) of this section or, if such motion has been
334 filed, upon the decision of the court to deny such motion, or (2) upon
335 the court accepting the transfer pursuant to subsection (b) of this
336 section. Any child or youth returned to the docket for juvenile matters
337 who is detained shall be in the custody of the Judicial Department.

338 (e) The transfer of a child or youth to a Department of Correction
339 facility shall be limited to the provisions of subsection (d) of this
340 section and said subsection shall not be construed to permit the
341 transfer of or otherwise reduce or eliminate any other population of
342 juveniles in detention or confinement within the Judicial Department
343 or the Department of Children and Families.

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

346 (a) Whenever the Superior Court is in receipt of any written
347 complaint filed by any person, any public or private agency or any
348 federal, state, city or town department maintaining that a child's or
349 youth's conduct constitutes delinquency within the meaning of section
350 46b-120, as amended by this act, it shall make a preliminary
351 investigation to determine whether the facts, if true, would be
352 sufficient to be a juvenile matter and whether the interests of the public
353 or the child or youth require that further action be taken. If so, the
354 court may authorize the filing of a verified petition of alleged
355 delinquency or it may make without such petition whatever
356 nonjudicial disposition is practicable, including the ordering of such
357 child or youth to do work of which [he] the child or youth is capable in
358 public buildings or on public property, particularly in cases in which
359 the complaint alleges that the conduct of such child or youth resulted
360 in the wilful destruction of property, provided the facts establishing
361 jurisdiction are admitted and that a competent acceptance of such a
362 disposition has been given by the child or youth and [his] the child's or
363 youth's parent or guardian. If a nonjudicial disposition is made, the
364 term of any nonjudicial supervision shall be established by the juvenile
365 probation supervisor, provided such period of supervision shall not
366 exceed one hundred eighty days. Each verified petition of delinquency
367 filed by the court shall set forth plainly (1) the facts which bring the
368 child or youth within the jurisdiction of the court, (2) the name, date of
369 birth, sex and residence of the child or youth, (3) the names and
370 residence of his parent or parents, guardian or other person having

371 control of the child or youth, and (4) a prayer for appropriate action by
372 the court in conformity with the provisions of this chapter.

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

403 Sec. 6. Section 46b-132a of the general statutes is repealed and the

404 following is substituted in lieu thereof (*Effective January 1, 2010*):

405 When deemed in the best interests of a child or youth placed in a
406 juvenile detention center, the administrator of such detention center
407 may authorize, under policies promulgated by the Chief Court
408 Administrator, such medical assessment and treatment and dentistry
409 as is necessary to ensure the continued good health or life of the child
410 or youth. The administrator of the detention center shall make
411 reasonable efforts to inform the child's or youth's parents or guardian
412 prior to taking such action, and in all cases shall send notice to the
413 parents or guardian by letter to their last-known address informing
414 them of the actions taken and of the outcome, provided failure to
415 notify shall not affect the validity of the authorization.

416 Sec. 7. Section 46b-133 of the general statutes, as amended by section
417 85 of public act 07-4 of the June special session, is repealed and the
418 following is substituted in lieu thereof (*Effective January 1, 2010*):

419 (a) Nothing in this part shall be construed as preventing the arrest of
420 a child or youth, with or without a warrant, as may be provided by
421 law, or as preventing the issuance of warrants by judges in the manner
422 provided by section 54-2a, except that no child or youth shall be taken
423 into custody on such process except on apprehension in the act, or on
424 speedy information, or in other cases when the use of such process
425 appears imperative. Whenever a child or youth is arrested and charged
426 with a crime, such child or youth may be required to submit to the
427 taking of his photograph, physical description and fingerprints.
428 Notwithstanding the provisions of section 46b-124, the name,
429 photograph and custody status of any child or youth arrested for the
430 commission of a capital felony or class A felony may be disclosed to
431 the public.

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

436 parent or parents, the child's or youth's guardian or some other
437 suitable person to appear before the Superior Court when ordered. If
438 detention becomes necessary, such detention shall be in the manner
439 prescribed by this chapter, provided the child or youth shall be placed
440 in the least restrictive environment possible in a manner consistent
441 with public safety.

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

470 so specified.

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

504 (e) The police officer who brings a child or youth into detention
505 shall have first notified, or made a reasonable effort to notify, the
506 parents or guardian of the child or youth in question of the intended
507 action and shall file at the detention center a signed statement setting
508 forth the alleged delinquent conduct of the child or youth. Unless the
509 arrest was for a serious juvenile offense or unless an order not to
510 release is noted on the take into custody order, arrest warrant or order
511 to detain, the child or youth may be released by a detention supervisor
512 to the custody of [his] the child's or youth's parent or parents, guardian
513 or some other suitable person or agency.

514 (f) In conjunction with any order of release from detention the court
515 may, when it has reason to believe a child or youth is alcohol-
516 dependent or drug-dependent as defined in section 46b-120, as
517 amended by this act, and where necessary, reasonable and
518 appropriate, order the child or youth to participate in a program of
519 periodic alcohol or drug testing and treatment as a condition of such
520 release. The results of any such alcohol or drug test shall be admissible
521 only for the purposes of enforcing the conditions of release from
522 detention.

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

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

533 (a) A nolle prosequi may not be entered as to any count of
534 delinquency if the [juvenile] child or youth objects to the nolle
535 prosequi and demands either a trial or dismissal, except with respect

536 to prosecutions in which a nolle prosequi is entered upon a
537 representation to the court by the juvenile prosecutor that a material
538 witness has died, disappeared or become disabled or that material
539 evidence has disappeared or has been destroyed and that a further
540 investigation is therefore necessary.

541 (b) Whenever a nolle prosequi has been entered as to any count of
542 delinquency, or whenever any count of delinquency has been
543 dismissed without prejudice, if at least thirteen months have elapsed
544 since such nolle or dismissal without prejudice, all police and court
545 records pertaining to such count shall be erased. Whenever any such
546 count has been continued at the request of the juvenile prosecutor and
547 a period of thirteen months has elapsed since the granting of such
548 continuance during which period there has been no prosecution or
549 other disposition of the matter, the count shall be construed to have
550 been nolle as of the date of termination of such thirteen-month period
551 and such erasure may thereafter be effected as provided in this
552 subsection for nolle cases.

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

555 (a) The court, on motion of a child or youth charged with a
556 delinquency offense, but not yet convicted, may order that such child
557 or youth be examined to determine whether the child or youth is
558 alcohol-dependent or drug-dependent as defined in section 46b-120, as
559 amended by this act. Such motion shall be filed with the court within
560 ten days after a plea is entered, except if waived by the court or
561 pursuant to an agreement by the parties. The results of any
562 examination ordered pursuant to this subsection shall be utilized only
563 for the purposes of determining whether the delinquency proceeding
564 should be suspended under this section.

565 (b) The court, upon motion of the child or youth charged with a
566 delinquency offense but not yet convicted, may order the suspension
567 of the delinquency proceedings for a period of up to one year, order

568 periodic alcohol and drug testing of such child or youth during the
569 period of suspension and order treatment for alcohol or drug
570 dependency if the court, after consideration of information before it
571 concerning the alcohol or drug dependency of the child or youth, finds
572 that (1) the child or youth is alcohol-dependent or drug-dependent as
573 defined in section 46b-120, as amended by this act, (2) the child or
574 youth presently needs and is likely to benefit from treatment for the
575 dependency and (3) the suspension of the delinquency proceedings
576 will advance the interests of justice. During the period of suspension, a
577 child or youth shall be placed under the supervision of a juvenile
578 probation officer for treatment for alcohol or drug dependency and
579 such officer shall monitor the compliance of the child or youth with the
580 orders of the court.

581 (c) If the court denies the motion for suspension of the delinquency
582 proceedings, the juvenile prosecutor may proceed with the
583 delinquency proceedings. Any order of the court granting or denying a
584 motion for suspension of the delinquency proceedings shall not be
585 deemed a final order for purposes of appeal.

586 (d) At any time before the end of the period of the suspension of the
587 delinquency proceedings, but not later than one month before the end
588 of the period of suspension, a juvenile probation officer shall notify the
589 court of the impending conclusion of the suspension and submit a
590 report on whether the child or youth has completed the treatment
591 program and has complied with all other conditions of the suspension
592 order imposed by the court.

593 (e) If the court, on motion of the child or youth or on its own
594 motion, finds that the child or youth has completed the treatment
595 program and has complied with all other conditions of suspension, it
596 may dismiss the charge for which the delinquency proceedings had
597 been suspended. If the court denies the motion and terminates the
598 suspension of the delinquency proceedings, the juvenile prosecutor
599 may proceed with such proceedings.

600 (f) The provisions of this section shall not apply to any child or
601 youth charged with a serious juvenile offense as defined in section 46b-
602 120, as amended by this act, or any child or youth who was previously
603 ordered treated under this section.

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

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

613 (b) If a juvenile prosecutor requests that a proceeding be designated
614 a serious juvenile repeat offender prosecution, the court shall hold a
615 hearing not later than thirty days after the filing of such request unless
616 good cause is shown by the juvenile prosecutor or by the child or
617 youth as to why the hearing should not be held within such period. If
618 good cause is shown, the hearing shall be held not later than ninety
619 days after the filing of such request. The court shall decide whether to
620 designate the proceeding as a serious juvenile repeat offender
621 prosecution not later than thirty days after the completion of such
622 hearing. The court shall grant the request to designate the proceeding
623 as a serious juvenile repeat offender prosecution if the juvenile
624 prosecutor shows by clear and convincing evidence that such
625 designation will serve the public safety. The decision to designate the
626 proceeding as a serious juvenile repeat offender prosecution shall not
627 be a final judgment for purposes of appeal.

628 (c) A proceeding designated as a serious juvenile repeat offender
629 prosecution pursuant to subsection (b) of this section shall be held
630 before the court without a jury, provided the child or youth has
631 waived his right to a trial by jury. If a child or youth is convicted of or

632 pleads guilty to a felony in such proceeding, the court shall: (1)
633 Sentence the child or youth in accordance with section 46b-140, as
634 amended by this act, or 46b-141a, as amended by this act, and (2)
635 sentence the child or youth in accordance with section 53a-28 with the
636 execution of such sentence stayed on the condition that the child or
637 youth not violate the conditions of the sentence imposed pursuant to
638 subdivision (1) of this subsection or commit a subsequent crime.

639 (d) If a child or youth is convicted of or pleads guilty to a
640 misdemeanor in a proceeding designated as a serious juvenile repeat
641 offender prosecution pursuant to subsection (b) of this section, the
642 court shall sentence the child or youth in accordance with section 46b-
643 140, as amended by this act, or 46b-141a, as amended by this act.

644 (e) Whenever it appears that a child or youth who has been
645 sentenced pursuant to subsection (c) of this section has violated the
646 conditions of the sentence imposed pursuant to subdivision (1) of said
647 subsection (c) or has committed a subsequent crime, the court may,
648 without notice, order that the child or youth be immediately taken into
649 custody in accordance with the provisions of section 46b-125. The
650 court shall notify the child or youth and such child's or youth's parent
651 or guardian and the attorney of record, if any, in writing of the reasons
652 alleged to exist for the lifting of the stay of execution of the sentence
653 imposed pursuant to subdivision (2) of said subsection (c). If the child
654 or youth challenges such reasons, the court shall hold a hearing at
655 which the child or youth shall be entitled to be heard and be
656 represented by counsel. After such hearing, if the court finds that the
657 child or youth has violated the conditions of the sentence imposed
658 pursuant to subdivision (1) of said subsection (c) or committed a
659 subsequent crime, it shall order the child or youth to serve a sentence
660 not to exceed that imposed pursuant to subdivision (2) of said
661 subsection (c) unless it determines there are mitigating circumstances
662 that justify continuing the stay of execution and specifically states such
663 mitigating circumstances in writing for the record. The child or youth
664 shall receive credit against any sentence imposed pursuant to

665 subdivision (2) of said subsection (c) for time served in a juvenile
666 facility pursuant to the sentence imposed pursuant to subdivision (1)
667 of said subsection (c).

668 (f) Whenever a proceeding has been designated a serious juvenile
669 repeat offender prosecution pursuant to subsection (b) of this section
670 and the child or youth does not waive such child's or youth's right to a
671 trial by jury, the court shall transfer the case from the docket for
672 juvenile matters to the regular criminal docket of the Superior Court.
673 Upon transfer, such child or youth shall stand trial and be sentenced, if
674 convicted, as if such child or youth were eighteen years of age, except
675 that no such child or youth shall be placed in a correctional facility but
676 shall be maintained in a facility for children and youths until such
677 child or youth attains eighteen years of age or until such child or youth
678 is sentenced, whichever occurs first. Such child or youth shall receive
679 credit against any sentence imposed for time served in a juvenile
680 facility prior to the effectuation of the transfer. A child or youth who
681 has been transferred may enter a guilty plea to a lesser offense if the
682 court finds that such plea is made knowingly and voluntarily. Any
683 child or youth transferred to the regular criminal docket who pleads
684 guilty to a lesser offense shall not resume such child's or youth's status
685 as a juvenile regarding such offense. If the action is dismissed or nolle
686 or if such child or youth is found not guilty of the charge for which
687 such child or youth was transferred, the child or youth shall resume
688 such child's or youth's status as a juvenile until such child or youth
689 attains eighteen years of age.

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

693 (a) For the purposes of this section, "special juvenile probation"
694 means a period of probation imposed by the superior court for juvenile
695 matters upon a child or youth in a proceeding designated as a serious
696 sexual offender prosecution during which the child or youth is

697 supervised by a juvenile probation officer prior to such child or youth
698 attaining eighteen years of age and by an adult probation officer after
699 such child or youth attains eighteen years of age.

700 (b) Whenever a child or youth is referred for the commission of any
701 crime of a sexual nature, and such case is not transferred to the regular
702 criminal docket pursuant to section 46b-127, as amended by this act,
703 the juvenile prosecutor may request the court to designate the
704 proceeding as a serious sexual offender prosecution.

705 (c) If a juvenile prosecutor requests that a proceeding be designated
706 a serious sexual offender prosecution, the court shall hold a hearing
707 not later than thirty days after the filing of such request unless good
708 cause is shown by the juvenile prosecutor or by the child or youth as to
709 why the hearing should not be held within such period. If good cause
710 is shown, the hearing shall be held not later than ninety days after the
711 filing of such request. The court shall decide whether to designate the
712 proceeding as a serious sexual offender prosecution not later than
713 thirty days after the completion of such hearing. The court shall grant
714 the request to designate the proceeding as a serious sexual offender
715 prosecution if the juvenile prosecutor shows by a preponderance of the
716 evidence that such designation will serve the public safety. The
717 decision to designate the proceeding as a serious sexual offender
718 prosecution shall not be a final judgment for purposes of appeal.

719 (d) A proceeding designated as a serious sexual offender
720 prosecution pursuant to subsection (c) of this section shall be held
721 before the court without a jury, provided the child or youth has
722 waived the right to a trial by jury. If a child or youth is convicted of or
723 pleads guilty or nolo contendere to a charge in a proceeding that has
724 been designated as a serious sexual offender prosecution, the court
725 shall: (1) Sentence the child or youth in accordance with section 46b-
726 140, as amended by this act, or 46b-141a, as amended by this act, (2)
727 sentence the child or youth to a period of special juvenile probation of
728 at least five years, to commence upon the release of the child or youth

729 from the institution, agency or program in whose care the child or
730 youth had been placed, and (3) sentence the child or youth in
731 accordance with section 53a-28 with the execution of such sentence
732 stayed on the condition that the child or youth not violate the
733 conditions of the sentence imposed pursuant to subdivisions (1) and
734 (2) of this subsection or commit a subsequent crime.

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

763 imposed pursuant to subdivision (3) of subsection (d) of this section
764 for time served in a juvenile facility pursuant to the sentence imposed
765 pursuant to subdivision (1) of said subsection.

766 (f) When a proceeding has been designated a serious sexual
767 offender prosecution pursuant to subsection (c) of this section and the
768 child or youth does not waive the right to a trial by jury, the court shall
769 transfer the case from the docket for juvenile matters to the regular
770 criminal docket of the Superior Court. Upon transfer, such child or
771 youth shall stand trial and be sentenced, if convicted, as if such child or
772 youth were eighteen years of age, except that no such child or youth
773 shall be placed in a correctional facility but shall be maintained in a
774 facility for children and youths until such child or youth attains
775 eighteen years of age or until such child or youth is sentenced,
776 whichever occurs first. Such child or youth shall receive credit against
777 any sentence imposed for time served in a juvenile facility prior to the
778 effectuation of the transfer. A child or youth who has been transferred
779 may enter a guilty plea to a lesser offense if the court finds that such
780 plea is made knowingly and voluntarily. Any child or youth
781 transferred to the regular criminal docket who pleads guilty to a lesser
782 offense shall not resume such child's or youth's status as a juvenile
783 regarding such offense. If the action is dismissed or nolleed or if such
784 child or youth is found not guilty of the charge for which such child or
785 youth was transferred, the child or youth shall resume such child's or
786 youth's status as a juvenile until such child or youth attains eighteen
787 years of age.

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

790 (a) The court, upon motion of a child or youth charged with an
791 offense involving the use or threatened use of physical violence in or
792 on the real property comprising a public or private elementary or
793 secondary school or at a school-sponsored activity as defined in
794 subsection (h) of section 10-233a, may order the suspension of the

795 delinquency proceedings for a period of one year and order the child
796 or youth to participate in a school violence prevention program during
797 the period of suspension if the court, after consideration of information
798 before it, finds that (1) the child or youth presently needs and is likely
799 to benefit from participation in a school violence prevention program,
800 and (2) the suspension of the delinquency proceedings will advance
801 the interests of justice.

802 (b) As a condition of eligibility for suspension of prosecution and
803 placement in a school violence prevention program pursuant to this
804 section, (1) the child or youth shall agree to participate in a program of
805 anger management and nonviolent conflict resolution consisting of at
806 least eight group counseling sessions, and to satisfactorily complete
807 such program, (2) the child or youth shall agree to comply with any
808 orders of the court, and (3) the parents or guardian of such child or
809 youth shall certify under penalty of false statement that, to the best of
810 such parents' or guardian's knowledge and belief, neither such parent
811 or guardian nor such child or youth possesses any firearms, dangerous
812 weapons, controlled substances or other property or materials the
813 possession of which is prohibited by law or in violation of the law.

814 (c) The cost of participation in such program shall be paid by the
815 parent or guardian of such child or youth, except that no child or
816 youth shall be excluded from such program for inability to pay such
817 cost, provided (1) the parent or guardian of such child or youth files
818 with the court an affidavit of indigency or inability to pay, and (2) the
819 court enters a finding thereof.

820 (d) During the period of suspension, a child or youth shall be placed
821 under the supervision of a juvenile probation officer for placement in a
822 school violence prevention program and such officer shall monitor the
823 compliance of the child or youth with the orders of the court including,
824 but not limited to, maintaining contact with the child or youth and
825 officials of the child's or youth's school.

826 (e) If the court denies the motion for suspension of the delinquency

827 proceedings, the juvenile prosecutor may proceed with the
828 delinquency proceedings. Any order of the court granting or denying a
829 motion for suspension of the delinquency proceedings shall not be
830 deemed a final order for purposes of appeal.

831 (f) At any time before the end of the period of the suspension of the
832 delinquency proceedings, but not later than one month before the end
833 of the period of suspension, a juvenile probation officer shall notify the
834 court of the impending conclusion of the suspension and submit a
835 report on whether the child or youth has satisfactorily completed the
836 school violence prevention program and has complied with all other
837 conditions of the suspension order imposed by the court.

838 (g) If the court, on motion of the child or youth or on its own
839 motion, finds that the child or youth has satisfactorily completed the
840 school violence prevention program and has complied with all other
841 conditions of suspension, and one year has elapsed since the child or
842 youth was placed in such program, [it] the court may dismiss the
843 charge for which the delinquency proceedings had been suspended. If
844 the court denies the motion and terminates the suspension of the
845 delinquency proceedings, the juvenile prosecutor may proceed with
846 such proceedings.

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

849 Prior to the disposition of the case of any child or youth convicted of
850 a delinquent act, investigation shall be made of the facts as specified in
851 this section by the probation officer, and until such investigation has
852 been completed and the results thereof placed before the judge, no
853 disposition of the child's or youth's case shall be made. Such
854 investigation shall consist of an examination of the parentage and
855 surroundings of the child or youth and the child's or youth's age,
856 habits and history, and shall include also an inquiry into the home
857 conditions, habits and character of the child's or youth's parents or
858 guardians. Such investigation shall include an inquiry into the

859 circumstances of the offense, the attitude of the complainant or victim,
860 the criminal record, the present condition of the child or youth and any
861 damages suffered by the victim including medical expenses, loss of
862 earnings and property loss. If the child or youth is or legally should be
863 in attendance at school, such investigation shall further contain a
864 report of the child's or youth's school attendance, adjustment and
865 behavior, the child's or youth's individualized education program if
866 the child or youth has been identified pursuant to sections 10-76a to
867 10-76gg, inclusive, as requiring special education and related services
868 and any recommendations from school officials on conditions of
869 probation if the child or youth is placed on probation pursuant to
870 section 46b-140, as amended by this act, which shall be furnished by
871 the school officials to the court upon its request. The court shall, when
872 it is found necessary to the disposition, cause a complete physical or
873 mental examination, or both, to be made of the child or youth by
874 persons professionally qualified to do so. Such examination may
875 include testing to determine whether the child or youth is alcohol-
876 dependent or drug-dependent as defined in section 46b-120, as
877 amended by this act. If the court causes a complete physical or mental
878 examination, or both, to be made of a child or youth whose parents,
879 guardian or custodian is found able to pay in whole or in part the cost
880 thereof, it shall assess as costs against such parents, guardian or
881 custodian, including any agency vested with the legal custody of the
882 child or youth, the expense so incurred and paid for by the court in
883 having such examination performed, to the extent of their financial
884 ability to do so. Prior to the disposition of the case of any child or
885 youth convicted of a delinquent act, the court may cause a complete
886 diagnostic examination to be made, unless such information is
887 otherwise available. Such information shall include physical and
888 psychological diagnoses and may include medical, psychiatric,
889 neurological, learning disability diagnoses and such other diagnoses as
890 the court deems necessary. If such child or youth is committed to the
891 Department of Children and Families, such information shall be
892 shared with the Department of Children and Families.

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

895 (a) At the commencement of any proceeding concerning the alleged
896 delinquency of a child or youth, the child or youth shall have the right
897 to counsel and be so informed by the judge, and that if the child or
898 youth and the parent or parents or guardian of the child or youth are
899 unable to afford counsel, counsel will be provided for the child or
900 youth. Such counsel and the child or youth shall have the rights of
901 confrontation and cross-examination. If a parent fails to comply with a
902 court order entered in the best interests of the alleged or adjudicated
903 delinquent child or youth and is facing potential imprisonment for
904 contempt of court, such parent, if unable to afford counsel, shall be
905 entitled to have counsel provided for such parent pursuant to this
906 subsection.

907 (b) At the commencement of any proceeding on behalf of a
908 neglected, uncared-for or dependent child or youth, the parent or
909 parents or guardian of the child or youth shall have the right to
910 counsel, and shall be so informed by the judge, and that if they are
911 unable to afford counsel, counsel will be provided for them. Such
912 parent or guardian of the child or youth shall have the rights of
913 confrontation and cross-examination.

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

916 (a) Any admission, confession or statement, written or oral, made by
917 a child under the age of sixteen to a police officer or Juvenile Court
918 official shall be inadmissible in any proceeding concerning the alleged
919 delinquency of the child making such admission, confession or
920 statement unless made by such child in the presence of [his] the child's
921 parent or parents or guardian and after the parent or parents or
922 guardian and child have been advised (1) of the child's right to retain
923 counsel, or if unable to afford counsel, to have counsel appointed on
924 the child's behalf, (2) of the child's right to refuse to make any

925 statements and (3) that any statements [he] the child makes may be
926 introduced into evidence against [him] the child.

927 (b) Any admission, confession or statement, written or oral, made
928 by a child or youth who has attained the age of sixteen years to a police
929 officer or Juvenile Court official shall be inadmissible in any
930 proceeding concerning the alleged delinquency of the child or youth
931 making such admission, confession or statement, unless (1) the police
932 or Juvenile Court official has made reasonable efforts to contact a
933 parent or guardian of the child or youth, and (2) such child or youth
934 has been advised that (A) the child or youth has the right to contact a
935 parent or guardian and to have a parent or guardian present during
936 any interview, (B) the child or youth has the right to retain counsel or,
937 if unable to afford counsel, to have counsel appointed on behalf of the
938 child or youth, (C) the child or youth has the right to refuse to make
939 any statement, and (D) any statement the child or youth makes may be
940 introduced into evidence against the child or youth.

941 (c) The admissibility of any admission, confession or statement,
942 written or oral, made by a child or youth who has attained the age of
943 sixteen years to a police officer or Juvenile Court official shall be
944 determined by considering the totality of the circumstances at the time
945 of the making of such admission, confession or statement. When
946 determining the admissibility of such admission, confession or
947 statement, the court shall consider (1) the age, experience, education,
948 background and intelligence of the child or youth, (2) the capacity of
949 the child or youth to understand the advice concerning rights and
950 warnings required under subdivision (2) of subsection (b) of this
951 section, the nature of the privilege against self-incrimination under the
952 United States and Connecticut Constitutions, and the consequences of
953 waiving such rights and privilege, (3) the opportunity the child or
954 youth had to speak with a parent, guardian or some other suitable
955 individual prior to or while making such admission, confession or
956 statement, and (4) the circumstances surrounding the making of the
957 admission, confession or statement, including, but not limited to, (A)

958 when and where the admission, confession or statement was made, (B)
959 the reasonableness of proceeding, or the need to proceed, without a
960 parent or guardian present, and (C) the reasonableness of efforts by the
961 police or Juvenile Court official to attempt to contact a parent or
962 guardian.

963 [(b)] (d) Any confession, admission or statement, written or oral,
964 made by the parent or parents or guardian of the child or youth after
965 the filing of a petition alleging such child or youth to be neglected,
966 uncared-for or dependent, shall be inadmissible in any proceeding
967 held upon such petition against the person making such admission or
968 statement unless such person shall have been advised of [his] the
969 person's right to retain counsel, and that if [he] the person is unable to
970 afford counsel, counsel will be appointed to represent [him] the
971 person, that [he] the person has a right to refuse to make any statement
972 and that any statements [he] the person makes may be introduced in
973 evidence against [him] the person.

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

976 In any juvenile proceeding in the Superior Court, the accused child
977 or youth shall be a competent witness, and at his or her option may
978 testify or refuse to testify in such proceedings. The parent or guardian
979 of such child or youth shall be a competent witness but may elect or
980 refuse to testify for or against the accused child or youth, except that a
981 parent or guardian who has received personal violence from the child
982 or youth may, upon the child's or youth's trial for offenses arising from
983 such personal violence, be compelled to testify in the same manner as
984 any other witness. No unfavorable inferences shall be drawn by the
985 court from the accused child's or youth's silence.

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

988 In any proceeding concerning the alleged delinquency of a child or

989 youth, any victim of the alleged delinquent conduct, the parents or
990 guardian of such victim, an advocate for such victim, appointed under
991 section 54-221, or such victim's counsel shall have the right to appear
992 before the court for the purpose of making a statement to the court
993 concerning the disposition of the case.

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

997 (a) In determining the appropriate disposition of a child or youth
998 convicted as delinquent, the court shall consider: (1) The seriousness of
999 the offense, including the existence of any aggravating factors such as
1000 the use of a firearm in the commission of the offense and the impact of
1001 the offense on any victim; (2) the child's or youth's record of
1002 delinquency; (3) the child's or youth's willingness to participate in
1003 available programs; (4) the existence of other mitigating factors; and (5)
1004 the culpability of the child or youth in committing the offense,
1005 including the level of the child's or youth's participation in the
1006 planning and carrying out of the offense.

1007 (b) Upon conviction of a child or youth as delinquent, the court
1008 may: (1) [~~May (A) place~~] Place the child or youth in the care of any
1009 institution or agency which is permitted by law to care for children or
1010 youths; [~~(B)] (2) order the child or youth to participate in an alternative~~
1011 ~~incarceration program; [(C)] (3) order the child or youth to participate~~
1012 ~~in a wilderness school program operated by the Department of~~
1013 ~~Children and Families; [(D)] (4) order the child or youth to participate~~
1014 ~~in a youth service bureau program; [(E)] (5) place the child or youth on~~
1015 ~~probation; [(F)] (6) order the child or youth or the parents or guardian~~
1016 ~~of the child or youth or both to make restitution to the victim of the~~
1017 ~~offense in accordance with subsection (d) of this section; [(G)] (7) order~~
1018 ~~the child or youth to participate in a program of community service in~~
1019 ~~accordance with subsection (e) of this section; or [(H)] (8) withhold or~~
1020 ~~suspend execution of any judgment.]~~; and (2) shall impose the penalty

1021 established in subsection (b) of section 30-89, for any violation of said
1022 subsection (b).]

1023 (c) The court may order, as a condition of probation, that the child
1024 or youth (1) reside with a parent, relative or guardian or in a suitable
1025 foster home or other residence approved by the court, (2) attend school
1026 and class on a regular basis and comply with school policies on
1027 student conduct and discipline, (3) refrain from violating any federal
1028 or state law or municipal or local ordinance, (4) undergo any medical
1029 or psychiatric evaluation or treatment deemed necessary by the court,
1030 (5) submit to random drug or alcohol testing, or both, (6) participate in
1031 a program of alcohol or drug treatment, or both, (7) make restitution to
1032 the victim of the offense in accordance with subsection (d) of this
1033 section, (8) participate in an alternative incarceration program or other
1034 program established through the Court Support Services Division, (9)
1035 participate in a program of community service, and (10) satisfy any
1036 other conditions deemed appropriate by the court. The court shall
1037 cause a copy of any such order to be delivered to the child or youth,
1038 the child's or youth's parents or guardian and the child's or youth's
1039 probation officer. If the child or youth is convicted as delinquent for a
1040 violation of section 53-247, the court may order, as a condition of
1041 probation, that the child or youth undergo psychiatric or psychological
1042 counseling or participate in an animal cruelty prevention and
1043 education program provided such a program exists and is available to
1044 the child or youth.

1045 (d) If the child or youth has engaged in conduct which results in
1046 property damage or personal injury, the court may order the child or
1047 youth or the parent or parents or guardian of the child or youth, if
1048 such parent or parents or guardian had knowledge of and condoned
1049 the conduct of the child or youth, or both the child or youth and the
1050 parent or parents or guardian, to make restitution to the victim of such
1051 offense, provided the liability of such parent or parents or guardian
1052 shall be limited to an amount not exceeding the amount such parent or
1053 parents or guardian would be liable for in an action under section 52-

1054 572. Restitution may consist of monetary reimbursement for the
1055 damage or injury, based on the child's or youth's ability to pay, or the
1056 parent's, parents' or guardian's ability to pay, as the case may be, in the
1057 form of a lump sum or installment payments, paid to the court clerk or
1058 such other official designated by the court for distribution to the
1059 victim.

1060 (e) The court may order the child or youth to participate in a
1061 program of community service under the supervision of the court or
1062 any organization designated by the court. Such child or youth shall not
1063 be deemed to be an employee and the services of such child or youth
1064 shall not be deemed employment.

1065 (f) If the court further finds that its probation services or other
1066 services available to the court are not adequate for such child or youth,
1067 the court shall commit such child or youth to the Department of
1068 Children and Families in accordance with the provisions of section
1069 46b-141, as amended by this act. Prior to making such commitment,
1070 the court shall consult with the department to determine the placement
1071 which will be in the best interest of such child or youth.

1072 (g) Any child or youth coming within the jurisdiction of the court,
1073 who is found to be mentally ill, may be committed by said court to the
1074 Commissioner of Children and Families and, if the court convicts a
1075 child or youth as delinquent and finds such child or youth to be
1076 mentally deficient, [it] the court may commit such child or youth to an
1077 institution for mentally deficient children or youth or delinquents.
1078 Whenever it is found that a child or youth who is fourteen years of age
1079 or older and convicted [by the court] as delinquent or adjudged [by the
1080 court] to be a member of a family with service needs [who is fourteen
1081 years of age or older would not benefit from continued school
1082 attendance] would benefit from a work-study program or employment
1083 with or without continued school attendance, the court may, [order] as
1084 a condition of probation or supervision, authorize such child or youth
1085 to be [placed on vocational probation if such court finds that such child

1086 may properly be] employed for part or full-time at some useful
1087 occupation [and that such employment] that would be favorable to
1088 such child's or youth's welfare, and the probation officer shall
1089 supervise such employment. For the purposes of this section, the
1090 limitations of subsection (a) of section 31-23 on the employment of
1091 minors under the age of sixteen years shall not apply for the duration
1092 of such [vocational] probation or supervision.

1093 (h) Whenever the court commits a child or youth to the Department
1094 of Children and Families, there shall be delivered with the mittimus a
1095 copy of the results of the investigations made as required by section
1096 46b-134, as amended by this act. The court may, at any time, require
1097 from the department in whose care a child or youth has been placed
1098 such report as to such child or youth and such child's or youth's
1099 treatment.

1100 (i) If the delinquent act for which the child or youth is committed to
1101 the Department of Children and Families is a serious juvenile offense,
1102 the court may set a minimum period of twelve months during which
1103 the child or youth shall be placed in a residential facility operated by
1104 or under contract with said department, as determined by the
1105 Commissioner of Children and Families. The setting of such minimum
1106 period shall be in the form of an order of the court included in the
1107 mittimus. For good cause shown in the form of an affidavit annexed
1108 thereto, the Department of Children and Families, the parent or
1109 guardian of the child or youth or the child or youth may petition the
1110 court for modification of any such order.

1111 (j) Except as otherwise provided in this section, the court may order
1112 a child or youth be (1) committed to the Department of Children and
1113 Families and be placed directly in a residential facility within this state
1114 and under contract with said department, or (2) committed to the
1115 Commissioner of Children and Families for placement by the
1116 commissioner, in said commissioner's discretion, (A) with respect to
1117 the juvenile offenders determined by the Department of Children and

1118 Families to be the highest risk, in the Connecticut Juvenile Training
1119 School, if the juvenile offender is a male, or in another state facility,
1120 presumptively for a minimum period of twelve months, or (B) in a
1121 private residential or day treatment facility within or outside this state,
1122 or (C) on parole. The commissioner shall use a risk and needs
1123 assessment classification system to ensure that male children and
1124 youths who are in the highest risk level will be placed in the
1125 Connecticut Juvenile Training School.

1126 (k) On or after May 21, 2004, no female child or youth committed to
1127 the Department of Children and Families shall be placed in the
1128 Connecticut Juvenile Training School. Any female child or youth
1129 placed in the Connecticut Juvenile Training School before May 21,
1130 2004, shall be transferred to another appropriate facility not later than
1131 ninety days after May 21, 2004.

1132 (l) Notwithstanding any [provisions] provision of the general
1133 statutes concerning the confidentiality of records and information,
1134 whenever a child or youth convicted as delinquent is committed to the
1135 Department of Children and Families, the Commissioner of Children
1136 and Families shall have access to the following information: (1)
1137 Educational records of such child or youth; (2) records regarding such
1138 child's or youth's past treatment for physical or mental illness,
1139 including substance abuse; (3) records regarding such child's or
1140 youth's prior placement in a public or private residential facility; (4)
1141 records created or obtained by the Judicial [Department] Branch
1142 regarding such child or youth; and (5) records, as defined in subsection
1143 (a) of section 17a-28. The Commissioner of Children and Families shall
1144 review such information to determine the appropriate services and
1145 placement which will be in the best interest of the child or youth.

1146 Sec. 19. Section 46b-141 of the general statutes is repealed and the
1147 following is substituted in lieu thereof (*Effective January 1, 2010*):

1148 (a) Except as otherwise limited by subsection (i) of section 46b-140,
1149 as amended by this act, commitment of children or youths convicted as

1150 delinquent by the Superior Court to the Department of Children and
1151 Families shall be for (1) an indeterminate time up to a maximum of
1152 eighteen months, or (2) when so convicted for a serious juvenile
1153 offense, up to a maximum of four years at the discretion of the court,
1154 unless extended as [hereinafter] provided in this section.

1155 (b) The Commissioner of Children and Families may file a motion
1156 for an extension of the commitment as provided in subdivision (1) of
1157 subsection (a) of this section beyond the eighteen-month period on the
1158 grounds that such extension is for the best interest of the child or youth
1159 or the community. The court shall give notice to the parent or guardian
1160 and to the child or youth at least fourteen days prior to the hearing
1161 upon such motion. The court may, after hearing and upon finding that
1162 such extension is in the best interest of the child or youth or the
1163 community, continue the commitment for an additional period of not
1164 more than eighteen months. Not later than twelve months after a child
1165 or youth is committed to the Department of Children and Families in
1166 accordance with subdivision (1) of subsection (a) of this section the
1167 court shall hold a permanency hearing in accordance with subsection
1168 (d) of this section. After the initial permanency hearing, subsequent
1169 permanency hearings shall be held not less frequently than every
1170 twelve months while the child or youth remains committed to the
1171 Department of Children and Families.

1172 (c) The court shall hold a permanency hearing in accordance with
1173 subsection (d) of this section for each child or youth convicted as
1174 delinquent for a serious juvenile offense as provided in subdivision (2)
1175 of subsection (a) of this section within twelve months of commitment
1176 to the Department of Children and Families and every twelve months
1177 thereafter if the child or youth remains committed to the Department
1178 of Children and Families. Such hearing may include the submission of
1179 a motion to the court by the commissioner to either (1) modify such
1180 commitment, or (2) extend the commitment beyond such four-year
1181 period on the grounds that such extension is for the best interest of the
1182 child or youth or the community. The court shall give notice to the

1183 parent or guardian and to the child or youth at least fourteen days
1184 prior to the hearing upon such motion. The court, after hearing, may
1185 modify such commitment or, upon finding that such extension is in the
1186 best interest of the child or youth or the community, continue the
1187 commitment for an additional period of not more than eighteen
1188 months.

1189 (d) At least sixty days prior to each permanency hearing required
1190 pursuant to subsection (b) or (c) of this section, the Commissioner of
1191 Children and Families shall file a permanency plan with the court. At
1192 each permanency hearing, the court shall review and approve a
1193 permanency plan that is in the best interest of the child or youth and
1194 takes into consideration the child's or youth's need for permanency.
1195 Such permanency plan may include the goal of: (1) Revocation of
1196 commitment and placement of the child or youth with the parent or
1197 guardian, (2) transfer of guardianship, (3) permanent placement with a
1198 relative, (4) adoption, or (5) such other planned permanent living
1199 arrangement ordered by the court, provided the Commissioner of
1200 Children and Families has documented a compelling reason why it
1201 would not be in the best interest of the child or youth for the
1202 permanency plan to include the goals set forth in subdivisions (1) to
1203 (4), inclusive, of this subsection. Such other planned permanent living
1204 arrangement may include, but not be limited to, placement of the child
1205 or youth in an independent living program. At any such permanency
1206 hearing, the court shall also determine whether the Commissioner of
1207 Children and Families has made reasonable efforts to achieve the
1208 permanency plan.

1209 (e) All other commitments of delinquent, mentally deficient or
1210 mentally ill children by the court pursuant to the provisions of section
1211 46b-140, as amended by this act, may be for an indeterminate time.
1212 Commitments may be reopened and terminated at any time by said
1213 court, provided the Commissioner of Children and Families shall be
1214 given notice of such proposed reopening and a reasonable opportunity
1215 to present the commissioner's views thereon. The parents or guardian

1216 of such child or youth may apply not more than twice in any calendar
1217 year for such reopening and termination of commitment. Any order of
1218 the court made under the provisions of this section shall be deemed a
1219 final order for purposes of appeal, except that no bond shall be
1220 required and no costs shall be taxed on such appeal.

1221 Sec. 20. Section 46b-141a of the general statutes is repealed and the
1222 following is substituted in lieu thereof (*Effective January 1, 2010*):

1223 (a) Whenever a child or youth is convicted as delinquent, the court,
1224 in lieu of committing such child or youth to the Department of
1225 Children and Families or to a juvenile detention center, may, in its
1226 discretion, order an assessment for placement in an alternative
1227 incarceration program to be conducted by the Court Support Services
1228 Division. If the Court Support Services Division recommends
1229 placement in an alternative incarceration program, [it] the division
1230 shall also submit to the court a proposed alternative incarceration plan.
1231 Upon completion of the assessment, the court shall determine whether
1232 such child or youth shall be ordered to participate in such program as
1233 an alternative to commitment. If the court determines that the child or
1234 youth shall participate in such program, the court shall suspend any
1235 commitment to the Department of Children and Families or to a
1236 juvenile detention center and shall make participation in the
1237 alternative incarceration program a condition of probation.

1238 (b) An alternative incarceration program shall include, but not be
1239 limited to, fines, restitution, community service, halfway houses,
1240 alternative incarceration centers, day incarceration centers, drug,
1241 alcohol and mental health programs, electronic monitoring, intensive
1242 probation, vocational probation, boot camps, structured wilderness
1243 programs, pretrial diversion options aimed at creating alternatives to
1244 unnecessary detention, and school and job training programs.

1245 Sec. 21. Section 46b-141b of the general statutes is repealed and the
1246 following is substituted in lieu thereof (*Effective January 1, 2010*):

1247 (a) When a [juvenile] child or youth is referred to the Court Support
1248 Services Division, the division shall conduct an intake risk assessment
1249 and make a case classification evaluation. If the Court Support Services
1250 Division deems it appropriate, the proposed probation plan may be
1251 submitted to a professional evaluation team. Such team shall be
1252 composed of a juvenile probation officer, a representative of the Court
1253 Support Services Division who is familiar with the alternative
1254 incarceration programs operated by the division or a representative
1255 from a contracted agency, and, where applicable, a school employee
1256 and any other interested parties in the discretion of the court. The
1257 evaluation team shall develop a probation treatment plan for each
1258 [juvenile] child or youth within fifteen days of the date of the referral
1259 of the case to the professional evaluation team, unless the court orders
1260 otherwise. The probation treatment plan shall include the following
1261 components: (1) Type of residential or nonresidential placement; (2)
1262 projected length of placement for the [juvenile] child or youth and the
1263 projected cost; and (3) type of services needed by the [juvenile] child or
1264 youth and the projected cost.

1265 (b) The probation treatment plan shall be submitted to the court for
1266 consideration and approval prior to the court's final entry of a
1267 probation treatment order. In addition to any probation order, the
1268 court may order a medical and psychiatric or psychological
1269 examination of the [juvenile] child or youth. The court may assess the
1270 cost of the examination to the family based on its ability to pay.

1271 (c) In ordering implementation of a probation treatment plan, the
1272 court may reasonably designate from the programs and services under
1273 contract with the Judicial [Department] Branch the scope and extent of
1274 the services to be provided by the Court Support Services Division and
1275 the juvenile probation unit.

1276 (d) The Court Support Services Division shall proceed to implement
1277 the probation treatment plan immediately upon its approval by the
1278 court.

1279 Sec. 22. Section 46b-141c of the general statutes is repealed and the
1280 following is substituted in lieu thereof (*Effective January 1, 2010*):

1281 The Judicial [Department] Branch may require the parent or parents
1282 or guardian of any child or youth who receives probation supervision
1283 to fully or partially reimburse the [department] Judicial Branch for the
1284 costs of such child's or youth's supervision and may assess such person
1285 a monthly supervision fee for such purpose. If the [department]
1286 Judicial Branch finds that the parents or guardian are indigent and
1287 unable to pay a probation supervision fee, [it] the Judicial Branch shall
1288 waive such fee.

1289 Sec. 23. Section 46b-141d of the general statutes is repealed and the
1290 following is substituted in lieu thereof (*Effective January 1, 2010*):

1291 Any child or youth who is arrested and held in a detention center,
1292 an alternative detention center or a police station or courthouse lockup
1293 prior to the disposition of a juvenile matter shall, if subsequently
1294 convicted as delinquent by the Superior Court and sentenced to a
1295 period of probation, earn a reduction of such child's or youth's period
1296 of probation, including any extensions thereof, equal to the number of
1297 days that such child or youth spent in such detention center or lockup.

1298 Sec. 24. Subsection (a) of section 46b-142 of the general statutes is
1299 repealed and the following is substituted in lieu thereof (*Effective*
1300 *January 1, 2010*):

1301 (a) The Chief Court Administrator, in consultation with the judges
1302 of the Superior Court, shall establish districts for the purpose of
1303 establishing venue in juvenile matters. [All petitions] Each petition
1304 concerning a delinquent [children] child or youth shall be heard within
1305 the district where the delinquency is alleged to have occurred or where
1306 the child or youth resides, in the discretion of the court. All other
1307 petitions shall be heard within the district where the child or youth
1308 resided at the time of the filing of the petition, but for the purposes of
1309 this section any child or youth born in any hospital or institution

1310 where the mother is confined at the time of birth shall be deemed to
1311 have residence in the district wherein such child's or youth's mother
1312 was living at the time of her admission to such hospital or institution.

1313 Sec. 25. Section 46b-145 of the general statutes is repealed and the
1314 following is substituted in lieu thereof (*Effective January 1, 2010*):

1315 No child or youth shall be prosecuted for an offense before the
1316 regular criminal docket of the Superior Court except as provided in
1317 section 46b-127, as amended by this act, and subsection (f) of section
1318 46b-133c, as amended by this act.

1319 Sec. 26. Section 46b-146 of the general statutes, as amended by
1320 section 80 of public act 07-4 of the June special session, is repealed and
1321 the following is substituted in lieu thereof (*Effective January 1, 2010*):

1322 Whenever any child or youth has been [found to be] convicted as
1323 delinquent, [or] has been adjudicated a member of a family with
1324 service needs [,] or has signed a statement of responsibility admitting
1325 to having committed a delinquent act, [or being a member of a family
1326 with service needs,] and has subsequently been discharged from the
1327 supervision of the Superior Court or from the custody of the
1328 Department of Children and Families or from the care of any other
1329 institution or agency to whom the child or youth has been committed
1330 by the court, such child or youth, or the child's or youth's parent or
1331 guardian, may file a petition with the Superior Court. [and, if] If such
1332 court finds (1) that at least two years or, in the case of a child or youth
1333 convicted as delinquent for the commission of a serious juvenile
1334 offense, four years have elapsed from the date of such discharge, (2)
1335 that no subsequent juvenile proceeding [has been instituted] or adult
1336 criminal proceeding is pending against such child or youth, (3) that
1337 such child or youth has not been [found guilty of a crime] convicted of
1338 a delinquent act that would constitute a felony or misdemeanor if
1339 committed by an adult during such two-year or four-year period, (4)
1340 that such child or youth has not been convicted as an adult of a felony
1341 or misdemeanor during such two-year or four-year period, and (5) that

1342 such child or youth has reached [sixteen] eighteen years of age, [within
1343 such period, it] the court shall order all police and court records
1344 pertaining to such child or youth to be erased. Upon the entry of such
1345 an erasure order, all references including arrest, complaint, referrals,
1346 petitions, reports and orders, shall be removed from all agency, official
1347 and institutional files, and a finding of delinquency or that the child or
1348 youth was a member of a family with service needs shall be deemed
1349 never to have occurred. The persons in charge of such records shall not
1350 disclose to any person information pertaining to the record so erased,
1351 except that the fact of such erasure may be substantiated where, in the
1352 opinion of the court, it is in the best interests of such child or youth to
1353 do so. No child or youth who has been the subject of such an erasure
1354 order shall be deemed to have been arrested ab initio, within the
1355 meaning of the general statutes, with respect to proceedings so erased.
1356 Copies of the erasure order shall be sent to all persons, agencies,
1357 officials or institutions known to have information pertaining to the
1358 delinquency or family with service needs proceedings affecting such
1359 child or youth. Whenever a child or youth is dismissed as not
1360 delinquent or as not being a member of a family with service needs, all
1361 police and court records pertaining to such charge shall be ordered
1362 erased immediately, without the filing of a petition. Nothing in this
1363 section shall prohibit the court from granting a petition to erase a
1364 child's or youth's records on a showing of good cause, after a hearing,
1365 before the time when such records could be erased.

1366 Sec. 27. Section 46b-147 of the general statutes is repealed and the
1367 following is substituted in lieu thereof (*Effective January 1, 2010*):

1368 The disposition of any child or youth under the provisions of this
1369 chapter, evidence given in such cases, except evidence of crime which,
1370 if committed by a person of sufficient age, would be punishable by
1371 imprisonment in the Connecticut Correctional Institution, Somers, and
1372 all orders therein, shall be inadmissible as evidence in any criminal
1373 proceedings against such child or youth.

1374 Sec. 28. Section 46b-150d of the general statutes is repealed and the
1375 following is substituted in lieu thereof (*Effective January 1, 2010*):

1376 An order that a minor is emancipated shall have the following
1377 effects: (1) The minor may consent to medical, dental or psychiatric
1378 care, without parental consent, knowledge or liability; (2) the minor
1379 may enter into a binding contract; (3) the minor may sue and be sued
1380 in such minor's own name; (4) the minor shall be entitled to such
1381 minor's own earnings and shall be free of control by such minor's
1382 parents or guardian; (5) the minor may establish such minor's own
1383 residence; (6) the minor may buy and sell real and personal property;
1384 (7) the minor may not thereafter be the subject of (A) a petition under
1385 section 46b-129 as an abused, dependent, neglected or uncared for
1386 child or youth, (B) a petition under section 46b-128, as amended by this
1387 act, or 46b-133, as amended by this act, as a delinquent child or youth
1388 for any act committed before the date of the order, or (C) a petition
1389 under section 46b-149 alleging that the minor is a child or youth from a
1390 family with service needs; (8) the minor may enroll in any school or
1391 college, without parental consent; (9) the minor shall be deemed to be
1392 over eighteen years of age for purposes of securing an operator's
1393 license under section 14-36 and a marriage license under subsection (b)
1394 of section 46b-30 or a civil union license under section 46b-38jj without
1395 parental consent; (10) the minor shall be deemed to be over eighteen
1396 years of age for purposes of registering a motor vehicle under section
1397 14-12; (11) the parents of the minor shall no longer be the guardians of
1398 the minor under section 45a-606; (12) the parents of a minor shall be
1399 relieved of any obligations respecting such minor's school attendance
1400 under section 10-184; (13) the parents shall be relieved of all obligation
1401 to support the minor; (14) the minor shall be emancipated for the
1402 purposes of parental liability for such minor's acts under section 52-
1403 572; (15) the minor may execute releases in such minor's own name
1404 under section 14-118; and (16) the minor may enlist in the armed forces
1405 of the United States without parental consent.

1406 Sec. 29. (NEW) (*Effective January 1, 2010*) (a) Upon the motion of any

1407 party or upon the court's own motion, the case of any youth, except a
1408 case that has been transferred to the regular criminal docket of the
1409 Superior Court pursuant to section 46b-127 of the general statutes, as
1410 amended by this act, may, before trial or upon the entering of a guilty
1411 plea, be transferred to the docket for juvenile matters from the
1412 youthful offender docket, regular criminal docket of the Superior
1413 Court or any docket for the presentment of defendants in motor
1414 vehicle matters, if, after a hearing concerning the facts and
1415 circumstances of the case and the prior history of the youth, the court
1416 determines that the programs and services available pursuant to a
1417 proceeding in the superior court for juvenile matters would more
1418 appropriately address the needs of the youth and that the youth and
1419 the community would be better served by treating the youth as a
1420 delinquent. Upon ordering such transfer, the court shall vacate any
1421 pleas entered in the matter and the youth shall (1) be advised of the
1422 youth's rights, (2) enter pleas on the docket for juvenile matters in the
1423 jurisdiction where the youth resides, and (3) be subject to prosecution
1424 as a delinquent child. The decision of the court concerning the transfer
1425 of a youth's case from the youthful offender docket, regular criminal
1426 docket of the Superior Court or any docket for the presentment of
1427 defendants in motor vehicle matters shall not be a final judgment for
1428 purposes of an appeal.

1429 (b) The conviction of a youth as a delinquent after a transfer to the
1430 docket for juvenile matters shall not invalidate a penalty required to be
1431 imposed by the Department of Motor Vehicles. After such transfer, if
1432 the youth is convicted of an offense, violation or infraction that
1433 requires the Department of Motor Vehicles to deny, revoke or suspend
1434 the youth's license or impose some other penalty, the clerk of the
1435 superior court for juvenile matters or the clerk's designee shall
1436 promptly provide notice of the youth's record of having been
1437 convicted as delinquent to the Department of Motor Vehicles.

1438 Sec. 30. Subsection (d) of section 4b-3 of the general statutes is
1439 repealed and the following is substituted in lieu thereof (*Effective from*

1440 *passage*):

1441 (d) Notwithstanding any other statute or special act to the contrary,
1442 the Commissioner of Public Works shall be the sole person authorized
1443 to represent the state in its dealings with third parties for the
1444 acquisition, construction, development or leasing of real estate for
1445 housing the offices or equipment of all agencies of the state or for the
1446 state-owned public buildings or realty hereinafter provided for in
1447 sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27,
1448 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to
1449 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114,
1450 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9,
1451 51-27d and 51-27f, except that the Joint Committee on Legislative
1452 Management may represent the state in the planning and construction
1453 of the Legislative Office Building and related facilities, in Hartford; the
1454 Chief Court Administrator may represent the state in providing for
1455 space for the Court Support Services Division as part of a new or
1456 existing contract for an alternative incarceration program pursuant to
1457 section 54-103b or a program developed pursuant to section 46b-121i,
1458 46b-121j, 46b-121k, as amended by this act, or 46b-121l; the board of
1459 trustees of a constituent unit of the state system of higher education
1460 may represent the state in the leasing of real estate for housing the
1461 offices or equipment of such constituent unit, provided no lease
1462 payments for such realty are made with funds generated from the
1463 general revenues of the state; the Labor Commissioner may represent
1464 the state in the leasing of premises required for employment security
1465 operations as provided in subsection (c) of section 31-250; the
1466 Commissioner of Developmental Services may represent the state in
1467 the leasing of residential property as part of the program developed
1468 pursuant to subsection (b) of section 17a-218, provided such residential
1469 property does not exceed two thousand five hundred square feet, for
1470 the community placement of persons eligible to receive residential
1471 services from the department; and the Connecticut Marketing
1472 Authority may represent the state in the leasing of land or markets
1473 under the control of the Connecticut Marketing Authority, and, except

1474 for the housing of offices or equipment in connection with the initial
 1475 acquisition of an existing state mass transit system or the leasing of
 1476 land by the Connecticut Marketing Authority for a term of one year or
 1477 more in which cases the actions of the Department of Transportation
 1478 and the Connecticut Marketing Authority shall be subject to the review
 1479 and approval of the State Properties Review Board. The Commissioner
 1480 of Public Works shall have the power to establish and implement any
 1481 procedures necessary for the commissioner to assume the
 1482 commissioner's responsibilities as said sole bargaining agent for state
 1483 realty acquisitions and shall perform the duties necessary to carry out
 1484 such procedures. The Commissioner of Public Works may appoint,
 1485 within the commissioner's budget and subject to the provisions of
 1486 chapter 67, such personnel deemed necessary by the commissioner to
 1487 carry out the provisions hereof, including experts in real estate,
 1488 construction operations, financing, banking, contracting, architecture
 1489 and engineering. The Attorney General's office, at the request of the
 1490 commissioner, shall assist the commissioner in contract negotiations
 1491 regarding the purchase, lease or construction of real estate.

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)

Statement of Purpose:

To amend provisions related to the inclusion of youths sixteen and seventeen years of age within the juvenile court with respect to certain criminal matters.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]