



General Assembly

February Session, 2010

**Raised Bill No. 224**

LCO No. 1091

\*01091\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING ELIGIBILITY FOR YOUTHFUL OFFENDER STATUS.**

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

1 Section 1. Section 54-76c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) In any case where an information or complaint has been laid  
4 charging a defendant with the commission of a crime, and where it  
5 appears that the defendant is a youth, such defendant shall be  
6 presumed to be eligible to be adjudged a youthful offender and the  
7 court having jurisdiction shall, but only as to the public, order the  
8 court file sealed, unless such defendant (1) is charged with the  
9 commission of a crime which is a class A felony or a violation of  
10 section 14-222a, subsection (a) of section 14-224, section 14-227a or 14-  
11 227g, subdivision (2) of subsection (a) of section 53-21 or section 53a-  
12 70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation  
13 involving consensual sexual intercourse or sexual contact between the  
14 youth and another person who is thirteen years of age or older but  
15 under sixteen years of age, or (2) has (A) been previously convicted of  
16 a felony in the regular criminal docket of the Superior Court, [or] (B)

17 been previously adjudged a serious juvenile offender or serious  
18 juvenile repeat offender, as defined in section 46b-120, or (C) been  
19 previously adjudged a youthful offender in accordance with the  
20 provisions of sections 54-76b to 54-76n, inclusive. Except as provided  
21 in subsection (b) of this section, upon motion of the prosecuting  
22 official, the court may order that an investigation be made of such  
23 defendant under section 54-76d, for the purpose of determining  
24 whether such defendant is ineligible to be adjudged a youthful  
25 offender, provided the court file shall remain sealed, but only as to the  
26 public, during such investigation.

27 (b) (1) Upon motion of the prosecuting official and order of the  
28 court, the case of any defendant who is a youth and is charged with  
29 the commission of a felony, other than a felony set forth in subsection  
30 (a) of this section, shall be transferred from the youthful offender  
31 docket to the regular criminal docket of the Superior Court, provided  
32 the court finds that there is probable cause to believe the defendant has  
33 committed the act for which he or she is charged. The defendant shall  
34 be arraigned in the regular criminal docket of the Superior Court by  
35 the next court business day following such transfer, provided any  
36 proceedings held prior to the finalization of such transfer shall be  
37 private and shall be conducted in such parts of the courthouse or the  
38 building wherein court is located as shall be separate and apart from  
39 the other parts of the court which are then being held for proceedings  
40 pertaining to adults charged with crimes. The file of any case so  
41 transferred shall remain sealed until the end of the tenth working day  
42 following such arraignment, unless the prosecuting official has filed a  
43 motion pursuant to subdivision (2) of this subsection, in which case  
44 such file shall remain sealed until the court makes a decision on the  
45 motion.

46 (2) A prosecuting official may, not later than ten working days after  
47 such arraignment, file a motion to transfer the case of any defendant  
48 who is a youth and is charged with the commission of a felony, other  
49 than a felony set forth in subsection (a) of this section, from the regular

50 criminal docket of the Superior Court to the youthful offender docket  
51 for proceedings in accordance with the provisions of sections 54-76b to  
52 54-76n, inclusive. The court sitting for the regular criminal docket of  
53 the Superior Court shall, after hearing and not later than ten working  
54 days after the filing of such motion, decide such motion.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	54-76c

**Statement of Purpose:**

To limit eligibility for youthful offender status to youths who have not been previously adjudged youthful offenders.

*[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.]*