



## State of Connecticut

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### TESTIMONY OF CHRISTINE RAPILLO DIRECTOR OF JUVENILE DELINQUENCY DEFENSE

#### OFFICE OF THE CHIEF PUBLIC DEFENDER

#### COMMITTEE ON THE JUDICIARY

MARCH 19, 2010

#### Raised Bill 5522, AN ACT CONCERNING JUVENILE MATTERS

The Office of the Chief Public Defender supports **Raised Bill 5522, AN ACT CONCERNING JUVENILE MATTERS**. **Section 1 through 6** proposed changes that predominately affect child welfare cases.

**Section 2**, dealing with counsel's access to a child's health care records appears to be in conflict with federal laws that control access and release of medical and mental health records.

The Office of the Chief Public Defender supports **Section 6**, which would redefine escape from custody for juveniles as an escape from the Connecticut Juvenile Training School, which is the only secure juvenile correctional facility in Connecticut.

**Sections 7 through 14** are the product of the collaborative efforts of the Legislative Workgroup of the Juvenile Jurisdiction Planning and Operations Coordinating Council or JJPOCC. These sections contain proposals needed to continue implementation of the Raise the Age legislation passed last session as P.A. 09-7. The Workgroup is made up of representatives from DCF, the Judicial Branch, the attorney General's Office, prosecutors, local law enforcement and public defenders. The proposals were drafted by the consensus of the group and **Sections 7 through 14** of *Raised Bill 5522* contain proposals that were supported by all members. While many of the amendments are technical, a few substantive changes are proposed to make the processing of 16 year olds more efficient and easier for law enforcement. The changes are aimed mostly at the motor vehicle offenses and infractions, which were left under adult court jurisdiction by P.A. 07-9 of the September Special Session. Passage of this law is essential to ensure the most fair and efficient processing of juvenile matters.

**Section 7** of *Raised Bill 5522* makes changes to the definitions sections of the juvenile code. These amendments are needed to make clear that the court can continue to enforce valid orders on a probationer or a person with pending juvenile charges after they turn 17 and that a person under 17 who comes under adult court jurisdiction will be prosecuted in adult court for failing to appear on adult court charges.

To maintain the fine revenue generated by infractions cases, P.A. 09-7 left jurisdiction of most motor vehicle cases in adult court. This created confusion for the courts and for law enforcement, particularly in cases where the motor vehicle case could carry a jail term. **Subsection 10** of **Section 7** redefines which cases shall be left in adult court.

**Section 8** allows the juvenile court clerk to notify the department of Motor vehicles of juvenile court matters that affect the right to drive or hold a license.

**Section 9** gives the adult court the ability to transfer these motor vehicle and infractions cases to the juvenile court for treatment and services if incarceration is being considered.

**Section 10** clarifies language on housing juveniles that was changed in P.A. 09-7. P.A. 09-7 changed the language regarding the secure holding of juveniles to allow police to use cells that were empty but would otherwise be used by an adult detainee. Section 10 simply changes the language to conform to federal regulations.

**Section 11** is proposed to address law enforcement's claim that they will be confused as to which rule of admissibility for statements to apply to 16 year olds who are arrested for motor vehicle cases. Police expressed concern that they would question a child outside the presence of a parent and then not be able to have the statement admitted against the child in juvenile court. The Office of Chief Public Defender believes that this proposal is unnecessary, as C.G.S. §46b-137 was amended by P.A. 09-7 to allow police to question a child without a parent if the child has been advised of their right to have a parent present.

**Sections 12-13** simply apply the changes made by *Raised Bill 5522* to 17 year olds when they are incorporated into the juvenile system on January 1, 2012.

The Raise the Age law is working the way the legislature intended. By the end of February, nearly 300 16 year olds had been processed in the juvenile court. Some of those children have been given the chance to participate in diversion programs such as Juvenile Review Boards or non judicial handling. These youth used up no court time, and few if any probation resources. No prosecutor time was spent on their cases and no lawyers were appointed to represent them. All of those costly services would have been necessary if the child had gone to adult court. The juvenile detention centers still have plenty of available beds and our juvenile offices have not reported any significant increases in waiting times for other services. The problems that have arisen from the implementation of P.A. 09-7 have been procedural, not substantive. The proposals before you today will address these procedures and make continued implementation of Raise the Age easier for all involved.