



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY

JOINT COMMITTEE ON JUDICIARY

In support of:

S.B. No. 1163 (RAISED):
An Act Concerning Assault of a School Employee

March 30, 2011

The Division of Criminal Justice recommends the Committee's Joint Favorable Report for S.B. No. 1163, An Act Concerning Assault of a School Employee. This bill classifies the assault of a school employee in the same fashion as already provided for other professions. As listed in section 53a-167c, these include police officers, Department of Motor Vehicles inspectors, firefighters, employees of an emergency medical service organization, emergency room physicians or nurses, employees of the Department of Correction, members or employees of the Board of Pardons and Paroles, probation officers, juvenile detention workers, DCF employees assigned to provide direct services to children and youths in the care or custody of the department, employees of a municipal police department assigned to provide security at the police department's lockup and holding facility or active individual members of a volunteer canine search and rescue team. An assault on them is a serious juvenile offense. Those who work in these professions can be vulnerable to assault in the performance of their duties and are not always in a position to protect themselves. The same could be said of a school employee. A teacher who turns his/her back to the class to write on the blackboard should not have to worry about being assaulted from behind.

With recent concern about "school based arrests," it is important to understand that this proposal *does not require* and *will not result* in more students being arrested in school. A person who assaults a school employee already is committing a crime; the bill merely recognizes the seriousness of such conduct. If a person assaults a school employee now, the employee or school could call the police or it could handle the matter internally. The proposal does not effect this option. If called now, the police could arrest or not arrest the person. The proposal does not effect that decision either. If a weapon is used or if the injury is considered to be serious, the person could be charged with assault in the first or second degree, whichever is appropriate. This would still be an option. Both Assault in the First Degree and Assault in the Second Degree are serious juvenile offense (SJO) charges for a child (now age 16 and under, after July 1, 2012, age 17 and under). The proposal does not change that. If the police do arrest a

child, they could, but do not have to, bring the child to a juvenile detention center. This proposal does not change that option either.

What would change under the proposal? A child who assaults a school employee now, without a weapon and without serious physical injury, can be charged with Assault in the Third Degree, a misdemeanor and not an SJO. If the officer wants to bring the child to a juvenile detention center, he/she would have to get a judge to sign an order authorizing detention. The bill would make such an assault an SJO and therefore, *if* the officer thought an arrest was appropriate and *if* the officer thought that there was a reason why the child should be placed in a juvenile detention center (not always the case) *then* the child could be admitted to the detention center without a judge's order. If placed in detention, the child charged with an SJO could not be released until presented in court the next business day. The judge would then decide if further detention is necessary.

Even though the bill could result in an SJO charge, a child could still apply for the school violence diversion program provided for in section 46b-133e and have the charge dismissed upon successful completion. If convicted of an SJO, there are number of consequences, the most significant being a four-year rather than 18-month maximum commitment to the Department of Children and Families (DCF) and the four-year rather than two-year period of time where the child would have to stay out of trouble in order to earn an erasure of his or her juvenile record. If convicted of an SJO, a person would also not be eligible for "youthful offender" status in the adult court if arrested as an adult under age 18. He or she also could not get certain gun permits.

The Division supports the bill and recommends the Committee's Joint Favorable Report.