



General Assembly

Amendment

February Session, 2012

LCO No. 5392

HB0550405392SR0

Offered by:

SEN. SUZIO, 13th Dist.

SEN. MARKLEY, 16th Dist.

To: Subst. House Bill No. 5504

File No. 511

Cal. No. 523

**"AN ACT CONCERNING COMMERCIAL SEXUAL EXPLOITATION
OF A MINOR."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 46b-127 of the 2012 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective October 1, 2012*):

6 (a) The court shall automatically transfer from the docket for
7 juvenile matters to the regular criminal docket of the Superior Court
8 the case of any child charged with the commission of a capital felony, a
9 class A or B felony or a violation of section 53a-54d, provided such
10 offense was committed after such child attained the age of fourteen
11 years and counsel has been appointed for such child if such child is
12 indigent. In addition to such transfer, the court shall automatically
13 transfer from the docket for juvenile matters to the regular criminal
14 docket of the Superior Court the case of any child age sixteen or

15 seventeen charged with a violation of section 53a-70 to 53a-71,
16 inclusive, or section 53a-72b, provided counsel has been appointed for
17 such child. Such counsel may appear with the child but shall not be
18 permitted to make any argument or file any motion in opposition to
19 the transfer. The child shall be arraigned in the regular criminal docket
20 of the Superior Court at the next court date following such transfer,
21 provided any proceedings held prior to the finalization of such transfer
22 shall be private and shall be conducted in such parts of the courthouse
23 or the building wherein court is located as shall be separate and apart
24 from the other parts of the court which are then being held for
25 proceedings pertaining to adults charged with crimes. The file of any
26 case so transferred shall remain sealed until the end of the tenth
27 working day following such arraignment unless the state's attorney
28 has filed a motion pursuant to this subsection, in which case such file
29 shall remain sealed until the court makes a decision on the motion. A
30 state's attorney may, not later than ten working days after such
31 arraignment, file a motion to transfer the case of any child charged
32 with the commission of a class B felony or a violation of subdivision (2)
33 of subsection (a) of section 53a-70 to the docket for juvenile matters for
34 proceedings in accordance with the provisions of this chapter. The
35 court sitting for the regular criminal docket shall, after hearing and not
36 later than ten working days after the filing of such motion, decide such
37 motion.

38 Sec. 502. Subsection (f) of section 46b-127 of the 2012 supplement to
39 the general statutes, as amended by section 18 of public act 11-157, is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2012*):

42 (f) Upon the motion of any party or upon the court's own motion,
43 the case of any [youth] child age sixteen or seventeen, except a case
44 that has been transferred to the regular criminal docket of the Superior
45 Court pursuant to subsection (a) or (b) of this section, which is pending
46 on the youthful offender docket, regular criminal docket of the
47 Superior Court or any docket for the presentment of defendants in
48 motor vehicle matters, where the [youth] child is charged with

49 committing any offense or violation for which a term of imprisonment
 50 may be imposed, other than a violation of section 14-227a or 14-227g,
 51 may, before trial or before the entry of a guilty plea, be transferred to
 52 the docket for juvenile matters if (1) the [youth] child is alleged to have
 53 committed such offense or violation on or after January 1, 2010, while
 54 sixteen years of age, or is alleged to have committed such offense or
 55 violation on or after July 1, 2012, while seventeen years of age, and (2)
 56 after a hearing considering the facts and circumstances of the case and
 57 the prior history of the [youth] child, the court determines that the
 58 programs and services available pursuant to a proceeding in the
 59 superior court for juvenile matters would more appropriately address
 60 the needs of the [youth] child and that the [youth] child and the
 61 community would be better served by treating the [youth] child as a
 62 delinquent. Upon ordering such transfer, the court shall vacate any
 63 pleas entered in the matter and advise the [youth] child of the [youth's]
 64 child's rights, and the [youth] child shall (A) enter pleas on the docket
 65 for juvenile matters in the jurisdiction where the [youth] child resides,
 66 and (B) be subject to prosecution as a delinquent child. The decision of
 67 the court concerning the transfer of a [youth's] child's case from the
 68 youthful offender docket, regular criminal docket of the Superior
 69 Court or any docket for the presentment of defendants in motor
 70 vehicle matters shall not be a final judgment for purposes of appeal."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2012	46b-127(a)
Sec. 502	October 1, 2012	46b-127(f)