



House of Representatives

General Assembly

File No. 745

January Session, 2013

House Bill No. 6703

House of Representatives, May 6, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING YOUTH VIOLENCE AND GANG ACTIVITY.

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

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) For the purposes of
2 this section: (1) "Criminal gang" means a formal or informal
3 organization, association or group of three or more persons that has:
4 (A) As one of its primary activities the commission of one or more
5 criminal acts; (B) members who individually or collectively engage in
6 or have engaged in one or more criminal acts; and (C) an identifying
7 name, sign or symbol, or an identifiable leadership or hierarchy; and
8 (2) "criminal act" means conduct constituting a felony, as defined in
9 section 53a-25 of the general statutes, or a misdemeanor, as defined in
10 section 53a-26 of the general statutes, other than a violation of this
11 section.

12 (b) A person is guilty of recruiting a member of a criminal gang
13 when, with knowledge that membership or continued membership in
14 such criminal gang is conditioned upon the commission of a criminal
15 act, or with intent to facilitate the criminal acts of such criminal gang,

16 such person knowingly causes, encourages, solicits, recruits,
17 intimidates or coerces a person under eighteen years of age to join,
18 participate in or remain a member of such criminal gang.

19 (c) Recruiting a member of a criminal gang is a class A
20 misdemeanor.

21 Sec. 2. (Effective July 1, 2013) (a) For the purposes of this section,
22 "child" has the meaning provided in section 46b-120 of the general
23 statutes, "youth" has the meaning provided in section 46b-120 of the
24 general statutes, and "community-based service centers" has the
25 meaning provided in section 46b-149e of the general statutes.

26 (b) The Court Support Services Division within the Judicial Branch
27 shall conduct a pilot program, within available resources, in the cities
28 of Bridgeport, Hartford and New Haven, designed to reduce the
29 number of children and youths who come into contact with the
30 juvenile justice system and reduce recidivism among delinquent
31 children and youths. Probation officers within the division shall
32 collaborate with local police departments, federal agencies, youth
33 service bureaus and community-based service centers that are willing
34 to participate in the pilot program to identify children and youths at
35 risk of coming into contact with the juvenile justice system and
36 children and youths convicted as delinquent for referral to the pilot
37 program. Under the pilot program, participating officers and agencies
38 shall (1) meet formally or informally with at-risk children and youths
39 to inform such children and youths of the juvenile justice consequences
40 of violent behavior and of criminal possession of deadly weapons, and
41 (2) make unannounced visits to the homes, schools and workplaces of
42 children and youths who are under the supervision of a probation
43 officer, including, but not limited to, visits during evening hours.

44 (c) Not later than February 1, 2014, the Chief Court Administrator
45 shall submit a report, in accordance with section 11-4a of the general
46 statutes, to the joint standing committees of the General Assembly
47 having cognizance of matters relating to children and the judiciary,
48 describing the pilot program, findings made under the pilot program

49 and recommendations for expansion or continuation of the pilot
50 program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.; Comptroller-Fringe Benefits ¹	GF - Potential Cost	155,430	189,970
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Judicial Dept.	GF - Potential Cost	450,000	550,000

Municipal Impact: None

Explanation

The bill makes recruiting a minor to participate in a criminal gang a class A misdemeanor. As this is a new offense, the extent of the impact in not known but is anticipated to result in a minimal revenue gain.

The bill requires the Judicial Department Court Support Services Division to establish a pilot program within available appropriations in Bridgeport, Hartford, and New Haven to reduce the number of children and youth who come into contact with the juvenile justice system and reduce recidivism among those that are delinquents. However, if implemented, this bill will result in a total cost of approximately \$450,000 in FY 14 and \$550,000 FY 15 to the Judicial Department. These costs would include one juvenile probation officer at each location and \$300,000 for 40 to 50 additional slots at each location to the YES (Youth Equipped with Success) program.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6703*****AN ACT CONCERNING YOUTH VIOLENCE AND GANG ACTIVITY.*****SUMMARY:**

This bill makes it a criminal offense to recruit a minor to participate in a "criminal gang." The bill classifies this as a class A misdemeanor, punishable by up to one year imprisonment, up to a \$2,000 fine, or both.

The bill also requires the Court Support Services Division (CSSD) within the Judicial Branch, within available resources and in collaboration with certain government and community organizations, to conduct a pilot program in Bridgeport, Hartford, and New Haven. The program must be designed to reduce (1) the number of children and youths who come into contact with the juvenile justice system and (2) recidivism among those who are delinquents. The chief court administrator must submit a report to the Judiciary and Children committees by February 1, 2014 describing the pilot program and any recommendations for its expansion or continuation.

EFFECTIVE DATE: October 1, 2013, except the pilot program provision, which is effective July 1, 2013.

RECRUITING A MEMBER OF A CRIMINAL GANG***Elements of the Crime***

Under the bill, a person is guilty of recruiting a member of a criminal gang when he or she knowingly causes, encourages, solicits, recruits, intimidates, or coerces a minor to join, participate in, or remain a criminal gang member. This must be done with (1) knowledge that membership or continued membership in the gang is conditioned on committing a criminal act or (2) intent to facilitate the

gang's criminal acts.

Criminal Gang/Act

Under the bill, a "criminal gang" is a formal or informal organization, association, or group of three or more people that has:

1. as one of its primary activities, committing one or more criminal acts;
2. members who individually or collectively engage or have engaged in one or more criminal acts; and
3. an identifying name, sign, or symbol, or an identifiable leadership or hierarchy.

Under the bill, "criminal act" means conduct constituting a felony or a misdemeanor (other than recruiting a criminal gang member).

PILOT PROGRAM IN HARTFORD, BRIDGEPORT, AND NEW HAVEN

The bill requires CSSD probation officers to collaborate with local police departments, federal agencies, youth service bureaus, and willing community-based service centers to (1) identify at-risk children and youth and those convicted as delinquents and (2) refer them to the pilot program.

The bill requires officers and agencies participating in the pilot program to (1) meet with at-risk children and youths to inform them of the juvenile justice consequences of violent behavior and of criminal possession of deadly weapons and (2) make unannounced visits, including in the evening, to the homes, schools, and workplaces of children and youths who are supervised by a probation officer.

Definitions

Under the bill, a "child" is generally any person younger than age 18 who has not been legally emancipated. In delinquency matters and proceedings, a "child" is anyone who:

1. is at least age seven at the time of the alleged commission of a delinquent act and who is (a) younger than age 18 and has not been legally emancipated or (b) age 18 or older, but committed a delinquent act prior to attaining age 18, or
2. after turning age 18, (a) violates any Superior Court order or any condition of probation concerning a delinquency proceeding or (b) willfully fails to appear in response to a summons or at any other court hearing in a delinquency proceeding of which he or she had notice.

For family with service needs matters and proceedings, a child is anyone who is age seven to 17.

The bill defines a “youth” as anyone age 16 or 17 who has not been legally emancipated.

Under the bill, a “community-based service center” is a family support center for children and families against whom a complaint has been filed with the Superior Court. The center provides multiple services or access to such services for the purpose of preventing the children and families from having further involvement with the court as families with service needs.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 44 Nay 0 (04/19/2013)