



AUTOMATIC TRANSFERS OF JUVENILES FROM JUVENILE TO CRIMINAL COURT

By: Christopher Reinhart, Chief Attorney

TRANSFERS TO ADULT CRIMINAL COURT

Applies to children ages 14 through 17

Those charged with capital felony, class A or B felonies, or arson murder are automatically transferred to adult court.

Those charged with a class B felony or certain sexual assaults may be transferred back to juvenile court.

Prosecutors may request, and the court order, the transfer of children charged with other felonies to adult court.

QUESTION

When must a juvenile offender be transferred from juvenile to criminal court?

SUMMARY

In Connecticut, juvenile courts have jurisdiction over children under age 18. The law requires the juvenile court to automatically transfer a child aged 14 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012, a class A or B felony, or arson murder (CGS § [46b-127](#)).

The state's attorney may file a motion to return the matter back to juvenile court at any time if the child is charged with:

1. a class B felony or
2. 1st degree sexual assault, when it involves sexual intercourse with a victim under age 13 when the actor is more than two years older (but under age 18) (CGS § [53a-70\(a\)\(2\)](#)).

For children charged with other felonies (class C, D, or E or unclassified felonies), the prosecutor has discretion to request a transfer to adult court. The court can order the transfer only if (1) the child was at least age 14 at the time of the alleged offense, (2) there is probable cause to believe that the child committed the alleged offense, and (3) the best interests of the child and public are not served by keeping the case in juvenile court. The criminal court can return such a transferred case to juvenile court any time before a jury verdict or guilty plea (CGS § [46b-127](#)).

CRIMES REQUIRING AUTOMATIC TRANSFER TO ADULT COURT

The law requires the juvenile court to automatically transfer a child aged 14 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012, a class A or B felony, or arson murder (CGS § [46b-127](#)). Table 1 displays these crimes and their prison sentences, including any mandatory minimum sentences. As described above, the prosecutor can file a motion to (1) return some of these cases to juvenile court and (2) transfer children charged with other felonies to adult court.

Table 1: Crimes That Subject a Child to Automatic Transfer from Juvenile to Adult Court

<i>Classification</i>	<i>Crime (CGS §)</i>	<i>Prison Sentence</i>
Capital Felony	Capital felony (for crimes committed before April 25, 2012) (formerly 53a-54b)	Life without possibility of release
Class A Felonies	Murder with special circumstances (53a-54b)	Life without possibility of release
	Murder (53a-54a)	25 to 60 years Mandatory minimum 25 years
	Felony murder (53a-54c)	25 to 60 years Mandatory minimum 25 years
	Aggravated sexual assault of a minor (53a-70c)	25 to 50 years Mandatory minimum: <ul style="list-style-type: none"> • 1st offense: 25 years • Subsequent offense: 50 years
	Assault of pregnant woman resulting in termination of pregnancy (53a-59c)	10 to 25 years Mandatory minimum 10 years
	Sexual assault 1 st degree (when use or threaten force and victim under age 16 or victim under age 13 and actor more than two years older) (53a-70)	10 to 25 years Mandatory minimum: <ul style="list-style-type: none"> • Five years • 10 years if victim under age 10 • 10-year mandatory minimum period of combined imprisonment and special parole
	Aggravated sexual assault 1 st degree (victim under age 16) (53a-70a)	10 to 25 years Mandatory minimum: <ul style="list-style-type: none"> • Five years • 20 years if use force or threaten force • Five year period of special parole
	Kidnapping 1 st degree (53a-92)	10 to 25 years Mandatory minimum 10 years
	Kidnapping 1 st degree with a firearm (53a-92a, as amended by PA 13-28)	10 to 25 years Mandatory minimum 10 years
	Home invasion (53a-100aa)	10 to 25 years Mandatory minimum 10 years
Arson 1 st degree (53a-111)	10 to 25 years No mandatory minimum (pursuant to <i>State v. O'Neill</i> , 200 Conn. 268 (1986))	
Employing a minor in an obscene performance (53a-196a)	10 to 25 years Mandatory minimum 10 years	
Class B Felonies	Manslaughter 1 st degree with a firearm (53a-55a)	Five to 40 years Mandatory minimum five years

Table 1 (continued)

Classification	Crime (CGS §)	Prison Sentence
	Violating information disclosure restrictions regarding applicants and recipients of certain public financial assistance (when results in taking benefits over \$2,000)(see penalty in 17b-97(b) and 53a-122 (17b-90(e))	One to 20 years
	Fraud in obtaining food stamps and certain other public benefits (valued at over \$2,000)(see penalty in 53a-122 (17b-97(b) , (d) , and (e))	One to 20 years
	Town assistance fraud (valued at over \$2,000)(see penalty in 53a-122 (17b-127(b) and (c))	One to 20 years
	Aiding public assistance fraud regarding rates for nursing homes and certain other facilities (valued at over \$2,000)(see penalty in 17b-97(b) and 53a-122) (17b-340)	One to 20 years
	Transferring pistol or revolver that is stolen or has altered identification (29-33 , as amended by PA 13-3)	One to 20 years Mandatory minimum three years
	Transferring long gun that is stolen or has altered identification (29-37a)	One to 20 years
	Strawman gun violations committed by a felon (29-37i , as amended by PA 13-3)	One to 20 years Mandatory minimum three years
	Workers' compensation fraud (over \$2,000 in benefits) (31-290c)	One to 20 years
	Risk of injury (sexual contact with child under age 16) (53-21(a)(2))	One to 20 years Mandatory minimum five years if victim under age 13
	Deprivation of rights (if results in death) (53-37b)	One to 20 years
	Bomb manufacture (53-80a)	One to 20 years
	Intentional failure to report loss or theft of a firearm (53-202g , as amended by PA 13-3)	One to 20 years
	Firearms trafficking (53-202aa , as amended by PA 13-3)	One to 20 years Mandatory minimum three years
	Making chemical, biological, or radioactive weapon (53-209a)	One to 20 years
	Extortionate advance of credit (53-390)	One to 20 years
	Extortionate advance of money (53-391)	One to 20 years
	Extortionate collection (53-392)	One to 20 years
	Health insurance fraud (over \$20,000)(see penalty in 53a-122 (53-443)	One to 20 years
	Conspiracy (to commit a class A or B felony) (53a-48 and 53a-51)	One to 20 years
	Attempt (to commit a class A or B felony) (53a-49 and 53a-51)	One to 20 years
	Manslaughter 1 st degree (53a-55)	One to 20 years
	Assault 1 st degree (53a-59)	One to 20 years Mandatory minimum <ul style="list-style-type: none"> • Five years when committed with a deadly weapon or dangerous instrument • 10 years if victim is under age 10 or a witness

Table 1 (continued)

Classification	Crime (CGS §)	Prison Sentence
	Assault of an elderly, blind, disabled, or pregnant person or person with intellectual disabilities 1 st degree (53a-59a)	One to 20 years Mandatory minimum five years
	Assault of Department of Correction employee 1 st degree (53a-59b)	One to 20 years
	Sexual assault 1 st degree (also an A felony under certain circumstances, see above) (53a-70)	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> • Two years • 10 years if victim is under age 10 • 10-year mandatory minimum period of combined imprisonment and special parole
	Aggravated sexual assault 1 st degree (victim over age 16) (53a-70a)	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> • Five years • Five years of special parole
	Sexual assault in spousal or cohabitation relationship (53a-70b)	One to 20 years
	Sexual assault 2 nd degree (victim under 16) (53a-71)	One to 20 years Mandatory minimum nine months
	Sexual assault 3 rd degree with a firearm (victim under 16) (53a-72b)	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> • Two years • Combined prison and special parole term of 10 years
	Promoting prostitution 1 st degree (53a-86)	One to 20 years Mandatory minimum nine months if the prostitute is under age 18
	Enticing a minor (victim under age 13 or 3 rd or subsequent offense with victim 13 or older) (53a-90a)	One to 20 years Mandatory minimum when minor is under age 13: <ul style="list-style-type: none"> • 1st offense: five years • Subsequent offense: 10 years
	Kidnapping 2 nd degree (53a-94)	One to 20 years Mandatory minimum three years
	Kidnapping 2 nd degree with a firearm (53a-94a)	One to 20 years Mandatory minimum three years
	Burglary 1 st degree (53a-101)	One to 20 years Mandatory minimum five years when committed with explosives, a deadly weapon, or a dangerous instrument
	Arson 2 nd degree (53a-112)	One to 20 years
	Larceny 1 st degree (53a-122)	One to 20 years
	Identity theft 1 st degree (53a-129b)	One to 20 years
	Robbery 1 st degree (53a-134)	One to 20 years Mandatory minimum five years when committed with a deadly weapon
	Possession of a weapon or dangerous instrument in a correctional institution (53a-174a)	One to 20 years
	Rioting at correctional institution (53a-179b)	One to 20 years
	Trafficking in persons (53a-192a)	One to 20 years

Table 1 (continued)

<i>Classification</i>	<i>Crime (CGS §)</i>	<i>Prison Sentence</i>
	Promoting a minor in an obscene performance (53a-196b)	One to 20 years
	Importing child pornography (53a-196c)	One to 20 years Mandatory minimum five years
	Possessing child pornography 1 st degree (53a-196d)	One to 20 years Mandatory minimum five years
	Computer crime 1 st degree (53a-252)	One to 20 years
	Money laundering 1 st degree (53a-276)	One to 20 years
	Vendor fraud 1 st degree (53a-291)	One to 20 years
	Computer crime in furtherance of terrorism (53a-301)	One to 20 years Mandatory minimum five years when directed toward public safety agency
Unclassified	Arson murder (53a-54d)	Life imprisonment, statutorily defined as 60 years Can be suspended (<i>State v. Dupree</i> , 196 Conn. 655 (1985))

CR:ro