



General Assembly

January Session, 2015

Raised Bill No. 7050

LCO No. 5765



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM.

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

1 Section 1. Subsections (a) and (b) of section 46b-127 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2015*):

4 (a) [(1)] The court shall automatically transfer from the docket for
5 juvenile matters to the regular criminal docket of the Superior Court
6 the case of any child charged with the commission of a capital felony
7 under the provisions of section 53a-54b in effect prior to April 25, 2012,
8 a class A [or B] felony or a violation of section 53a-54d, provided such
9 offense was committed after such child attained the age of [fourteen]
10 fifteen years and counsel has been appointed for such child if such
11 child is indigent. Such counsel may appear with the child but shall not
12 be permitted to make any argument or file any motion in opposition to
13 the transfer. The child shall be arraigned in the regular criminal docket
14 of the Superior Court at the next court date following such transfer,
15 provided any proceedings held prior to the finalization of such transfer
16 shall be private and shall be conducted in such parts of the courthouse

17 or the building in which the court is located that are separate and apart
18 from the other parts of the court which are then being used for
19 proceedings pertaining to adults charged with crimes.

20 [(2) A state's attorney may, at any time after such arraignment, file a
21 motion to transfer the case of any child charged with the commission
22 of a class B felony or a violation of subdivision (2) of subsection (a) of
23 section 53a-70 to the docket for juvenile matters for proceedings in
24 accordance with the provisions of this chapter.]

25 (b) (1) Upon motion of a prosecutorial official, the superior court for
26 juvenile matters shall conduct a hearing to determine whether the case
27 of any child charged with the commission of a class B, C, D or E felony
28 or an unclassified felony shall be transferred from the docket for
29 juvenile matters to the regular criminal docket of the Superior Court.
30 The court shall not order that the case be transferred under this
31 subdivision unless the court finds that (A) such offense was committed
32 after such child attained the age of [fourteen] fifteen years, (B) there is
33 probable cause to believe the child has committed the act for which the
34 child is charged, and (C) the best interests of the child and the public
35 will not be served by maintaining the case in the superior court for
36 juvenile matters. In making such findings, the court shall consider (i)
37 any prior criminal or juvenile offenses committed by the child, (ii) the
38 seriousness of such offenses, (iii) any evidence that the child has
39 intellectual disability or mental illness, and (iv) the availability of
40 services in the docket for juvenile matters that can serve the child's
41 needs. Any motion under this subdivision shall be made, and any
42 hearing under this subdivision shall be held, not later than thirty days
43 after the child is arraigned in the superior court for juvenile matters.

44 (2) If a case is transferred to the regular criminal docket pursuant to
45 subdivision (1) of this subsection, the court sitting for the regular
46 criminal docket may return the case to the docket for juvenile matters
47 at any time prior to a jury rendering a verdict or the entry of a guilty
48 plea for good cause shown for proceedings in accordance with the

49 provisions of this chapter.

50 Sec. 2. Section 46b-137 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2015*):

52 (a) Any admission, confession or statement, written or oral, made by
53 a child under the age of [sixteen] eighteen to a police officer or Juvenile
54 Court official shall be inadmissible in any proceeding concerning [the
55 alleged delinquency of] the child making such admission, confession
56 or statement unless made by such child in the presence of the child's
57 parent or parents or guardian and after the parent or parents or
58 guardian and child have been advised (1) of the child's right to retain
59 counsel, or if unable to afford counsel, to have counsel appointed on
60 the child's behalf, (2) of the child's right to refuse to make any
61 statements, and (3) that any statements the child makes may be
62 introduced into evidence against the child.

63 [(b) Any admission, confession or statement, written or oral, made
64 by a child sixteen or seventeen years of age to a police officer or
65 Juvenile Court official, except an admission, confession or statement,
66 written or oral, made by a child sixteen or seventeen years of age to a
67 police officer in connection with a case transferred to the Juvenile
68 Court from the youthful offender docket, regular criminal docket of
69 the Superior Court or any docket for the presentment of defendants in
70 motor vehicle matters, shall be inadmissible in any proceeding
71 concerning the alleged delinquency of the child making such
72 admission, confession or statement, unless (1) the police or Juvenile
73 Court official has made reasonable efforts to contact a parent or
74 guardian of the child, and (2) such child has been advised that (A) the
75 child has the right to contact a parent or guardian and to have a parent
76 or guardian present during any interview, (B) the child has the right to
77 retain counsel or, if unable to afford counsel, to have counsel
78 appointed on behalf of the child, (C) the child has the right to refuse to
79 make any statement, and (D) any statement the child makes may be
80 introduced into evidence against the child.

81 (c) The admissibility of any admission, confession or statement,
82 written or oral, made by a child sixteen or seventeen years of age to a
83 police officer or Juvenile Court official, except an admission,
84 confession or statement, written or oral, made by a child sixteen or
85 seventeen years of age to a police officer in connection with a case
86 transferred to the Juvenile Court from the youthful offender docket,
87 regular criminal docket of the Superior Court or any docket for the
88 presentment of defendants in motor vehicle matters, shall be
89 determined by considering the totality of the circumstances at the time
90 of the making of such admission, confession or statement. When
91 determining the admissibility of such admission, confession or
92 statement, the court shall consider (1) the age, experience, education,
93 background and intelligence of the child, (2) the capacity of the child to
94 understand the advice concerning rights and warnings required under
95 subdivision (2) of subsection (b) of this section, the nature of the
96 privilege against self-incrimination under the United States and
97 Connecticut Constitutions, and the consequences of waiving such
98 rights and privilege, (3) the opportunity the child had to speak with a
99 parent, guardian or some other suitable individual prior to or while
100 making such admission, confession or statement, and (4) the
101 circumstances surrounding the making of the admission, confession or
102 statement, including, but not limited to, (A) when and where the
103 admission, confession or statement was made, (B) the reasonableness
104 of proceeding, or the need to proceed, without a parent or guardian
105 present, and (C) the reasonableness of efforts by the police or Juvenile
106 Court official to attempt to contact a parent or guardian.]

107 [(d)] (b) Any confession, admission or statement, written or oral,
108 made by the parent or parents or guardian of the child or youth after
109 the filing of a petition alleging such child or youth to be neglected,
110 uncared for or abused shall be inadmissible in any proceeding held
111 upon such petition against the person making such admission or
112 statement unless such person shall have been advised of the person's
113 right to retain counsel, and that if the person is unable to afford

114 counsel, counsel will be appointed to represent the person, that the
115 person has a right to refuse to make any statement and that any
116 statements the person makes may be introduced in evidence against
117 the person, except that any statement made by the mother of any child
118 or youth, upon inquiry by the court and under oath if necessary, as to
119 the identity of any person who might be the father of the child or
120 youth shall not be inadmissible if the mother was not so advised.

121 Sec. 3. Section 46b-121n of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2015*):

123 (a) There is established a Juvenile Justice Policy and Oversight
124 Committee. The committee shall evaluate policies related to the
125 juvenile justice system and the expansion of juvenile jurisdiction to
126 include persons sixteen and seventeen years of age.

127 (b) The committee shall consist of the following members:

128 (1) Two members of the General Assembly, one of whom shall be
129 appointed by the speaker of the House of Representatives, and one of
130 whom shall be appointed by the president pro tempore of the Senate;

131 (2) The chairpersons and ranking members of the joint standing
132 committees of the General Assembly having cognizance of matters
133 relating to the judiciary, children, human services and appropriations,
134 or their designees;

135 (3) The Chief Court Administrator, or the Chief Court
136 Administrator's designee;

137 (4) A judge of the superior court for juvenile matters, appointed by
138 the Chief Justice;

139 (5) The executive director of the Court Support Services Division of
140 the Judicial Department, or the executive director's designee;

141 (6) The executive director of the Superior Court Operations

142 Division, or the executive director's designee;

143 (7) The Chief Public Defender, or the Chief Public Defender's
144 designee;

145 (8) The Chief State's Attorney, or the Chief State's Attorney's
146 designee;

147 (9) The Commissioner of Children and Families, or the
148 commissioner's designee;

149 (10) The Commissioner of Correction, or the commissioner's
150 designee;

151 (11) The Commissioner of Education, or the commissioner's
152 designee;

153 (12) The Commissioner of Mental Health and Addiction Services, or
154 the commissioner's designee;

155 (13) The president of the Connecticut Police Chiefs Association, or
156 the president's designee;

157 (14) Two child or youth advocates, one of whom shall be appointed
158 by one chairperson of the Juvenile Justice Policy and Oversight
159 Committee, and one of whom shall be appointed by the other
160 chairperson of the Juvenile Justice Policy and Oversight Committee;

161 (15) Two parents or parent advocates, at least one of whom is the
162 parent of a child who has been involved with the juvenile justice
163 system, one of whom shall be appointed by the minority leader of the
164 House of Representatives, and one of whom shall be appointed by the
165 minority leader of the Senate;

166 (16) The Child Advocate, or the Child Advocate's designee; and

167 (17) The Secretary of the Office of Policy and Management, or the
168 secretary's designee.

169 (c) All appointments to the committee shall be made not later than
170 thirty days after June 13, 2014. Any vacancy shall be filled by the
171 appointing authority.

172 (d) The Secretary of the Office of Policy and Management, or the
173 secretary's designee, and a member of the General Assembly selected
174 jointly by the speaker of the House of Representatives and the
175 president pro tempore of the Senate from among the members serving
176 pursuant to subdivision (1) or (2) of subsection (b) of this section shall
177 be cochairpersons of the committee. Such cochairpersons shall
178 schedule the first meeting of the committee, which shall be held not
179 later than sixty days after June 13, 2014.

180 (e) Members of the committee shall serve without compensation,
181 except for necessary expenses incurred in the performance of their
182 duties.

183 (f) Not later than January 1, 2015, the committee shall report, in
184 accordance with section 11-4a, to the joint standing committees of the
185 General Assembly having cognizance of matters relating to
186 appropriations, the judiciary, human services and children, and the
187 Secretary of the Office of Policy and Management, regarding the
188 following:

189 (1) Any statutory changes concerning the juvenile justice system
190 that the committee recommends to (A) improve public safety, (B)
191 promote the best interests of children and youths who are under the
192 supervision, care or custody of the Commissioner of Children and
193 Families or the Court Support Services Division of the Judicial
194 Department; (C) improve transparency and accountability with respect
195 to state-funded services for children and youths in the juvenile justice
196 system with an emphasis on goals identified by the committee for
197 community-based programs and facility-based interventions; and (D)
198 promote the efficient sharing of information between the Department
199 of Children and Families and the Judicial Department to ensure the

200 regular collection and reporting of recidivism data and promote public
201 welfare and public safety outcomes related to the juvenile justice
202 system;

203 (2) A definition of "recidivism" that the committee recommends to
204 be used by state agencies with responsibilities with respect to the
205 juvenile justice system, and recommendations to reduce recidivism for
206 children and youths in the juvenile justice system;

207 (3) Short-term goals to be met within six months, medium-term
208 goals to be met within twelve months and long-term goals to be met
209 within eighteen months, for the Juvenile Justice Policy and Oversight
210 Committee and state agencies with responsibilities with respect to the
211 juvenile justice system to meet, after considering existing relevant
212 reports related to the juvenile justice system and any related state
213 strategic plan;

214 (4) The impact of legislation that expanded the jurisdiction of the
215 juvenile court to include persons sixteen and seventeen years of age, as
216 measured by the following:

217 (A) Any change in the average age of children and youths involved
218 in the juvenile justice system;

219 (B) The types of services used by designated age groups and the
220 outcomes of those services;

221 (C) The types of delinquent acts or criminal offenses that children
222 and youths have been charged with since the enactment and
223 implementation of such legislation; and

224 (D) The gaps in services identified by the committee with respect to
225 children and youths involved in the juvenile justice system, including,
226 but not limited to, children and youths who have attained the age of
227 eighteen after being involved in the juvenile justice system, and
228 recommendations to address such gaps in services; and

229 (5) Strengths and barriers identified by the committee that support
230 or impede the educational needs of children and youths in the juvenile
231 justice system, with specific recommendations for reforms.

232 (g) Not later than July 1, 2015, the committee shall report, in
233 accordance with section 11-4a, to the joint standing committees of the
234 General Assembly having cognizance of matters relating to
235 appropriations, the judiciary, human services and children, and the
236 Secretary of the Office of Policy and Management, regarding the
237 following:

238 (1) The quality and accessibility of diversionary programs available
239 to children and youths in this state, including juvenile review boards
240 and services for a child or youth who is a member of a family with
241 service needs;

242 (2) An assessment of the system of community-based services for
243 children and youths who are under the supervision, care or custody of
244 the Commissioner of Children and Families or the Court Support
245 Services Division of the Judicial Department;

246 (3) An assessment of the congregate care settings that are operated
247 privately or by the state and have housed children and youths
248 involved in the juvenile justice system in the past twelve months;

249 (4) An examination of how the state Department of Education and
250 local boards of education, the Department of Children and Families,
251 the Department of Mental Health and Addiction Services, the Court
252 Support Services Division of the Judicial Department, and other
253 appropriate agencies can work collaboratively through school-based
254 efforts and other processes to reduce the number of children and
255 youths who enter the juvenile justice system as a result of being a
256 member of a family with service needs or convicted as delinquent;

257 (5) An examination of practices and procedures that result in
258 disproportionate minority contact, as defined in section 4-68y, within

259 the juvenile justice system;

260 (6) A plan to provide that all facilities and programs that are part of
261 the juvenile justice system and are operated privately or by the state
262 provide results-based accountability;

263 (7) An assessment of the number of children and youths who, after
264 being under the supervision of the Department of Children and
265 Families, are convicted as delinquent; and

266 (8) An assessment of the overlap between the juvenile justice system
267 and the mental health care system for children.

268 (h) The committee shall complete its duties under [subsections (f)
269 and (g) of] this section after consultation with one or more
270 organizations that focus on relevant issues regarding children and
271 youths, such as the University of New Haven and any of the
272 university's institutes. The committee may accept administrative
273 support and technical and research assistance from any such
274 organization. The committee shall work in collaboration with any
275 results first initiative implemented pursuant to section 2-111 or any
276 public or special act.

277 (i) The committee shall establish a time frame for review and
278 reporting regarding the responsibilities outlined in subdivision (5) of
279 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
280 subsection (g) of this section. Each report submitted by the committee
281 shall include specific recommendations to improve outcomes and a
282 timeline by which specific tasks or outcomes must be achieved.

283 (j) The committee shall implement a strategic plan that integrates
284 the short-term, medium-term and long-term goals identified pursuant
285 to subdivision (3) of subsection (f) of this section. As part of the
286 implementation of such plan, the committee shall collaborate with any
287 state agency with responsibilities with respect to the juvenile justice
288 system, including, but not limited to, the Departments of Education,

289 Mental Health and Addiction Services and Children and Families and
290 the Judicial Department, and municipal police departments. Not later
291 than January 1, 2016, the committee shall report such plan, in
292 accordance with section 11-4a, to the joint standing committees of the
293 General Assembly having cognizance of matters relating to
294 appropriations, the judiciary, human services and children, and the
295 Secretary of the Office of Policy and Management, regarding progress
296 toward the full implementation of such plan and any
297 recommendations concerning the implementation of such identified
298 goals by any state agency with responsibilities with respect to the
299 juvenile justice system or municipal police departments.

300 (k) The committee shall assess the juvenile justice system and make
301 recommendations, if any, to improve the system. Not later than July 1,
302 2016, July 1, 2017, and July 1, 2018, the committee shall report such
303 assessment and recommendations, in accordance with section 11-4a, to
304 the joint standing committees of the General Assembly having
305 cognizance of matters relating to appropriations, the judiciary, human
306 services and children, and the Secretary of the Office of Policy and
307 Management, regarding the following:

308 (1) Mental health and substance abuse treatment programs and
309 services for children and youths involved with, or at risk of
310 involvement with the juvenile justice system;

311 (2) Educational outcomes for children and youths involved with, or
312 at risk of involvement with the juvenile justice system;

313 (3) Disproportionate minority contact, as defined in section 4-68y,
314 with children and youths involved with the juvenile justice system;

315 (4) Training for state agencies with responsibilities with respect to
316 the juvenile justice system and municipal police departments;

317 (5) Diversion of at-risk children and youths from the juvenile justice
318 system;

319 (6) Recidivism tracking and policies and procedures to reduce
320 recidivism; and

321 (7) Data sharing among public and private juvenile justice and other
322 child services agencies, including the Department of Education, to
323 evaluate the effectiveness and efficiency of the juvenile justice system.

324 [(j)] (l) Not later than July 1, 2015, and quarterly thereafter until
325 January 1, 2017, and annually thereafter, the committee shall submit a
326 report, in accordance with section 11-4a, to the joint standing
327 committees of the General Assembly having cognizance of matters
328 relating to appropriations, the judiciary, human services and children,
329 and the Secretary of the Office of Policy and Management, regarding
330 progress made to achieve goals and measures identified by the
331 committee pursuant to this section.

332 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
333 section, "child" means any person less than eighteen years of age.

334 (b) At any proceeding concerning the alleged delinquency of a child,
335 no child shall be physically restrained by the use of shackles, handcuffs
336 or other mechanical restraints prior to being adjudicated as delinquent,
337 unless the judge determines that the use of such restraints is necessary
338 to ensure the safety of the public. Nothing in this section shall be
339 construed as preventing a child from being physically restrained while
340 being transported.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	46b-127(a) and (b)
Sec. 2	<i>October 1, 2015</i>	46b-137
Sec. 3	<i>October 1, 2015</i>	46b-121n
Sec. 4	<i>October 1, 2015</i>	New section

Statement of Purpose:

To ensure that children charged with a class B felony are provided with a hearing on their amenability to treatment in the juvenile court prior to being transferred to the adult criminal docket, to raise the age for transfer from fourteen years to fifteen years of age, to raise the age of a child from sixteen to eighteen concerning certain protections afforded to an admission, confession or statement by such child, to require the Juvenile Justice Policy and Oversight Committee to continue its review of the state's juvenile justice system, and to prohibit children for being shackled or otherwise restrained prior to being adjudicated as delinquent unless such restraint is necessary to ensure the safety of the public.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]