



Senate

General Assembly

File No. 600

February Session, 2016

Substitute Senate Bill No. 18

Senate, April 14, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A SECOND CHANCE SOCIETY.

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

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows:

5 (1) "Child" means any person under eighteen years of age who has
6 not been legally emancipated, except that (A) for purposes of
7 delinquency matters and proceedings, "child" means any person who
8 (i) is at least seven years of age at the time of the alleged commission of
9 a delinquent act and who is (I) under eighteen years of age and has not
10 been legally emancipated, or (II) eighteen years of age or older and
11 committed a delinquent act prior to attaining eighteen years of age, or
12 (ii) is subsequent to attaining eighteen years of age, and (I) violates any
13 order of the Superior Court or any condition of probation ordered by
14 the Superior Court with respect to a delinquency proceeding, or (II)

15 wilfully fails to appear in response to a summons under section 46b-
16 133, as amended by this act, or at any other court hearing in a
17 delinquency proceeding of which the child had notice, and (B) for
18 purposes of family with service needs matters and proceedings, child
19 means a person who is at least seven years of age and is under
20 eighteen years of age;

21 (2) "Youth" means any person sixteen [or seventeen] years of age or
22 older but under eighteen years of age who has not been legally
23 emancipated;

24 (3) "Young adult" means, for purposes of delinquency matters and
25 proceedings, any person who (A) on or after July 1, 2017, (i) allegedly
26 committed a delinquent act while eighteen years of age or older but
27 under nineteen years of age, or (ii) committed a delinquent act while
28 eighteen years of age or older but under nineteen years of age, and (I)
29 subsequent to attaining nineteen years of age, violates any order of the
30 Superior Court or any condition of probation ordered by the Superior
31 Court with respect to a delinquency proceeding, or (II) wilfully fails to
32 appear in response to a summons under section 46b-133, as amended
33 by this act, or at any other court hearing in a delinquency proceeding
34 of which such person had notice, (B) on or after July 1, 2018, (i)
35 allegedly committed a delinquent act while eighteen years of age or
36 older but under twenty years of age, or (ii) committed a delinquent act
37 while eighteen years of age or older but under twenty years of age, and
38 (I) subsequent to attaining twenty years of age, violates any order of
39 the Superior Court or any condition of probation ordered by the
40 Superior Court with respect to a delinquency proceeding, or (II)
41 wilfully fails to appear in response to a summons under section 46b-
42 133, as amended by this act, or at any other court hearing in a
43 delinquency proceeding of which such person had notice, and (C) on
44 or after July 1, 2019, (i) allegedly committed a delinquent act while
45 eighteen years of age or older but under twenty-one years of age, or (ii)
46 committed a delinquent act while eighteen years of age or older but
47 under twenty-one years of age, and (I) subsequent to attaining twenty-
48 one years of age, violates any order of the Superior Court or any

49 condition of probation ordered by the Superior Court with respect to a
50 delinquency proceeding, or (II) wilfully fails to appear in response to a
51 summons under section 46b-133, as amended by this act, or at any
52 other court hearing in a delinquency proceeding of which such person
53 had notice;

54 [(3)] (4) A child or young adult may be found "mentally deficient"
55 who, by reason of a deficiency of intelligence that has existed from
56 birth or from early age, requires, or will require, for such child's
57 protection or for the protection of others, special care, supervision and
58 control;

59 [(4)] (5) (A) A child may be [convicted] adjudicated as "delinquent"
60 who has, while under sixteen years of age, (i) violated any federal or
61 state law, except section 53a-172, 53a-173, 53a-222, as amended by this
62 act, 53a-222a, as amended by this act, 53a-223 or 53a-223a, or violated a
63 municipal or local ordinance, except an ordinance regulating behavior
64 of a child in a family with service needs, (ii) wilfully failed to appear in
65 response to a summons under section 46b-133, as amended by this act,
66 or at any other court hearing in a delinquency proceeding of which the
67 child had notice, (iii) violated any order of the Superior Court in a
68 delinquency proceeding, except as provided in section 46b-148, or (iv)
69 violated conditions of probation in a delinquency proceeding as
70 ordered by the court;

71 (B) A [child] youth or young adult may be [convicted] adjudicated
72 as "delinquent" who has (i) [while sixteen or seventeen years of age,]
73 violated any federal or state law, other than (I) an infraction, except an
74 infraction under subsection (d) of section 21a-267, (II) a violation,
75 except a violation under subsection (a) of section 21a-279a, (III) a motor
76 vehicle offense or violation under title 14, (IV) a violation of a
77 municipal or local ordinance, or (V) a violation of section 51-164r, 53a-
78 172, 53a-173, 53a-222, as amended by this act, 53a-222a, as amended by
79 this act, 53a-223 or 53a-223a, (ii) [while sixteen years of age or older,]
80 wilfully failed to appear in response to a summons under section 46b-
81 133, as amended by this act, or at any other court hearing in a

82 delinquency proceeding of which the [child] youth or young adult had
83 notice, (iii) [while sixteen years of age or older,] violated any order of
84 the Superior Court in a delinquency proceeding, except as provided in
85 section 46b-148, or (iv) [while sixteen years of age or older,] violated
86 conditions of probation in a delinquency proceeding as ordered by the
87 court;

88 [(5)] (6) "Family with service needs" means a family that includes a
89 child who is [at least] (A) seven years of age [and] or older but is under
90 eighteen years of age who [(A)] (i) has without just cause run away
91 from the parental home or other properly authorized and lawful place
92 of abode, [(B)] (ii) is beyond the control of the child's [or youth's]
93 parent, parents, guardian or other custodian, [(C)] (iii) has engaged in
94 indecent or immoral conduct, [(D)] or (iv) is a truant or habitual truant
95 or who, while in school, has been continuously and overtly defiant of
96 school rules and regulations, or [(E) is] (B) thirteen years of age or
97 older and has engaged in sexual intercourse with another person and
98 such other person is thirteen years of age or older and not more than
99 two years older or younger than such child; [or youth;]

100 [(6)] (7) A child or youth may be found "neglected" who, for reasons
101 other than being impoverished, (A) has been abandoned, (B) is being
102 denied proper care and attention, physically, educationally,
103 emotionally or morally, or (C) is being permitted to live under
104 conditions, circumstances or associations injurious to the well-being of
105 the child or youth;

106 [(7)] (8) A child or youth may be found "abused" who (A) has been
107 inflicted with physical injury or injuries other than by accidental
108 means, (B) has injuries that are at variance with the history given of
109 them, or (C) is in a condition that is the result of maltreatment,
110 including, but not limited to, malnutrition, sexual molestation or
111 exploitation, deprivation of necessities, emotional maltreatment or
112 cruel punishment;

113 [(8)] (9) A child or youth may be found "uncared for" (A) who is
114 homeless, (B) whose home cannot provide the specialized care that the

115 physical, emotional or mental condition of the child or youth requires,
116 or (C) who has been identified as a victim of trafficking, as defined in
117 section 46a-170. For the purposes of this section, the treatment of any
118 child or youth by an accredited Christian Science practitioner, in lieu of
119 treatment by a licensed practitioner of the healing arts, shall not of
120 itself constitute neglect or maltreatment;

121 [(9)] (10) "Delinquent act" means (A) the violation by a child under
122 [the age of] sixteen years of age of any federal or state law, except the
123 violation of section 53a-172, 53a-173, 53a-222, as amended by this act,
124 53a-222a, as amended by this act, 53a-223 or 53a-223a, or the violation
125 of a municipal or local ordinance, except an ordinance regulating
126 behavior of a child in a family with service needs, (B) the violation by a
127 [child sixteen or seventeen years of age] youth or young adult of any
128 federal or state law, other than (i) an infraction, except an infraction
129 under subsection (d) of section 21a-267, (ii) a violation, except a
130 violation under subsection (a) of section 21a-279a, (iii) a motor vehicle
131 offense or violation under title 14, (iv) the violation of a municipal or
132 local ordinance, or (v) the violation of section 51-164r, 53a-172, 53a-173,
133 53a-222, as amended by this act, 53a-222a, as amended by this act, 53a-
134 223 or 53a-223a, (C) the wilful failure of a child [, including a child who
135 has attained the age of eighteen,] or young adult to appear in response
136 to a summons under section 46b-133, as amended by this act, or at any
137 other court hearing in a delinquency proceeding of which the child has
138 notice, (D) the violation of any order of the Superior Court in a
139 delinquency proceeding by a child [, including a child who has
140 attained the age of eighteen] or young adult, except as provided in
141 section 46b-148, or (E) the violation of [conditions of probation] any
142 condition of probation ordered by the court in a delinquency
143 proceeding by a child [, including a child who has attained the age of
144 eighteen, as ordered by the court] or by a young adult;

145 [(10)] (11) "Serious juvenile offense" means (A) the violation of,
146 including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-
147 33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21,
148 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,

149 inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to
150 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
151 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
152 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
153 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or
154 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
155 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause,
156 from any secure placement other than home while referred as a
157 delinquent child to the Court Support Services Division or committed
158 as a delinquent child to the Commissioner of Children and Families for
159 a serious juvenile offense;

160 [(11)] (12) "Serious juvenile offender" means any child [convicted] or
161 young adult adjudicated as delinquent for the commission of a serious
162 juvenile offense;

163 [(12)] (13) "Serious juvenile repeat offender" means any child or
164 young adult charged with the commission of any felony if such child
165 or young adult has previously been [convicted] adjudicated as
166 delinquent or [otherwise] convicted at any age for two violations of
167 any provision of title 21a, 29, 53 or 53a that is designated as a felony;

168 [(13)] (14) "Alcohol-dependent" means a psychoactive substance
169 dependence on alcohol as that condition is defined in the most recent
170 edition of the American Psychiatric Association's "Diagnostic and
171 Statistical Manual of Mental Disorders"; [and]

172 [(14)] (15) "Drug-dependent" means a psychoactive substance
173 dependence on drugs as that condition is defined in the most recent
174 edition of the American Psychiatric Association's "Diagnostic and
175 Statistical Manual of Mental Disorders", [No child shall be classified
176 as drug-dependent who is dependent (A) upon a] except in the case of
177 a dependency upon a (A) morphine-type substance as an incident to
178 current medical treatment of a demonstrable physical disorder other
179 than drug dependence, or (B) [upon] amphetamine-type, ataractic,
180 barbiturate-type, hallucinogenic or other stimulant and depressant
181 substances as an incident to current medical treatment of a

182 demonstrable physical or psychological disorder, or both, other than
183 drug dependence; [.] and

184 (16) "Age for adult jurisdiction" means (A) on and after July 1, 2017,
185 but not later than June 30, 2018, nineteen years of age and older, (B) on
186 and after July 1, 2018, but not later than June 30, 2019, twenty years of
187 age and older, and (C) on and after July 1, 2019, twenty-one years of
188 age and older.

189 Sec. 2. Section 46b-121 of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective July 1, 2017*):

191 (a) (1) Juvenile matters in the civil session include all proceedings
192 concerning uncared-for, neglected or abused children and youths
193 within this state, termination of parental rights of children committed
194 to a state agency, adoption proceedings pursuant to section 46b-129b,
195 matters concerning families with service needs, contested matters
196 involving termination of parental rights or removal of guardian
197 transferred from the Probate Court and the emancipation of minors,
198 but does not include matters of guardianship and adoption or matters
199 affecting property rights of any child or youth over which the Probate
200 Court has jurisdiction, except that appeals from probate concerning
201 adoption, termination of parental rights and removal of a parent as
202 guardian shall be included.

203 (2) Juvenile matters in the criminal session include all proceedings
204 concerning delinquent children or young adults within this state and
205 persons eighteen years of age [and] or older who are under the
206 supervision of a juvenile probation officer while on probation or a
207 suspended commitment to the Department of Children and Families,
208 for purposes of enforcing any court orders entered as part of such
209 probation or suspended commitment.

210 (b) (1) In juvenile matters, the Superior Court shall have authority to
211 make and enforce such orders directed to parents, including any
212 person who acknowledges before the court paternity of a child born
213 out of wedlock, guardians, custodians or other adult persons owing

214 some legal duty to [a child or youth therein] the child, as the court
215 deems necessary or appropriate to secure the welfare, protection,
216 proper care and suitable support of a child [or youth] subject to the
217 court's jurisdiction or otherwise committed to or in the custody of the
218 Commissioner of Children and Families. The Superior Court may
219 order a local or regional board of education to provide to the court
220 educational records of a child [or youth] or young adult for the
221 purpose of determining the need for services or placement of the child
222 [or youth] or young adult. In proceedings concerning a child or young
223 adult charged with a delinquent act or [with being] a child from a
224 family with service needs, records produced subject to such an order
225 shall be maintained under seal by the court and shall be released only
226 after a hearing or with the consent of the child or young adult.
227 Educational records obtained pursuant to this section shall be used
228 only for dispositional purposes. In addition, with respect to
229 proceedings concerning delinquent children or young adults, the
230 Superior Court shall have authority to make and enforce such orders
231 as the court deems necessary or appropriate to punish the child or
232 young adult, deter the child or young adult from the commission of
233 further delinquent acts, assure that the safety of any other person will
234 not be endangered and provide restitution to any victim. The Superior
235 Court shall also have authority to grant and enforce temporary and
236 permanent injunctive relief in all proceedings concerning juvenile
237 matters.

238 (2) If any order for the payment of money is issued by the Superior
239 Court, including any order assessing costs issued under section
240 46b-134, as amended by this act, or 46b-136, as amended by this act, the
241 collection of such money shall be made by the court, except orders for
242 support of children committed to any state agency or department,
243 which orders shall be made payable to and collected by the
244 Department of Administrative Services. If the Superior Court after due
245 diligence is unable to collect such moneys within six months, the court
246 shall refer such case to the Department of Administrative Services for
247 collection as a delinquent account. In juvenile matters, the Superior
248 Court shall have authority to make and enforce orders directed to

249 persons liable hereunder on petition of the Department of
250 Administrative Services made to the court in the same manner as is
251 provided in section 17b-745, in accordance with the provisions of
252 section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section
253 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745
254 shall be applicable to such proceedings. Any judge hearing a juvenile
255 matter may make any other order in connection therewith that a judge
256 of the Superior Court is authorized to grant and such order shall have
257 the same force and effect as any other order of the Superior Court. No
258 commitment to the Department of Children and Families may be
259 ordered or continued for a delinquent child who has attained the age
260 of twenty. Notwithstanding the terms of any order in effect on October
261 1, 2011, any commitment to the Department of Children and Families
262 in a delinquency proceeding pursuant to this chapter shall terminate
263 not later than the date the child attains the age of twenty.

264 (3) In the enforcement of the court's orders, in connection with any
265 juvenile matter, the court may issue process for the arrest of any
266 person, compel attendance of witnesses and punish for contempt by a
267 fine not exceeding one hundred dollars or imprisonment not exceeding
268 six months.

269 Sec. 3. Section 46b-121n of the 2016 supplement to the general
270 statutes is repealed and the following is substituted in lieu thereof
271 (*Effective from passage*):

272 (a) There is established a Juvenile Justice Policy and Oversight
273 Committee. The committee shall evaluate policies related to the
274 juvenile justice system and the expansion of juvenile jurisdiction to
275 include persons [sixteen and seventeen] eighteen years of age or older
276 but under twenty-one years of age.

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

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

281 (2) The chairpersons and ranking members of the joint standing
282 committees of the General Assembly having cognizance of matters
283 relating to the judiciary, children, human services and appropriations,
284 or their designees;

285 (3) The Chief Court Administrator, or the Chief Court
286 Administrator's designee;

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

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

291 (6) The executive director of the Superior Court Operations
292 Division, or the executive director's designee;

293 (7) The Chief Public Defender, or the Chief Public Defender's
294 designee;

295 (8) The Chief State's Attorney, or the Chief State's Attorney's
296 designee;

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

299 (10) The Commissioner of Correction, or the commissioner's
300 designee;

301 (11) The Commissioner of Education, or the commissioner's
302 designee;

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

305 (13) The Labor Commissioner, or the commissioner's designee;

306 (14) The Commissioner of Social Services, or the commissioner's
307 designee;

308 (15) The Commissioner of Public Health, or the commissioner's
309 designee;

310 (16) The president of the Connecticut Police Chiefs Association, or
311 the president's designee;

312 (17) The chief of police of a municipality with a population in excess
313 of one hundred thousand, appointed by the president of the
314 Connecticut Police Chiefs Association;

315 (18) Two child or youth advocates, one of whom shall be appointed
316 by one chairperson of the Juvenile Justice Policy and Oversight
317 Committee, and one of whom shall be appointed by the other
318 chairperson of the Juvenile Justice Policy and Oversight Committee;

319 (19) Two parents or parent advocates, at least one of whom is the
320 parent of a child who has been involved with the juvenile justice
321 system, one of whom shall be appointed by the minority leader of the
322 House of Representatives, and one of whom shall be appointed by the
323 minority leader of the Senate;

324 (20) The Child Advocate, or the Child Advocate's designee; and

325 (21) The Secretary of the Office of Policy and Management, or the
326 secretary's designee.

327 (c) Any vacancy shall be filled by the appointing authority.

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

336 (e) Members of the committee shall serve without compensation,

337 except for necessary expenses incurred in the performance of their
338 duties.

339 (f) Not later than January 1, 2015, the committee shall report, in
340 accordance with section 11-4a, to the joint standing committees of the
341 General Assembly having cognizance of matters relating to
342 appropriations, the judiciary, human services and children, and the
343 Secretary of the Office of Policy and Management, regarding the
344 following:

345 (1) Any statutory changes concerning the juvenile justice system
346 that the committee recommends to (A) improve public safety; (B)
347 promote the best interests of children and youths who are under the
348 supervision, care or custody of the Commissioner of Children and
349 Families or the Court Support Services Division of the Judicial
350 Department; (C) improve transparency and accountability with respect
351 to state-funded services for children and youths in the juvenile justice
352 system with an emphasis on goals identified by the committee for
353 community-based programs and facility-based interventions; and (D)
354 promote the efficient sharing of information between the Department
355 of Children and Families and the Judicial Department to ensure the
356 regular collection and reporting of recidivism data and promote public
357 welfare and public safety outcomes related to the juvenile justice
358 system;

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

363 (3) Short-term goals to be met within six months, medium-term
364 goals to be met within twelve months and long-term goals to be met
365 within eighteen months, for the Juvenile Justice Policy and Oversight
366 Committee and state agencies with responsibilities with respect to the
367 juvenile justice system to meet, after considering existing relevant
368 reports related to the juvenile justice system and any related state
369 strategic plan;

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

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

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

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

380 (D) The gaps in services identified by the committee with respect to
381 children and youths involved in the juvenile justice system, including,
382 but not limited to, children and youths who have attained the age of
383 eighteen after being involved in the juvenile justice system, and
384 recommendations to address such gaps in services; and

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

388 (g) Not later than July 1, 2015, the committee shall report, in
389 accordance with section 11-4a, to the joint standing committees of the
390 General Assembly having cognizance of matters relating to
391 appropriations, the judiciary, human services and children, and the
392 Secretary of the Office of Policy and Management, regarding the
393 following:

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

398 (2) An assessment of the system of community-based services for
399 children and youths who are under the supervision, care or custody of

400 the Commissioner of Children and Families or the Court Support
401 Services Division of the Judicial Department;

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

405 (4) An examination of how the state Department of Education and
406 local boards of education, the Department of Children and Families,
407 the Department of Mental Health and Addiction Services, the Court
408 Support Services Division of the Judicial Department, and other
409 appropriate agencies can work collaboratively through school-based
410 efforts and other processes to reduce the number of children and
411 youths who enter the juvenile justice system as a result of being a
412 member of a family with service needs or [convicted] adjudicated as
413 delinquent;

414 (5) An examination of practices and procedures that result in
415 disproportionate minority contact, as defined in section 4-68y, within
416 the juvenile justice system;

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

420 (7) An assessment of the number of children and youths who, after
421 being under the supervision of the Department of Children and
422 Families, are [convicted] adjudicated as delinquent; and

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

425 (h) The committee may form working groups to solicit feedback
426 from persons identified by the members of each such group as
427 stakeholders in policies related to the juvenile justice system and the
428 expansion of the juvenile jurisdiction to enable the committee to fulfill
429 its duties pursuant to this section.

430 [(h)] (i) The committee shall complete its duties under this section
431 after consultation with one or more organizations that focus on
432 relevant issues regarding children and youths, such as the University
433 of New Haven and any of the university's institutes. The committee
434 may accept administrative support and technical and research
435 assistance from any such organization. The committee shall work in
436 collaboration with any results first initiative implemented pursuant to
437 section 2-111 or any public or special act.

438 [(i)] (j) The committee shall establish a time frame for review and
439 reporting regarding the responsibilities outlined in subdivision (5) of
440 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
441 subsection (g) of this section. Each report submitted by the committee
442 shall include specific recommendations to improve outcomes and a
443 timeline by which specific tasks or outcomes must be achieved.

444 [(j)] (k) The committee shall implement a strategic plan that
445 integrates the short-term, medium-term and long-term goals identified
446 pursuant to subdivision (3) of subsection (f) of this section. As part of
447 the implementation of such plan, the committee shall collaborate with
448 any state agency with responsibilities with respect to the juvenile
449 justice system, including, but not limited to, the Departments of
450 Education, Mental Health and Addiction Services, Correction and
451 Children and Families and the Labor Department and Judicial
452 Department, and municipal police departments. Not later than January
453 1, 2016, the committee shall report such plan, in accordance with
454 section 11-4a, to the joint standing committees of the General
455 Assembly having cognizance of matters relating to appropriations, the
456 judiciary, human services and children, and the Secretary of the Office
457 of Policy and Management, regarding progress toward the full
458 implementation of such plan and any recommendations concerning
459 the implementation of such identified goals by any state agency with
460 responsibilities with respect to the juvenile justice system or municipal
461 police departments.

462 [(k)] (l) The committee shall assess the juvenile justice system and

463 make recommendations, if any, to improve the system. Not later than
464 July 1, 2016, July 1, 2017, and July 1, 2018, the committee shall report
465 such assessment and recommendations, in accordance with section 11-
466 4a, to the joint standing committees of the General Assembly having
467 cognizance of matters relating to appropriations, the judiciary, human
468 services and children, and the Secretary of the Office of Policy and
469 Management, regarding the following:

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

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

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

477 (4) Training on the juvenile justice system for state agencies and
478 municipal police departments;

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

481 (6) Recidivism tracking and policies and procedures to reduce
482 recidivism;

483 (7) Data sharing among public and private juvenile justice and other
484 child services agencies, including the Department of Education, to
485 evaluate the effectiveness and efficiency of the juvenile justice system;

486 (8) Vocational educational opportunities for children and youths in
487 the juvenile justice system until the child or youth reaches the age of
488 twenty-one years of age;

489 (9) Oversight and the reduction in the use of restraints for children
490 and youths, and the reduction in the use of seclusion and room
491 confinement in juvenile justice facilities;

492 (10) Use of evidence-based positive behavioral support strategies
493 and other evidence-based or research-informed strategies for reducing
494 the reliance on restraints and seclusion; and

495 (11) Programs and facilities using restraints or seclusion for children
496 or youths and any data regarding such uses, including, but not limited
497 to, the rate and duration of use for children and youths with
498 disabilities.

499 [(l)] (m) Not later than July 1, 2015, and quarterly thereafter until
500 January 1, 2017, and annually thereafter, the committee shall submit a
501 report, in accordance with section 11-4a, to the joint standing
502 committees of the General Assembly having cognizance of matters
503 relating to appropriations, the judiciary, human services and children,
504 and the Secretary of the Office of Policy and Management, regarding
505 progress made to achieve goals and measures identified by the
506 committee pursuant to this section.

507 (n) The committee shall plan for the implementation of any changes
508 required pursuant to chapter 815t and sections 54-76b to 54-76q,
509 inclusive, as amended by this act, to the juvenile justice system in
510 order to extend jurisdiction in delinquency matters and proceedings
511 within the superior court for juvenile matters to include persons who
512 are (1) eighteen years of age or older but under nineteen years of age,
513 beginning July 1, 2017, (2) nineteen years of age or older but under
514 twenty years of age, beginning July 1, 2018, and (3) twenty years of age
515 or older but under twenty-one years of age, beginning July 1, 2019. On
516 or before January 1, 2017, the committee shall submit a report, in
517 accordance with section 11-4a, on the committee's findings, together
518 with any recommendations for legislation, to the Governor, the
519 speaker of the House of Representatives, the majority leader of the
520 House of Representatives, the president pro tempore of the Senate, the
521 majority leader of the Senate, the minority leader of the House of
522 Representatives, the minority leader of the Senate and the joint
523 standing committees of the General Assembly having cognizance of
524 matters relating to the judiciary, human services, children and

525 appropriations.

526 Sec. 4. Section 46b-127 of the 2016 supplement to the general statutes
527 is repealed and the following is substituted in lieu thereof (*Effective July*
528 *1, 2017*):

529 (a) (1) The court shall automatically transfer from the docket for
530 juvenile matters to the regular criminal docket of the Superior Court
531 the case of any child or young adult charged with the commission of a
532 capital felony under the provisions of section 53a-54b in effect prior to
533 April 25, 2012, a class A felony, or a class B felony, except as provided
534 in subdivision (3) of this subsection, or a violation of section 53a-54d,
535 provided such offense was committed [after such child attained the
536 age of fifteen years] by a child when such child was at least fifteen
537 years of age or by a young adult and counsel has been appointed for
538 such child or young adult if such child or young adult is indigent. Such
539 counsel may appear with the child or young adult but shall not be
540 permitted to make any argument or file any motion in opposition to
541 the transfer. The child or young adult shall be arraigned in the regular
542 criminal docket of the Superior Court at the next court date following
543 such transfer. [, provided any] Any proceedings held prior to the
544 finalization of such transfer shall be private and shall be conducted in
545 such parts of the courthouse or the building in which the court is
546 located that are separate and apart from the other parts of the court
547 which are then being used for proceedings pertaining to [adults]
548 persons charged with crimes on the regular criminal docket.

549 (2) A state's attorney may, at any time after such arraignment, file a
550 motion to transfer the case of any child or young adult charged with
551 the commission of a class B felony or a violation of subdivision (2) of
552 subsection (a) of section 53a-70 to the docket for juvenile matters for
553 proceedings in accordance with the provisions of this chapter.

554 (3) No case of any child or young adult charged with the
555 commission of a violation of section 53a-55, 53a-59b, 53a-71 or 53a-94,
556 subdivision (2) of subsection (a) of section 53a-101, section 53a-112,
557 53a-122 or 53a-129b, subdivision (1), (3) or (4) of subsection (a) of

558 section 53a-134, section 53a-196c, 53a-196d or 53a-252 or subsection (a)
559 of section 53a-301 shall be transferred from the docket for juvenile
560 matters to the regular criminal docket of the Superior Court, except as
561 provided in this subdivision. Upon motion of a prosecutorial official,
562 the superior court for juvenile matters shall conduct a hearing to
563 determine whether the case of any child or young adult charged with
564 the commission of any such offense shall be transferred from the
565 docket for juvenile matters to the regular criminal docket of the
566 Superior Court. The court shall not order that the case be transferred
567 under this subdivision unless the court finds that (A) such offense was
568 committed [after such child attained the age of fifteen years] by a child
569 when such child was at least fifteen years of age or by a young adult,
570 (B) there is probable cause to believe the child or young adult has
571 committed the act for which the child or young adult is charged, and
572 (C) the best interests of the child or young adult and the public will not
573 be served by maintaining the case in the superior court for juvenile
574 matters. In making such findings, the court shall consider (i) any prior
575 criminal or juvenile offenses committed by the child or young adult,
576 (ii) the seriousness of such offenses, (iii) any evidence that the child or
577 young adult has intellectual disability or mental illness, and (iv) the
578 availability of services in the docket for juvenile matters that can serve
579 the [child's] needs of the child or young adult. Any motion under this
580 subdivision shall be made, and any hearing under this subdivision
581 shall be held, not later than thirty days after the child or young adult is
582 arraigned in the superior court for juvenile matters.

583 (b) (1) Upon motion of a prosecutorial official, the superior court for
584 juvenile matters shall conduct a hearing to determine whether the case
585 of any child or young adult charged with the commission of a class C,
586 D or E felony or an unclassified felony shall be transferred from the
587 docket for juvenile matters to the regular criminal docket of the
588 Superior Court. The court shall not order that the case be transferred
589 under this subdivision unless the court finds that (A) such offense was
590 committed [after such child attained the age of fifteen years] by a child
591 when such child was at least fifteen years of age or by a young adult,
592 (B) there is probable cause to believe the child or young adult has

593 committed the act for which the child or young adult is charged, and
594 (C) the best interests of the child or young adult and the public will not
595 be served by maintaining the case in the superior court for juvenile
596 matters. In making such findings, the court shall consider (i) any prior
597 criminal or juvenile offenses committed by the child or young adult,
598 (ii) the seriousness of such offenses, (iii) any evidence that the child or
599 young adult has intellectual disability or mental illness, and (iv) the
600 availability of services in the docket for juvenile matters that can serve
601 the [child's] needs of the child or young adult. Any motion under this
602 subdivision shall be made, and any hearing under this subdivision
603 shall be held, not later than thirty days after the child or young adult is
604 arraigned in the superior court for juvenile matters.

605 (2) If a case is transferred to the regular criminal docket pursuant to
606 subdivision (1) of this subsection or subdivision (3) of subsection (a) of
607 this section, the court sitting for the regular criminal docket may return
608 the case to the docket for juvenile matters at any time prior to a jury
609 rendering a verdict or the entry of a guilty plea for good cause shown
610 for proceedings in accordance with the provisions of this chapter.

611 (c) Upon the effectuation of the transfer, such child or young adult
612 shall stand trial and be sentenced, if convicted, as if such child [were
613 eighteen years of age] or young adult were an age for adult
614 jurisdiction, subject to the provisions of section 54-91g. Such child or
615 young adult shall receive credit against any sentence imposed for time
616 served in a juvenile or detention facility prior to the effectuation of the
617 transfer. A child or young adult who has been transferred may enter a
618 guilty plea to a lesser offense if the court finds that such plea is made
619 knowingly and voluntarily. Any child or young adult transferred to
620 the regular criminal docket who pleads guilty to a lesser offense shall
621 not resume such [child's] person's status as a juvenile regarding such
622 offense. If the action is dismissed or nolleed or if such child or young
623 adult is found not guilty of the charge for which such child or young
624 adult was transferred or of any lesser included offenses, the child or
625 young adult shall resume such [child's] person's status as a juvenile
626 until such [child] person attains the age [of eighteen years] for adult

627 jurisdiction.

628 (d) Any child or young adult whose case is transferred to the
629 regular criminal docket of the Superior Court who is detained
630 pursuant to such case shall be in the custody of the Commissioner of
631 Correction upon the finalization of such transfer. A transfer shall be
632 final (1) upon the arraignment on the regular criminal docket until a
633 motion filed by the state's attorney pursuant to subsection (a) of this
634 section is granted by the court, or (2) upon the arraignment on the
635 regular criminal docket of a transfer ordered pursuant to subsection (b)
636 of this section until the court sitting for the regular criminal docket
637 orders the case returned to the docket for juvenile matters for good
638 cause shown. Any child or young adult whose case is returned to the
639 docket for juvenile matters who is detained pursuant to such case shall
640 be in the custody of the Judicial Department.

641 (e) The transfer of a child or young adult to a Department of
642 Correction facility shall be limited as provided in subsection (d) of this
643 section and said subsection shall not be construed to permit the
644 transfer of or otherwise reduce or eliminate any other population of
645 juveniles in detention or confinement within the Judicial Department
646 or the Department of Children and Families.

647 (f) Upon the motion of any party or upon the court's own motion,
648 the case of any youth [age sixteen or seventeen] or young adult, except
649 a case that has been transferred to the regular criminal docket of the
650 Superior Court pursuant to subsection (a) or (b) of this section, which
651 is pending on the youthful offender docket, regular criminal docket of
652 the Superior Court or any docket for the presentment of defendants in
653 motor vehicle matters, where the youth or young adult is charged with
654 committing any offense or violation for which a term of imprisonment
655 may be imposed, other than a violation of section 14-227a or 14-227g,
656 may, before trial or before the entry of a guilty plea, be transferred to
657 the docket for juvenile matters if (1) [the] (A) a youth is alleged to have
658 committed such offense or violation on or after January 1, 2010, while
659 sixteen years of age or older but under seventeen years of age, or is

660 alleged to have committed such offense or violation on or after July 1,
661 2012, while seventeen years of age or older but under eighteen years of
662 age, or (B) a young adult is alleged to have committed such offense or
663 violation on or after July 1, 2017, while younger than the age for adult
664 jurisdiction, and (2) after a hearing considering the facts and
665 circumstances of the case and the prior history of the youth or young
666 adult, the court determines that the programs and services available
667 pursuant to a proceeding in the superior court for juvenile matters
668 would more appropriately address the needs of the youth or young
669 adult and that the youth or young adult and the community would be
670 better served by treating the youth or young adult as a delinquent.
671 Upon ordering such transfer, the court shall vacate any pleas entered
672 in the matter and advise the youth or young adult of the youth's or
673 young adult's rights, and the youth or young adult shall (A) enter
674 pleas on the docket for juvenile matters in the jurisdiction where the
675 youth or young adult resides, and (B) be subject to prosecution as a
676 delinquent [child] youth or young adult. The decision of the court
677 concerning the transfer of [a youth's case] the case of a youth or young
678 adult, from the youthful offender docket, regular criminal docket of
679 the Superior Court or any docket for the presentment of defendants in
680 motor vehicle matters shall not be a final judgment for purposes of
681 appeal.

682 Sec. 5. Section 46b-133 of the general statutes is repealed and the
683 following is substituted in lieu thereof (*Effective July 1, 2017*):

684 (a) Nothing in this part shall be construed as preventing the arrest of
685 a child or young adult, with or without a warrant, as may be provided
686 by law, or as preventing the issuance of warrants by judges in the
687 manner provided by section 54-2a, except that no child or young adult
688 shall be taken into custody on such process except on apprehension in
689 the act, or on speedy information, or in other cases when the use of
690 such process appears imperative. Whenever a child or young adult is
691 arrested and charged with a crime, such child or young adult may be
692 required to submit to the taking of his or her photograph, physical
693 description and fingerprints. Notwithstanding the provisions of

694 section 46b-124, as amended by this act, the name, photograph and
695 custody status of any child or young adult arrested for the commission
696 of a capital felony under the provisions of section 53a-54b in effect
697 prior to April 25, 2012, or class A felony may be disclosed to the public.

698 (b) Whenever a child or young adult is brought before a judge of the
699 Superior Court, such judge shall immediately have the case proceeded
700 upon as a juvenile matter. Such judge may admit the child or young
701 adult to bail or, in the case of a child, release the child in the custody of
702 the child's parent or parents, the child's guardian or some other
703 suitable person to appear before the Superior Court when ordered. If
704 detention becomes necessary, such detention shall be in the manner
705 prescribed by this chapter, provided the child or young adult shall be
706 placed in the least restrictive environment possible in a manner
707 consistent with public safety.

708 (c) Upon the arrest of any child or young adult by an officer, such
709 officer may (1) in the case of a child, release the child to the custody of
710 the child's parent or parents, guardian or some other suitable person or
711 agency, (2) at the discretion of the officer, release the child or young
712 adult to the child's or young adult's own custody, or (3) seek a court
713 order to detain the child [in a juvenile detention center] or young
714 adult. No child or young adult shall be [placed in detention] detained
715 unless it appears from the available facts that there is probable cause to
716 believe that the child or young adult has committed the acts alleged,
717 there is no less restrictive alternative available and there is (A) a strong
718 probability that the child or young adult will run away prior to the
719 court hearing or disposition, (B) a strong probability that the child or
720 young adult will commit or attempt to commit other offenses injurious
721 to the child or young adult or to the community prior to the court
722 disposition, (C) probable cause, in the case of a child, to believe that
723 the child's continued residence in the child's home pending disposition
724 poses a risk to the child or the community because of the serious and
725 dangerous nature of the act or acts the child is alleged to have
726 committed, (D) a need to hold the child or young adult for another
727 jurisdiction, (E) a need to hold the child or young adult to assure the

728 [child's] appearance of the child or young adult before the court, in
729 view of [the child's] any previous failure to respond to the court
730 process, or (F) a finding by the court that the child or young adult has
731 violated one or more of the conditions of a suspended detention order.
732 No child or young adult shall be [held in any detention center]
733 detained unless an order to detain is issued by a judge of the Superior
734 Court.

735 (d) (1) When a child or young adult is arrested for the commission
736 of a delinquent act and the child or young adult is not [placed in
737 detention] detained or referred to a diversionary program, an officer
738 shall serve a written complaint and summons on the child or young
739 adult and, in the case of a child, the child's parent, guardian or some
740 other suitable person or agency. [If] In the case of a child, if such child
741 is released to the child's own custody, the officer shall make reasonable
742 efforts to notify, and to provide a copy of a written complaint and
743 summons to, the parent or guardian or some other suitable person or
744 agency prior to the court date on the summons. If any person so
745 summoned wilfully fails to appear in court at the time and place so
746 specified, the court may issue a warrant for the [child's arrest or] arrest
747 of the child or young adult or in the case of a child, a capias to assure
748 the appearance in court of such child's parent, guardian or other
749 person. If a child or young adult wilfully fails to appear in response to
750 such a summons, the court may order such child or young adult taken
751 into custody and such child or young adult may be charged with the
752 delinquent act of wilful failure to appear under section 46b-120, as
753 amended by this act. [The] In the case of a child, the court may punish
754 for contempt, as provided in section 46b-121, as amended by this act,
755 any parent, guardian or other person so summoned who wilfully fails
756 to appear in court at the time and place so specified.

757 (2) Upon the arrest of any youth by an officer for a violation of
758 section 53a-82, such officer shall report suspected abuse or neglect to
759 the Department of Children and Families in accordance with the
760 provisions of sections 17a-101b to 17a-101d, inclusive.

761 (e) The court or detention supervisor may, in the case of a child,
762 turn such child over to a youth service program created for such
763 purpose, if such course is practicable, or such child and any young
764 adult may be detained pending a hearing which shall be held on the
765 business day next following the [child's] arrest of the child or young
766 adult. No child or young adult shall be detained after such hearing [or
767 held in detention pursuant to a court order] unless it appears from the
768 available facts there is probable cause to believe that the child or young
769 adult has committed the acts alleged, there is no less restrictive
770 alternative available and that there is (1) a strong probability that the
771 child or young adult will run away prior to the court hearing or
772 disposition, (2) a strong probability that the child or young adult will
773 commit or attempt to commit other offenses injurious to the child or
774 young adult or to the community prior to the court disposition, (3)
775 probable cause in the case of a child, to believe that the child's
776 continued residence in the child's home pending disposition poses a
777 risk to the child or the community because of the serious and
778 dangerous nature of the act or acts the child is alleged to have
779 committed, (4) a need to hold the child or young adult for another
780 jurisdiction, (5) a need to hold the child or young adult to assure the
781 [child's] appearance of the child or young adult before the court, in
782 view of [the child's] any previous failure to respond to the court
783 process, or (6) a finding by the court that the child or young adult has
784 violated one or more of the conditions of a suspended detention order.
785 Such probable cause may be shown by sworn affidavit in lieu of
786 testimony. No child or young adult shall be released from detention
787 who is alleged to have committed a serious juvenile offense except by
788 order of a judge of the Superior Court. Any child confined in a
789 community correctional center or lockup shall be held in an area
790 separate and apart from any adult detainee, except in the case of a
791 nursing infant, and no child shall at any time be held in solitary
792 confinement. When a female child or young adult is held in custody,
793 she shall, as far as possible, be in the charge of a woman attendant.

794 (f) The police officer who brings a child into detention shall have
795 first notified, or made a reasonable effort to notify, the parents or

796 guardian of the child in question of the intended action and shall file at
797 the detention center a signed statement setting forth the alleged
798 delinquent conduct of the child. Unless the arrest was for a serious
799 juvenile offense or unless an order not to release is noted on the take
800 into custody order, arrest warrant or order to detain, the child may be
801 released by a detention supervisor to the custody of the child's parent
802 or parents, guardian or some other suitable person or agency.

803 (g) In conjunction with any order of release from detention, the
804 court may, when it has reason to believe a child or young adult is
805 alcohol-dependent or drug-dependent as defined in section 46b-120, as
806 amended by this act, and where necessary, reasonable and
807 appropriate, order the child or young adult to participate in a program
808 of periodic alcohol or drug testing and treatment as a condition of such
809 release. The results of any such alcohol or drug test shall be admissible
810 only for the purposes of enforcing the conditions of release from
811 detention.

812 (h) The detention supervisor of a juvenile detention center in charge
813 of intake shall admit only a child who: (1) Is the subject of an order to
814 detain or an outstanding court order to take such child into custody,
815 (2) is ordered by a court to be held in detention, or (3) is being
816 transferred to such center to await a court appearance.

817 (i) Whenever a child or young adult is subject to a court order to
818 take such child or young adult into custody, or other process issued
819 pursuant to this section or section 46b-140a, as amended by this act, the
820 Judicial Branch may cause the order or process to be entered into a
821 central computer system in accordance with policies and procedures
822 established by the Chief Court Administrator. The existence of the
823 order or process in the computer system shall constitute prima facie
824 evidence of the issuance of the order or process. Any child or young
825 adult named in the order or process may be arrested or taken into
826 custody based on the existence of the order or process in the computer
827 system and, if the order or process directs that such child be detained,
828 the child shall be held in a juvenile detention center.

829 Sec. 6. Section 46b-133c of the 2016 supplement to the general
830 statutes is repealed and the following is substituted in lieu thereof
831 (*Effective July 1, 2017*):

832 (a) Whenever a child or young adult is referred for the commission
833 of a felony committed [after such child attained the age of fourteen
834 years] by a child when such child was at least fifteen years of age or by
835 a young adult and such child or young adult is a serious juvenile
836 repeat offender, as defined in section 46b-120, as amended by this act,
837 the prosecutorial official may request the court to designate the
838 proceeding as a serious juvenile repeat offender prosecution.

839 (b) If a prosecutorial official requests that a proceeding be
840 designated a serious juvenile repeat offender prosecution, the court
841 shall hold a hearing not later than thirty days after the filing of such
842 request unless good cause is shown by the prosecutorial official or by
843 the child or young adult as to why the hearing should not be held
844 within such period. If good cause is shown, the hearing shall be held
845 not later than ninety days after the filing of such request. The court
846 shall decide whether to designate the proceeding as a serious juvenile
847 repeat offender prosecution not later than thirty days after the
848 completion of such hearing. The court shall grant the request to
849 designate the proceeding as a serious juvenile repeat offender
850 prosecution if the prosecutorial official shows by clear and convincing
851 evidence that such designation will serve the public safety. The
852 decision to designate the proceeding as a serious juvenile repeat
853 offender prosecution shall not be a final judgment for purposes of
854 appeal.

855 (c) A proceeding designated as a serious juvenile repeat offender
856 prosecution pursuant to subsection (b) of this section shall be held
857 before the court without a jury provided the child or young adult has
858 waived his or her right to a trial by jury. If a child or young adult is
859 convicted of or pleads guilty to a felony in such proceeding, the court
860 shall: (1) Sentence the child or young adult in accordance with section
861 46b-140, as amended by this act, or 46b-141a, as amended by this act,

862 and (2) sentence the child or young adult in accordance with section
863 53a-28 with the execution of such sentence stayed on the condition that
864 the child or young adult not violate the conditions of the sentence
865 imposed pursuant to subdivision (1) of this subsection or commit a
866 subsequent crime.

867 (d) If a child or young adult is convicted of or pleads guilty to a
868 misdemeanor in a proceeding designated as a serious juvenile repeat
869 offender prosecution pursuant to subsection (b) of this section, the
870 court shall sentence the child or young adult in accordance with
871 section 46b-140, as amended by this act, or 46b-141a, as amended by
872 this act.

873 (e) Whenever it appears that a child or young adult who has been
874 sentenced pursuant to subsection (c) of this section has violated the
875 conditions of the sentence imposed pursuant to subdivision (1) of said
876 subsection (c) or has committed a subsequent crime, the court may,
877 without notice, order that the child or young adult be immediately
878 taken into custody in accordance with the provisions of section 46b-
879 125. The court shall notify the child or young adult and, in the case of a
880 child, such child's parent or guardian, and the attorney of record for
881 such child or young adult, if any, in writing of the reasons alleged to
882 exist for the lifting of the stay of execution of the sentence imposed
883 pursuant to subdivision (2) of said subsection (c). If the child or young
884 adult challenges such reasons, the court shall hold a hearing at which
885 the child or young adult shall be entitled to be heard and be
886 represented by counsel. After such hearing, if the court finds that the
887 child or young adult has violated the conditions of the sentence
888 imposed pursuant to subdivision (1) of said subsection (c) or
889 committed a subsequent crime, it shall order the child or young adult
890 to serve a sentence not to exceed that imposed pursuant to subdivision
891 (2) of said subsection (c) unless it determines there are mitigating
892 circumstances that justify continuing the stay of execution and
893 specifically states such mitigating circumstances in writing for the
894 record. The child or young adult shall receive credit against any
895 sentence imposed pursuant to subdivision (2) of said subsection (c) for

896 time served in a juvenile or detention facility pursuant to the sentence
897 imposed pursuant to subdivision (1) of said subsection (c).

898 (f) Whenever a proceeding has been designated a serious juvenile
899 repeat offender prosecution pursuant to subsection (b) of this section
900 and the child or young adult does not waive such child's or young
901 adult's right to a trial by jury, the court shall transfer the case from the
902 docket for juvenile matters to the regular criminal docket of the
903 Superior Court. Upon transfer, such child or young adult shall stand
904 trial and be sentenced, if convicted, as if such child or young adult
905 were [eighteen years of age] an age for adult jurisdiction, subject to the
906 provisions of section 54-91g, except that no such child shall be placed
907 in a correctional facility but shall be maintained in a facility for
908 children and youths until such child attains eighteen years of age or
909 until such child is sentenced, whichever occurs first. Such child or
910 young adult shall receive credit against any sentence imposed for time
911 served in a juvenile or detention facility prior to the effectuation of the
912 transfer. A child or young adult who has been transferred may enter a
913 guilty plea to a lesser offense if the court finds that such plea is made
914 knowingly and voluntarily. Any child or young adult transferred to
915 the regular criminal docket who pleads guilty to a lesser offense shall
916 not resume such [child's] person's status as a juvenile regarding such
917 offense. If the action is dismissed or nolleed or if such child or young
918 adult is found not guilty of the charge for which such child or young
919 adult was transferred, the child or young adult shall resume such
920 [child's] person's status as a juvenile until such [child] person attains
921 [eighteen years of age] the age for adult jurisdiction.

922 Sec. 7. Section 46b-133d of the 2016 supplement to the general
923 statutes is repealed and the following is substituted in lieu thereof
924 (*Effective July 1, 2017*):

925 (a) For the purposes of this section, "special juvenile probation"
926 means a period of probation imposed by the superior court for juvenile
927 matters upon a child or young adult in a proceeding designated as a
928 serious sexual offender prosecution during which the child or young

929 adult is supervised by a juvenile probation officer prior to such [child]
930 person attaining [eighteen years of age] the age for adult jurisdiction
931 and by an adult probation officer after such child attains [eighteen
932 years of age] the age for adult jurisdiction.

933 (b) Whenever a child or young adult is referred for the commission
934 of any crime of a sexual nature, and such case is not transferred to the
935 regular criminal docket pursuant to section 46b-127, as amended by
936 this act, the prosecutorial official may request the court to designate
937 the proceeding as a serious sexual offender prosecution.

938 (c) If a prosecutorial official requests that a proceeding be
939 designated a serious sexual offender prosecution, the court shall hold a
940 hearing not later than thirty days after the filing of such request unless
941 good cause is shown by the prosecutorial official or by the child or
942 young adult as to why the hearing should not be held within such
943 period. If good cause is shown, the hearing shall be held not later than
944 ninety days after the filing of such request. The court shall decide
945 whether to designate the proceeding as a serious sexual offender
946 prosecution not later than thirty days after the completion of such
947 hearing. The court shall grant the request to designate the proceeding
948 as a serious sexual offender prosecution if the prosecutorial official
949 shows by a preponderance of the evidence that such designation will
950 serve the public safety. The decision to designate the proceeding as a
951 serious sexual offender prosecution shall not be a final judgment for
952 purposes of appeal.

953 (d) A proceeding designated as a serious sexual offender
954 prosecution pursuant to subsection (c) of this section shall be held
955 before the court without a jury provided the child or young adult has
956 waived the right to a trial by jury. If a child or young adult is convicted
957 of or pleads guilty or nolo contendere to a charge in a proceeding that
958 has been designated as a serious sexual offender prosecution, the court
959 shall: (1) Sentence the child or young adult in accordance with section
960 46b-140, as amended by this act, or 46b-141a, as amended by this act,
961 (2) sentence the child or young adult to a period of special juvenile

962 probation of at least five years, to commence upon the release of the
963 child or young adult from the institution, agency or program in whose
964 care the child or young adult had been placed, and (3) sentence the
965 child or young adult in accordance with section 53a-28 with the
966 execution of such sentence stayed on the condition that the child or
967 young adult not violate the conditions of the sentence imposed
968 pursuant to subdivisions (1) and (2) of this subsection or commit a
969 subsequent crime.

970 (e) Whenever it appears that a child or young adult who has been
971 sentenced pursuant to subsection (d) of this section has violated the
972 conditions of the sentence imposed pursuant to subdivision (2) of said
973 subsection or has committed a subsequent crime, the court may,
974 without notice, order that the child or young adult be immediately
975 taken into custody in accordance with the provisions of sections 46b-
976 125 and 53a-32. If such violation of probation or subsequent crime
977 occurs prior to the person attaining [eighteen years of age] the age for
978 adult jurisdiction, the matter shall be handled by the superior court for
979 juvenile matters. If such violation of probation or subsequent crime
980 occurs after the person has attained [eighteen years of age] the age for
981 adult jurisdiction, the matter shall be handled by the regular criminal
982 docket of the Superior Court. Whenever such matter is handled by the
983 superior court for juvenile matters, the court shall notify the child or
984 young adult and, in the case of a child, such child's parent or guardian,
985 and the attorney of record for such child or young adult, if any, in
986 writing of the reasons alleged to exist for the lifting of the stay of
987 execution of the sentence imposed pursuant to subdivision (3) of
988 subsection (d) of this section. If the child or young adult challenges
989 such reasons, the court shall hold a hearing at which the child or
990 young adult shall be entitled to be heard and be represented by
991 counsel. After such hearing, if the court finds that the child or young
992 adult has violated the conditions of the sentence imposed pursuant to
993 subdivision (2) of subsection (d) of this section or committed a
994 subsequent crime, it shall order the child or young adult to serve a
995 sentence not to exceed that imposed pursuant to subdivision (3) of
996 subsection (d) of this section unless it determines there are mitigating

997 circumstances that justify continuing the stay of execution and
998 specifically states such mitigating circumstances in writing for the
999 record. The child or young adult shall receive credit against any
1000 sentence imposed pursuant to subdivision (3) of subsection (d) of this
1001 section for time served in a juvenile or detention facility pursuant to
1002 the sentence imposed pursuant to subdivision (1) of said subsection.

1003 (f) When a proceeding has been designated a serious sexual
1004 offender prosecution pursuant to subsection (c) of this section and the
1005 child or young adult does not waive the right to a trial by jury, the
1006 court shall transfer the case from the docket for juvenile matters to the
1007 regular criminal docket of the Superior Court. Upon transfer, such
1008 child or young adult shall stand trial and be sentenced, if convicted, as
1009 if such child or young adult were [eighteen years of age] an age for
1010 adult jurisdiction, subject to the provisions of section 54-91g, except
1011 that no such child or young adult shall be placed in a correctional
1012 facility but shall be maintained in a facility for children and youths
1013 until such child attains eighteen years of age or until such child is
1014 sentenced, whichever occurs first. Such child or young adult shall
1015 receive credit against any sentence imposed for time served in a
1016 juvenile or detention facility prior to the effectuation of the transfer. A
1017 child or young adult who has been transferred may enter a guilty plea
1018 to a lesser offense if the court finds that such plea is made knowingly
1019 and voluntarily. Any child or young adult transferred to the regular
1020 criminal docket who pleads guilty to a lesser offense shall not resume
1021 such [child's] person's status as a juvenile regarding such offense. If the
1022 action is dismissed or nolleed or if such child or young adult is found
1023 not guilty of the charge for which such child or young adult was
1024 transferred, the child or young adult shall resume such [child's]
1025 person's status as a juvenile until such [child] person attains [eighteen
1026 years of age] the age for adult jurisdiction.

1027 Sec. 8. Subsections (d) and (e) of section 4-68m of the 2016
1028 supplement to the general statutes are repealed and the following is
1029 substituted in lieu thereof (*Effective from passage*):

1030 (d) In the performance of its duties under this section, the division
1031 shall collaborate with the Department of Correction, the Board of
1032 Pardons and Paroles, the Department of Mental Health and Addiction
1033 Services and the Department of Emergency Services and Public
1034 Protection and consult with the Chief Court Administrator, the
1035 executive director of the Court Support Services Division of the
1036 Judicial Branch, the Chief State's Attorney, [and] the Chief Public
1037 Defender, the Department of Children and Families and the Office of
1038 the Chief Medical Examiner.

1039 (e) (1) At the request of the division, the Department of Correction,
1040 the Board of Pardons and Paroles, the Department of Mental Health
1041 and Addiction Services, the Department of Emergency Services and
1042 Public Protection, the Chief Court Administrator, the executive
1043 director of the Court Support Services Division of the Judicial Branch,
1044 the Chief State's Attorney, [and] the Chief Public Defender, the
1045 Department of Children and Families and the Office of the Chief
1046 Medical Examiner shall provide the division with information and
1047 data needed by the division to perform its duties under subsection (b)
1048 of this section.

1049 (2) The division shall have access to individualized records
1050 maintained by the Judicial Branch and the agencies specified in
1051 subdivision (1) of this subsection as needed for research purposes. The
1052 division, in collaboration with the Judicial Branch and the agencies
1053 specified in subdivision (1) of this subsection, shall develop protocols
1054 to protect the privacy of such individualized records consistent with
1055 state and federal law. The division shall use such individualized
1056 records for statistical analyses only and shall not use such records in
1057 any other manner that would disclose the identity of individuals to
1058 whom the records pertain.

1059 (3) Any information or data provided to the division pursuant to
1060 this subsection that is confidential in accordance with state or federal
1061 law shall remain confidential while in the custody of the division and
1062 shall not be disclosed.

1063 Sec. 9. Section 46b-124 of the general statutes is repealed and the
1064 following is substituted in lieu thereof (*Effective July 1, 2017*):

1065 (a) For the purposes of this section, "records of cases of juvenile
1066 matters" includes, but is not limited to, court records, records
1067 regarding juveniles maintained by the Court Support Services
1068 Division, records regarding juveniles maintained by an organization or
1069 agency that has contracted with the Judicial Branch to provide services
1070 to juveniles, records of law enforcement agencies including
1071 fingerprints, photographs and physical descriptions, and medical,
1072 psychological, psychiatric and social welfare studies and reports by
1073 juvenile probation officers, public or private institutions, social
1074 agencies and clinics.

1075 (b) All records of cases of juvenile matters, as provided in section
1076 46b-121, as amended by this act, except delinquency proceedings, or
1077 any part thereof, and all records of appeals from probate brought to
1078 the superior court for juvenile matters pursuant to section 45a-186,
1079 shall be confidential and for the use of the court in juvenile matters,
1080 and open to inspection or disclosure to any third party, including bona
1081 fide researchers commissioned by a state agency, only upon order of
1082 the Superior Court, except that: (1) Such records shall be available to
1083 (A) the attorney representing the child or [youth] young adult,
1084 including the Division of Public Defender Services, in any proceeding
1085 in which such records are relevant, (B) the parents or guardian of the
1086 child [or youth] until such time as the child [or youth] reaches the age
1087 of majority or becomes emancipated, (C) an [adult] adopted person
1088 eighteen years of age or older in accordance with the provisions of
1089 sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D)
1090 employees of the Division of Criminal Justice who, in the performance
1091 of their duties, require access to such records, (E) employees of the
1092 Judicial Branch who, in the performance of their duties, require access
1093 to such records, (F) another court under the provisions of subsection
1094 (d) of section 46b-115j, (G) the subject of the record, upon submission
1095 of satisfactory proof of the subject's identity, pursuant to guidelines
1096 prescribed by the Office of the Chief Court Administrator, provided

1097 the subject has reached the age of majority or has been emancipated,
1098 (H) the Department of Children and Families, (I) the employees of the
1099 Division of Public Defender Services who, in the performance of their
1100 duties related to Division of Public Defender Services assigned
1101 counsel, require access to such records, and (J) judges and employees
1102 of the Probate Court who, in the performance of their duties, require
1103 access to such records; and (2) all or part of the records concerning a
1104 youth in crisis with respect to whom a court order was issued prior to
1105 January 1, 2010, may be made available to the Department of Motor
1106 Vehicles, provided such records are relevant to such order. Any
1107 records of cases of juvenile matters, or any part thereof, provided to
1108 any persons, governmental or private agencies, or institutions
1109 pursuant to this section shall not be disclosed, directly or indirectly, to
1110 any third party not specified in subsection (d) of this section, except as
1111 provided by court order, in the report required under section 54-76d or
1112 54-91a or as otherwise provided by law.

1113 (c) All records of cases of juvenile matters involving delinquency
1114 proceedings, or any part thereof, shall be confidential and for the use
1115 of the court in juvenile matters and shall not be disclosed except as
1116 provided in this section.

1117 (d) Records of cases of juvenile matters involving delinquency
1118 proceedings shall be available to (1) Judicial Branch employees who, in
1119 the performance of their duties, require access to such records, (2)
1120 judges and employees of the Probate Court who, in the performance of
1121 their duties, require access to such records, and (3) employees and
1122 authorized agents of state or federal agencies involved in (A) the
1123 delinquency proceedings, (B) the provision of services directly to the
1124 child or young adult, (C) the design and delivery of treatment
1125 programs pursuant to section 46b-121j, or (D) the delivery of court
1126 diversionary programs. Such employees and authorized agents
1127 include, but are not limited to, law enforcement officials, community-
1128 based youth service bureau officials, state and federal prosecutorial
1129 officials, school officials in accordance with section 10-233h, court
1130 officials including officials of both the regular criminal docket and the

1131 docket for juvenile matters and officials of the Division of Criminal
1132 Justice, the Division of Public Defender Services, the Department of
1133 Children and Families, the Court Support Services Division and
1134 agencies under contract with the Judicial Branch. Such records shall
1135 also be available to (i) the attorney representing the child or young
1136 adult, including the Division of Public Defender Services, in any
1137 proceeding in which such records are relevant, (ii) in the case of a
1138 child, the parents or guardian of the child, until such time as the
1139 subject of the record reaches the age of majority, (iii) the subject of the
1140 record, upon submission of satisfactory proof of the subject's identity,
1141 pursuant to guidelines prescribed by the Office of the Chief Court
1142 Administrator, provided the subject has reached the age of majority,
1143 (iv) law enforcement officials and prosecutorial officials conducting
1144 legitimate criminal investigations, (v) a state or federal agency
1145 providing services related to the collection of moneys due or funding
1146 to support the service needs of eligible juveniles, provided such
1147 disclosure shall be limited to that information necessary for the
1148 collection of and application for such moneys, and (vi) members and
1149 employees of the Board of Pardons and Paroles and employees of the
1150 Department of Correction who, in the performance of their duties,
1151 require access to such records, provided the subject of the record has
1152 been convicted of a crime in the regular criminal docket of the Superior
1153 Court and such records are relevant to the performance of a risk and
1154 needs assessment of such person while such person is incarcerated, the
1155 determination of such person's suitability for release from
1156 incarceration or for a pardon, or the determination of the supervision
1157 and treatment needs of such person while on parole or other
1158 supervised release. Records disclosed pursuant to this subsection shall
1159 not be further disclosed, except that information contained in such
1160 records may be disclosed in connection with bail or sentencing reports
1161 in open court during criminal proceedings involving the subject of
1162 such information, or as otherwise provided by law.

1163 (e) Records of cases of juvenile matters involving delinquency
1164 proceedings, or any part thereof, may be disclosed upon order of the
1165 court to any person who has a legitimate interest in the information

1166 and is identified in such order. Records disclosed pursuant to this
1167 subsection shall not be further disclosed, except as specifically
1168 authorized by a subsequent order of the court.

1169 (f) Records of cases of juvenile matters involving delinquency
1170 proceedings, or any part thereof, shall be available to the victim of the
1171 crime committed by such child or young adult to the same extent as
1172 the record of the case of a defendant in a criminal proceeding in the
1173 regular criminal docket of the Superior Court is available to a victim of
1174 the crime committed by such defendant. The court shall designate an
1175 official from whom such victim may request such information. Records
1176 disclosed pursuant to this subsection shall not be further disclosed,
1177 except as specifically authorized by a subsequent order of the court.

1178 (g) Information concerning a child or young adult who is the subject
1179 of an order to take such child or young adult into custody or other
1180 process that has been entered into a central computer system pursuant
1181 to subsection (i) of section 46b-133, as amended by this act, may be
1182 disclosed to employees and authorized agents of the Judicial Branch,
1183 law enforcement agencies and the Department of Children and
1184 Families in accordance with policies and procedures established by the
1185 Chief Court Administrator.

1186 (h) Information concerning a child or young adult who has escaped
1187 from a detention center or from a facility to which the child or young
1188 adult has been committed by the court or for whom an arrest warrant
1189 has been issued with respect to the commission of a felony may be
1190 disclosed by law enforcement officials.

1191 (i) Nothing in this section shall be construed to prohibit any person
1192 employed by the Judicial Branch from disclosing any records,
1193 information or files in such employee's possession to any person
1194 employed by the Division of Criminal Justice as a prosecutorial official,
1195 inspector or investigator who, in the performance of his or her duties,
1196 requests such records, information or files, or to prohibit any such
1197 employee of said division from disclosing any records, information or
1198 files in such employee's possession to any such employee of the

1199 Judicial Branch who, in the performance of his or her duties, requests
1200 such records, information or files.

1201 (j) Nothing in this section shall be construed to prohibit a party from
1202 making a timely objection to the admissibility of evidence consisting of
1203 records of cases of juvenile matters, or any part thereof, in any
1204 Superior Court or Probate Court proceeding, or from making a timely
1205 motion to seal any such record pursuant to the rules of the Superior
1206 Court or the rules of procedure adopted under section 45a-78.

1207 (k) A state's attorney shall disclose to the defendant or such
1208 defendant's counsel in a criminal prosecution, without the necessity of
1209 a court order, exculpatory information and material contained in any
1210 record disclosed to such state's attorney pursuant to this section and
1211 may disclose, without a court order, information and material
1212 contained in any such record which could be the subject of a disclosure
1213 order.

1214 (l) Notwithstanding the provisions of subsection (d) of this section,
1215 any information concerning a child or young adult that is obtained
1216 during any mental health screening or assessment of such child or
1217 young adult, during the provision of services pursuant to subsection
1218 (b) of section 46b-149, or during the performance of an educational
1219 evaluation pursuant to subsection (e) of section 46b-149, shall be used
1220 solely for planning and treatment purposes and shall otherwise be
1221 confidential and retained in the files of the entity providing such
1222 services or performing such screening, assessment or evaluation. Such
1223 information may be further disclosed only for the purposes of any
1224 court-ordered evaluation or treatment of the child or young adult or
1225 provision of services to the child or young adult, or pursuant to
1226 sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such
1227 information shall not be subject to subpoena or other court process for
1228 use in any other proceeding or for any other purpose.

1229 (m) Records of cases of juvenile matters involving delinquency
1230 proceedings, or any part thereof, containing information that a child or
1231 young adult has been [convicted] adjudicated as delinquent for a

1232 violation of subdivision (e) of section 1-1h, subsection (c) of section 14-
1233 147, subsection (a) of section 14-215, section 14-222, subsection (b) of
1234 section 14-223, subsection (a), (b) or (c) of section 14-224, section 30-88a
1235 or subsection (b) of section 30-89, shall be disclosed to the Department
1236 of Motor Vehicles for administrative use in determining whether
1237 administrative sanctions regarding [such child's] the motor vehicle
1238 operator's license of such child or young adult are warranted. Records
1239 disclosed pursuant to this subsection shall not be further disclosed.

1240 (n) Records of cases of juvenile matters involving adoption
1241 proceedings, or any part thereof, shall be confidential and may only be
1242 disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

1243 Sec. 10. Section 46b-128 of the general statutes is repealed and the
1244 following is substituted in lieu thereof (*Effective July 1, 2017*):

1245 (a) Whenever the Superior Court is in receipt of any written
1246 complaint filed by any person, any public or private agency or any
1247 federal, state, city or town department maintaining that [a child's]
1248 conduct of a child or young adult constitutes delinquency within the
1249 meaning of section 46b-120, as amended by this act, it shall make a
1250 preliminary investigation to determine whether the facts, if true,
1251 would be sufficient to be a juvenile matter and whether the interests of
1252 the public or the child or young adult require that further action be
1253 taken. If so, the court may authorize the filing of a verified petition of
1254 alleged delinquency or it may make without such petition whatever
1255 nonjudicial disposition is practicable, including the ordering of such
1256 child or young adult to do work of which he is capable in public
1257 buildings or on public property, particularly in cases in which the
1258 complaint alleges that the conduct of such child or young adult
1259 resulted in the wilful destruction of property, provided the facts
1260 establishing jurisdiction are admitted and that a competent acceptance
1261 of such a disposition has been given by the child or young adult and
1262 [his] in the case of a child, such child's parent or guardian. If a
1263 nonjudicial disposition is made, the term of any nonjudicial
1264 supervision shall be established by the juvenile probation supervisor

1265 provided such period of supervision shall not exceed one hundred
1266 eighty days. Each verified petition of delinquency filed by the court
1267 shall set forth plainly (1) the facts which bring the child or young adult
1268 within the jurisdiction of the court, (2) the name, date of birth, sex and
1269 residence of the child or young adult, (3) in the case of a child, the
1270 names and residence of his parent or parents, guardian or other person
1271 having control of the child, and (4) a prayer for appropriate action by
1272 the court in conformity with the provisions of this chapter.

1273 (b) Upon the filing of a delinquency petition, the court may, either
1274 forthwith or after investigation, cause a summons, which summons
1275 shall have a copy of said verified petition attached thereto, signed by
1276 the judge or by the clerk or assistant clerk of such court, to be issued,
1277 requiring the young adult, or in the case of a child, the child and the
1278 parent or parents, guardian or other person having control of the child
1279 to appear in court at the time and place therein specified. Whenever in
1280 the case of a child it appears to the judge that orders addressed to an
1281 adult, as set forth in section 46b-121, as amended by this act, are
1282 necessary for the welfare of such child, a similar summons shall be
1283 issued and served upon such adult if such adult is not already in court.
1284 Service of summons, together with a copy of the verified petition, may
1285 be made by any one of the following methods: (1) By the delivery of a
1286 true and attested copy thereof to the person summoned, or at such
1287 person's usual place of abode; (2) by restricted delivery addressed to
1288 the person summoned, return receipt requested; or (3) by first class
1289 mail addressed to the person summoned. Any notice sent by first class
1290 mail shall include a provision informing the party that appearance in
1291 court as a result of the notice may subject the appearing party to the
1292 jurisdiction of the court. If service is made by first class mail and the
1293 party does not appear, no order may be entered by the court in the
1294 case. If, after reasonable effort, personal service has not been made,
1295 such substitute service, by publication or otherwise, as the judge may
1296 order, shall be sufficient. Service may be made by any officer
1297 authorized by law to serve process, or by a probation officer, probation
1298 aide or indifferent person, and the court may allow suitable expenses
1299 and a reasonable fee therefor. [The] In the case of a child, the court may

1300 punish for contempt, as provided in section 46b-121, as amended by
1301 this act, any parent, guardian or other person so summoned who fails
1302 to appear in court at the time and place so specified.

1303 Sec. 11. Section 46b-128a of the general statutes is repealed and the
1304 following is substituted in lieu thereof (*Effective July 1, 2017*):

1305 (a) In any juvenile matter, as defined in section 46b-121, as amended
1306 by this act, in which a child or [youth] young adult is alleged to have
1307 committed a delinquent act or an act or omission for which a petition
1308 may be filed under section 46b-149 the child or [youth] young adult
1309 shall not be tried, [convicted,] adjudicated or subject to any disposition
1310 pursuant to section 46b-140, as amended by this act, or 46b-149 while
1311 the child or [youth] young adult is not competent. For the purposes of
1312 this section, a transfer to the regular criminal docket of the Superior
1313 Court pursuant to section 46b-127, as amended by this act, shall not be
1314 considered a disposition. A child or [youth] young adult is not
1315 competent if the child or [youth] young adult is unable to understand
1316 the proceedings against him or her or to assist in his or her own
1317 defense.

1318 (b) If, at any time during a proceeding on a juvenile matter, it
1319 appears that the child or [youth] young adult is not competent, counsel
1320 for the child or [youth] young adult, the prosecutorial official, or the
1321 court, on its own motion, may request an examination to determine the
1322 child's or [youth's] young adult's competency. Whenever a request for
1323 a competency examination is under consideration by the court, the
1324 child or [youth] young adult shall be represented by counsel in
1325 accordance with the provisions of sections 46b-135, as amended by this
1326 act, and 46b-136, as amended by this act.

1327 (c) A child or [youth] young adult alleged to have committed an
1328 offense is presumed to be competent. The age of the child or [youth]
1329 young adult is not a per se determinant of incompetency. The burden
1330 of going forward with the evidence and proving that the child or
1331 [youth] young adult is not competent by a preponderance of the
1332 evidence shall be on the party raising the issue of competency, except

1333 that if the court raises the issue of competency, the burden of going
1334 forward with the evidence shall be on the state. The court may call its
1335 own witnesses and conduct its own inquiry.

1336 (d) If the court finds that the request for a competency examination
1337 is justified and that there is probable cause to believe that the child or
1338 [youth] young adult has committed the alleged offense, the court shall
1339 order a competency examination of the child or [youth] young adult.
1340 Competency examinations shall be conducted, within available
1341 appropriations, by (1) a clinical team constituted under policies and
1342 procedures established by the Chief Court Administrator, or (2) if
1343 agreed to by all parties, a physician specializing in psychiatry who has
1344 experience in conducting forensic interviews and in child and adult
1345 psychiatry. Any clinical team constituted under this section shall
1346 consist of three persons: A clinical psychologist with experience in
1347 child and adolescent psychology, and two of the following three types
1348 of professionals: (A) A clinical social worker licensed pursuant to
1349 chapter 383b, (B) a child and adolescent psychiatric nurse clinical
1350 specialist holding a master's degree in nursing, or (C) a physician
1351 specializing in psychiatry. At least one member of the clinical team
1352 shall have experience in conducting forensic interviews and at least
1353 one member of the clinical team shall have experience in child and
1354 adolescent psychology. The court may authorize a physician, a clinical
1355 psychologist, a child and adolescent psychiatric nurse specialist or a
1356 clinical social worker licensed pursuant to chapter 383b, selected by
1357 the child or [youth] young adult, to observe the examination, at the
1358 expense of the child or [youth] young adult or, if the child or [youth]
1359 young adult is represented by counsel appointed through the Public
1360 Defender Services Commission, the Office of the Chief Public
1361 Defender. In addition, counsel for the child or [youth] young adult, his
1362 or her designated representative and, if the child or [youth] young
1363 adult is represented by a public defender, a social worker from the
1364 Division of Public Defender Services, may observe the examination.

1365 (e) The examination shall be completed not later than fifteen
1366 business days after the date it was ordered, unless the time for

1367 completion is extended by the court for good cause shown. The
1368 members of the clinical team or the examining physician shall prepare
1369 and sign, without notarization, a written report and file such report
1370 with the court not later than twenty-one business days after the date of
1371 the order. The report shall address the [child's or youth's] ability of the
1372 child or young adult to understand the proceedings against such child
1373 or [youth] young adult and such [child's or youth's] ability of the child
1374 or young adult to assist in his or her own defense. If the opinion of the
1375 clinical team or the examining physician set forth in such report is that
1376 the child or young adult cannot understand the proceedings against
1377 such child or [youth] young adult or is not able to assist in his or her
1378 own defense, the members of the team or the examining physician
1379 must determine and address in their report: (1) Whether there is a
1380 substantial probability that the child or [youth] young adult will attain
1381 or regain competency [within ninety days of an intervention being] not
1382 later than ninety days after an intervention is ordered by the court; and
1383 (2) the nature and type of intervention, in the least restrictive setting
1384 possible, recommended to attain or regain competency. On receipt of
1385 the written report, the clerk of the court shall cause copies of such
1386 written report to be delivered to counsel for the state and counsel for
1387 the child or [youth] young adult at least forty-eight hours prior to the
1388 hearing held under subsection (f) of this section.

1389 (f) The court shall hold a hearing as to the competency of the child
1390 or [youth] young adult not later than ten business days after the court
1391 receives the written report of the clinical team or the examining
1392 physician pursuant to subsection (e) of this section. A child or [youth]
1393 young adult may waive such evidentiary hearing only if the clinical
1394 team or examining physician has determined without qualification
1395 that the child or [youth] young adult is competent. Any evidence
1396 regarding the [child's or youth's] competency of the child or young
1397 adult, including, but not limited to, the written report, may be
1398 introduced in evidence at the hearing by either the child or [youth]
1399 young adult or the state. If the written report is introduced as
1400 evidence, at least one member of the clinical team or the examining
1401 physician shall be present to testify as to the determinations in the

1402 report, unless the clinical team's or the examining physician's presence
1403 is waived by the child or [youth] young adult and the state. Any
1404 member of the clinical team shall be considered competent to testify as
1405 to the clinical team's determinations.

1406 (g) (1) If the court, after the competency hearing, finds by a
1407 preponderance of the evidence that the child or [youth] young adult is
1408 competent, the court shall continue with the prosecution of the
1409 juvenile matter.

1410 (2) If the court, after the competency hearing, finds that the child or
1411 [youth] young adult is not competent, the court shall determine: (A)
1412 Whether there is a substantial probability that the child or [youth]
1413 young adult will attain or regain competency [within ninety days of
1414 an] not later than ninety days after an intervention being ordered by
1415 the court; and (B) whether the recommended intervention to attain or
1416 regain competency is appropriate. In making its determination on an
1417 appropriate intervention, the court may consider: (i) The nature and
1418 circumstances of the alleged offense; (ii) the length of time the clinical
1419 team or examining physician estimates it will take for the child or
1420 [youth] young adult to attain or regain competency; (iii) whether the
1421 child or [youth] young adult poses a substantial risk to reoffend; and
1422 (iv) whether the child or [youth] young adult is able to receive
1423 community-based services or treatment that would prevent the child
1424 or [youth] young adult from reoffending.

1425 (h) If the court finds that there is not a substantial probability that
1426 the child or [youth] young adult will attain or regain competency
1427 [within ninety days] not later than ninety days after a court ordered
1428 intervention or that the recommended intervention to attain or regain
1429 competency is not appropriate, the court may issue an order in
1430 accordance with subsection (k) of this section.

1431 (i) (1) If the court finds that there is a substantial probability that the
1432 child or [youth] young adult will attain or regain competency [within
1433 ninety days if provided] not later than ninety days after being
1434 provided an appropriate intervention, the court shall schedule a

1435 hearing on the implementation of such intervention [within five
1436 business days] not later than five business days after such finding.

1437 (2) An intervention implemented for the purpose of restoring
1438 competency shall comply with the following conditions: (A) The
1439 period of intervention shall not exceed ninety days, unless extended
1440 for an additional ninety days in accordance with the criteria set forth in
1441 subsection (j) of this section; and (B) (i) in the case of a child, the
1442 intervention services shall be provided by the Department of Children
1443 and Families or, if the child's [or youth's] parent or guardian agrees to
1444 pay for such services, by any appropriate person, agency, mental
1445 health facility or treatment program that agrees to provide appropriate
1446 intervention services in the least restrictive setting available to the
1447 child [or youth] and comply with the requirements of this section, or
1448 (ii) in the case of a young adult, the intervention services shall be
1449 provided by the Department of Mental Health and Addiction Services,
1450 of if the young adult agrees to pay for such services, by any
1451 appropriate person, agency, mental health facility or treatment
1452 program that agrees to provide appropriate intervention services in the
1453 least restrictive setting available to the young adult and comply with
1454 the requirements of this section.

1455 (3) Prior to the hearing, the court shall notify the Commissioner of
1456 Children and Families [.] or the commissioner's designee in the case of
1457 a child, or the Commissioner of Mental Health and Addiction Services
1458 or the commissioner's designee in the case of a young adult, or the
1459 appropriate person, agency, mental health facility or treatment
1460 program that has agreed to provide appropriate intervention services
1461 to the child or [youth] young adult that an intervention to attain or
1462 regain competency will be ordered. The commissioner, the
1463 commissioner's designee or the appropriate person, agency, mental
1464 health facility or treatment program shall be provided with a copy of
1465 the report of the clinical team or examining physician and shall report
1466 to the court on a proposed implementation of the intervention prior to
1467 the hearing.

1468 (4) At the hearing, the court shall review the written report and
1469 order an appropriate intervention for a period not to exceed ninety
1470 days in the least restrictive setting available to restore competency. In
1471 making its determination, the court shall use the criteria set forth in
1472 subdivision (2) of subsection (g) of this section. Upon ordering an
1473 intervention, the court shall set a date for a hearing, to be held at least
1474 ten business days after the completion of the intervention period, for
1475 the purpose of reassessing the [child's or youth's] competency of the
1476 child or young adult.

1477 (j) (1) At least ten business days prior to the date of any scheduled
1478 hearing on the issue of the reassessment of the [child's or youth's]
1479 competency of the child or young adult, the Commissioner of Children
1480 and Families [] or the commissioner's designee in the case of a child,
1481 or the Commissioner of Mental Health and Addiction Services or the
1482 commissioner's designee in the case of a young adult, or other person,
1483 agency, mental health facility or treatment program providing
1484 intervention services to restore a child or [youth] young adult to
1485 competency shall report on the progress of such intervention services
1486 to the clinical team or examining physician.

1487 (2) Upon receipt of the report on the progress of such intervention,
1488 the child or [youth] young adult shall be reassessed by the original
1489 clinical team or examining physician, except that if the original team or
1490 examining physician is unavailable, the court may appoint a new
1491 clinical team that, where possible, shall include at least one member of
1492 the original team, or a new examining physician. The new clinical team
1493 or examining physician shall have the same qualifications as the
1494 original team or examining physician, as provided in subsection (d) of
1495 this section, and shall have access to clinical information available from
1496 the provider of the intervention services. Not less than two business
1497 days prior to the date of any scheduled hearing on the reassessment of
1498 the [child's or youth's] competency of the child or young adult, the
1499 clinical team or examining physician shall submit a report to the court
1500 that includes: (A) The clinical findings of the provider of the
1501 intervention services and the facts upon which the findings are made;

1502 (B) the clinical team's or the examining physician's opinion on whether
1503 the child or [youth] young adult has attained or regained competency
1504 or is making progress toward attaining or regaining competency
1505 within the period covered by the intervention order; and (C) any other
1506 information concerning the child or [youth] young adult requested by
1507 the court, including, but not limited to, the method of intervention or
1508 the type, dosage and effect of any medication the child or [youth]
1509 young adult is receiving.

1510 (3) [Within] Not later than two business days [of] after the filing of a
1511 reassessment report, the court shall hold a hearing to determine if the
1512 child or [youth] young adult has attained or regained competency
1513 within the period covered by the intervention order. If the court finds
1514 that the child or [youth] young adult has attained or regained
1515 competency, the court shall continue with the prosecution of the
1516 juvenile matter. If the court finds that the child or [youth] young adult
1517 has not attained or regained competency within the period covered by
1518 the intervention order, the court shall determine whether further
1519 efforts to attain or regain competency are appropriate. The court shall
1520 make its determination of whether further efforts to attain or regain
1521 competency are appropriate in accordance with the criteria set forth in
1522 subdivision (2) of subsection (g) of this section. If the court finds that
1523 further intervention to attain or regain competency is appropriate, the
1524 court shall order a new period for restoration of competency not to
1525 exceed ninety days. If the court finds that further intervention to attain
1526 or regain competency is not appropriate or the child or [youth] young
1527 adult has not attained or regained competency after an additional
1528 intervention of ninety days, the court shall issue an order in
1529 accordance with subsection (k) of this section.

1530 (k) (1) If the court determines after the period covered by the
1531 intervention order that the child or [youth] young adult has not
1532 attained or regained competency and that there is not a substantial
1533 probability that the child or [youth] young adult will attain or regain
1534 competency, or that further intervention to attain or regain
1535 competency is not appropriate based on the criteria set forth in

1536 subdivision (2) of subsection (g) of this section, the court shall: (A)
1537 Dismiss the petition if it is a delinquency or family with service needs
1538 petition; (B) in the case of a child, vest temporary custody of the child
1539 [or youth] in the Commissioner of Children and Families and notify
1540 the Office of the Chief Public Defender, which shall assign an attorney
1541 to serve as guardian ad litem for the child [or youth] and investigate
1542 whether a petition should be filed under section 46b-129; or (C) order
1543 that the Department of Children and Families in the case of a child, the
1544 Department of Mental Health and Addiction Services in the case of a
1545 young adult, or some other person, agency, mental health facility or
1546 treatment program, or [such child's or youth's probation officer] the
1547 probation officer of such child or young adult, conduct or obtain an
1548 appropriate assessment and, where appropriate, propose a plan for
1549 services that can appropriately address the [child's or youth's] needs of
1550 the child or young adult in the least restrictive setting available and
1551 appropriate. Any plan for services may include a plan for interagency
1552 collaboration for the provision of appropriate services after the child
1553 [or youth] attains the age of eighteen or the young adult attains the age
1554 for adult jurisdiction.

1555 (2) Not later than ten business days after the issuance of an order
1556 pursuant to subparagraph (B) or (C) of subdivision (1) of this
1557 subsection, the court shall hold a hearing to review the order of
1558 temporary custody or any recommendations of the Department of
1559 Children and Families [, such] in the case of a child, or any
1560 recommendations of the Department of Mental Health and Addiction
1561 Services in the case of a young adult, and of the probation officer or
1562 [such] attorney for such child or young adult or guardian ad litem for
1563 the child. [or youth.]

1564 (3) If the child [or youth] is adjudicated neglected, uncared-for or
1565 abused subsequent to such a petition being filed, or if a plan for
1566 services pursuant to subparagraph (C) of subdivision (1) of this
1567 subsection has been approved by the court and implemented, the court
1568 may dismiss the delinquency or family with service needs petition, or,
1569 in the discretion of the court, order that the prosecution of the case be

1570 suspended for a period not to exceed eighteen months. During the
1571 period of suspension, the court may order the Department of Children
1572 and Families to provide periodic reports to the court to ensure that
1573 appropriate services are being provided to the child. [or youth.] If
1574 during the period of suspension, the child [or youth] or the parent or
1575 guardian of the child [or youth] does not comply with the
1576 requirements set forth in the plan for services, the court may hold a
1577 hearing to determine whether the court should follow the procedure
1578 under subparagraph (B) of subdivision (1) of this subsection for
1579 instituting a petition alleging that a child is neglected, uncared for or
1580 abused. Whenever the court finds that the need for the suspension of
1581 prosecution is no longer necessary, but not later than the expiration of
1582 such period of suspension, the delinquency or family with service
1583 needs petition shall be dismissed.

1584 Sec. 12. Section 46b-133a of the general statutes is repealed and the
1585 following is substituted in lieu thereof (*Effective July 1, 2017*):

1586 (a) A nolle prosequi may not be entered as to any count of
1587 delinquency if the child or young adult objects to the nolle prosequi
1588 and demands either a trial or dismissal, except with respect to
1589 prosecutions in which a nolle prosequi is entered upon a
1590 representation to the court by the prosecutorial official that a material
1591 witness has died, disappeared or become disabled or that material
1592 evidence has disappeared or has been destroyed and that a further
1593 investigation is therefore necessary.

1594 (b) Whenever a nolle prosequi has been entered as to any count of
1595 delinquency, or whenever any count of delinquency has been
1596 dismissed without prejudice, if at least thirteen months have elapsed
1597 since such nolle or dismissal without prejudice, all police and court
1598 records pertaining to such count shall be erased. Whenever any such
1599 count has been continued at the request of the prosecutorial official
1600 and a period of thirteen months has elapsed since the granting of such
1601 continuance during which period there has been no prosecution or
1602 other disposition of the matter, the count shall be construed to have

1603 been nulled as of the date of termination of such thirteen-month period
1604 and such erasure may thereafter be effected as provided in this
1605 subsection for nulled cases.

1606 Sec. 13. Section 46b-133b of the general statutes is repealed and the
1607 following is substituted in lieu thereof (*Effective July 1, 2017*):

1608 (a) The court, on motion of a child or young adult charged with a
1609 delinquency offense, but not yet [convicted] adjudicated as delinquent,
1610 may order that such child or young adult be examined to determine
1611 whether the child or young adult is alcohol-dependent or drug-
1612 dependent as defined in section 46b-120, as amended by this act. Such
1613 motion shall be filed with the court [within] not later than ten days
1614 after a plea is entered, except if waived by the court or pursuant to an
1615 agreement by the parties. The results of any examination ordered
1616 pursuant to this subsection shall be utilized only for the purposes of
1617 determining whether the delinquency proceeding should be
1618 suspended under this section.

1619 (b) The court, upon motion of the child or young adult charged with
1620 a delinquency offense but not yet [convicted] adjudicated as
1621 delinquent, may order the suspension of the delinquency proceedings
1622 for a period of up to one year, order periodic alcohol and drug testing
1623 of such child or young adult during the period of suspension and
1624 order treatment for alcohol or drug dependency if the court, after
1625 consideration of information before it concerning the alcohol or drug
1626 dependency of the child or young adult, finds that (1) the child or
1627 young adult is alcohol-dependent or drug-dependent as defined in
1628 section 46b-120, as amended by this act, (2) the child or young adult
1629 presently needs and is likely to benefit from treatment for the
1630 dependency, and (3) the suspension of the delinquency proceedings
1631 will advance the interests of justice. During the period of suspension, a
1632 child or young adult shall be placed under the supervision of a
1633 juvenile probation officer for treatment for alcohol or drug
1634 dependency and such officer shall monitor the compliance of the child
1635 or young adult with the orders of the court.

1636 (c) If the court denies the motion for suspension of the delinquency
1637 proceedings, the prosecutorial official may proceed with the
1638 delinquency proceedings. Any order of the court granting or denying a
1639 motion for suspension of the delinquency proceedings shall not be
1640 deemed a final order for purposes of appeal.

1641 (d) At any time before the end of the period of the suspension of the
1642 delinquency proceedings, but not later than one month before the end
1643 of the period of suspension, a juvenile probation officer shall notify the
1644 court of the impending conclusion of the suspension and submit a
1645 report on whether the child or young adult has completed the
1646 treatment program and has complied with all other conditions of the
1647 suspension order imposed by the court.

1648 (e) If the court, on motion of the child or young adult or on its own
1649 motion, finds that the child or young adult has completed the
1650 treatment program and has complied with all other conditions of
1651 suspension, it may dismiss the charge for which the delinquency
1652 proceedings had been suspended. If the court denies the motion and
1653 terminates the suspension of the delinquency proceedings, the
1654 prosecutorial official may proceed with such proceedings.

1655 (f) The provisions of this section shall not apply to any child or
1656 young adult charged with a serious juvenile offense as defined in
1657 section 46b-120, as amended by this act, or any child or young adult
1658 who was previously ordered treated under this section.

1659 Sec. 14. Section 46b-134 of the general statutes is repealed and the
1660 following is substituted in lieu thereof (*Effective July 1, 2017*):

1661 Prior to the disposition of the case of any child [convicted of a
1662 delinquent act] or young adult adjudicated as delinquent, investigation
1663 shall be made of the facts as specified in this section by the probation
1664 officer, and until such investigation has been completed and the results
1665 thereof placed before the judge, no disposition of the [child's] case shall
1666 be made. Such investigation shall consist of an examination of the
1667 parentage and surroundings of the child or young adult and the

1668 [child's] age, habits and history [, and] of the child or young adult, and,
1669 in the case of a child, shall include also an inquiry into the home
1670 conditions, habits and character of the child's parents or guardians.
1671 Such investigation shall include an inquiry into the circumstances of
1672 the offense, the attitude of the complainant or victim, the criminal
1673 record, the present condition of the child or young adult and any
1674 damages suffered by the victim including medical expenses, loss of
1675 earnings and property loss. If the child or young adult is or legally
1676 should be in attendance at school, such investigation shall further
1677 contain a report of the [child's] school attendance of the child or young
1678 adult, adjustment and behavior [, the child's] of the child or young
1679 adult, any individualized education program if, [the child has been] as
1680 a child, such person was identified pursuant to sections 10-76a to 10-
1681 76gg, inclusive, as requiring special education and related services and
1682 any recommendations from school officials on conditions of probation
1683 if the child or young adult is placed on probation pursuant to section
1684 46b-140, as amended by this act, which shall be furnished by the school
1685 officials to the court upon its request. The court shall, when it is found
1686 necessary to the disposition, cause a complete physical or mental
1687 examination, or both, to be made of the child or young adult by
1688 persons professionally qualified to do so. Such examination may
1689 include testing to determine whether the child or young adult is
1690 alcohol-dependent or drug-dependent as defined in section 46b-120, as
1691 amended by this act. If the court causes a complete physical or mental
1692 examination, or both, to be made of a young adult who is found able to
1693 pay in whole or part the cost of any such examination, or a child whose
1694 parents, guardian or custodian is found able to pay in whole or in part
1695 the cost [thereof, it] of any such examination, the court shall assess as
1696 costs against such young adult, or, in the case of a child, such child's
1697 parents, guardian or custodian, including any agency vested with the
1698 legal custody of the child, the expense so incurred and paid for by the
1699 court in having such examination performed. [, to the extent of their
1700 financial ability to do so.] Prior to the disposition of the case of any
1701 child [convicted of a delinquent act] or young adult adjudicated as
1702 delinquent, the court may cause a complete diagnostic examination to

1703 be made, unless such information is otherwise available. Such
1704 information shall include physical and psychological diagnoses and
1705 may include medical, psychiatric, neurological, learning disability
1706 diagnoses and such other diagnoses as the court deems necessary. If
1707 such child is committed to the Department of Children and Families,
1708 such information shall be shared with the Department of Children and
1709 Families.

1710 Sec. 15. Section 46b-135 of the general statutes is repealed and the
1711 following is substituted in lieu thereof (*Effective July 1, 2017*):

1712 (a) At the commencement of any proceeding concerning the alleged
1713 delinquency of a child or young adult, the child or young adult shall
1714 have the right to counsel and be so informed by the judge, and that if
1715 the child and the parent or parents or guardian of the child are unable
1716 to afford counsel or if the young adult is unable to afford counsel,
1717 counsel will be provided for the child or young adult. Such counsel
1718 and the child or young adult shall have the rights of confrontation and
1719 cross-examination. If a parent fails to comply with a court order
1720 entered in the best interests of the alleged or adjudicated delinquent
1721 child and is facing potential imprisonment for contempt of court, such
1722 parent, if unable to afford counsel, shall be entitled to have counsel
1723 provided for such parent pursuant to this subsection.

1724 (b) At the commencement of any proceeding on behalf of a
1725 neglected, uncared-for or abused child, [or youth,] the parent or
1726 parents or guardian of the child [or youth] shall have the right to
1727 counsel, and shall be so informed by the judge, and that if they are
1728 unable to afford counsel, counsel will be provided for them. Such
1729 parent or guardian of the child [or youth] shall have the rights of
1730 confrontation and cross-examination.

1731 Sec. 16. Section 46b-136 of the general statutes is repealed and the
1732 following is substituted in lieu thereof (*Effective July 1, 2017*):

1733 In any proceeding in a juvenile matter, the judge before whom such
1734 proceeding is pending shall, even in the absence of a request to do so,

1735 provide an attorney to represent the child or [youth] young adult, or,
1736 in the case of a child, the child's [or youth's] parent or parents or
1737 guardian [,] or other person or custodian having control of the child,
1738 [or youth,] if such judge determines that the interests of justice so
1739 require, and in any proceeding in which the custody of a child is at
1740 issue, such judge shall provide an attorney to represent the child and
1741 may authorize such attorney or appoint another attorney to represent
1742 such child or [youth, parent, guardian or other person] the child's
1743 parent or parents or guardian or other person having control or
1744 custodian of the child on an appeal from a decision in such proceeding.
1745 Where, under the provisions of this section, the court so appoints
1746 counsel for any such party who is found able to pay, in whole or in
1747 part, the cost [thereof] of such counsel, the court shall assess as costs
1748 against such young adult, or, in the case of a child, such child's parent
1749 or parents [,] or guardian or [custodian] other person or custodian
1750 having control of the child, including any agency vested with the legal
1751 custody of the child, [or youth,] the expense so incurred and paid by
1752 the Division of Public Defender Services in providing such counsel. [,]
1753 to the extent of their financial ability to do so.] The Division of Public
1754 Defender Services shall establish the rate at which counsel provided
1755 pursuant to this section shall be compensated.

1756 Sec. 17. Section 46b-137 of the general statutes is repealed and the
1757 following is substituted in lieu thereof (*Effective July 1, 2017*):

1758 (a) Any admission, confession or statement, written or oral, made by
1759 a child under the age of sixteen to a police officer or Juvenile Court
1760 official shall be inadmissible in any proceeding concerning the alleged
1761 delinquency of the child making such admission, confession or
1762 statement unless made by such child in the presence of the child's
1763 parent or parents or guardian and after the parent or parents or
1764 guardian and child have been advised (1) of the child's right to retain
1765 counsel, or if unable to afford counsel, to have counsel appointed on
1766 the child's behalf, (2) of the child's right to refuse to make any
1767 statements, and (3) that any statements the child makes may be
1768 introduced into evidence against the child.

1769 (b) Any admission, confession or statement, written or oral, made
1770 by a [child sixteen or seventeen years of age] youth to a police officer
1771 or Juvenile Court official, except an admission, confession or
1772 statement, written or oral, made by a [child sixteen or seventeen years
1773 of age] youth to a police officer in connection with a case transferred to
1774 the Juvenile Court from the youthful offender docket, regular criminal
1775 docket of the Superior Court or any docket for the presentment of
1776 defendants in motor vehicle matters, shall be inadmissible in any
1777 proceeding concerning the alleged delinquency of the [child] youth
1778 making such admission, confession or statement, unless (1) the police
1779 or Juvenile Court official has made reasonable efforts to contact a
1780 parent or guardian of the [child] youth, and (2) such [child] youth has
1781 been advised that (A) the [child] youth has the right to contact a parent
1782 or guardian and to have a parent or guardian present during any
1783 interview, (B) the [child] youth has the right to retain counsel or, if
1784 unable to afford counsel, to have counsel appointed on behalf of the
1785 [child] youth, (C) the [child] youth has the right to refuse to make any
1786 statement, and (D) any statement the [child] youth makes may be
1787 introduced into evidence against the [child] youth.

1788 (c) The admissibility of any admission, confession or statement,
1789 written or oral, made by a [child sixteen or seventeen years of age]
1790 youth to a police officer or Juvenile Court official, except an admission,
1791 confession or statement, written or oral, made by a [child sixteen or
1792 seventeen years of age] youth to a police officer in connection with a
1793 case transferred to the Juvenile Court from the youthful offender
1794 docket, regular criminal docket of the Superior Court or any docket for
1795 the presentment of defendants in motor vehicle matters, shall be
1796 determined by considering the totality of the circumstances at the time
1797 of the making of such admission, confession or statement. When
1798 determining the admissibility of such admission, confession or
1799 statement, the court shall consider (1) the age, experience, education,
1800 background and intelligence of the [child] youth, (2) the capacity of the
1801 [child] youth to understand the advice concerning rights and warnings
1802 required under subdivision (2) of subsection (b) of this section, the
1803 nature of the privilege against self-incrimination under the United

1804 States and Connecticut Constitutions, and the consequences of waiving
1805 such rights and privilege, (3) the opportunity the [child] youth had to
1806 speak with a parent, guardian or some other suitable individual prior
1807 to or while making such admission, confession or statement, and (4)
1808 the circumstances surrounding the making of the admission,
1809 confession or statement, including, but not limited to, (A) when and
1810 where the admission, confession or statement was made, (B) the
1811 reasonableness of proceeding, or the need to proceed, without a parent
1812 or guardian present, and (C) the reasonableness of efforts by the police
1813 or Juvenile Court official to attempt to contact a parent or guardian.

1814 (d) Any confession, admission or statement, written or oral, made
1815 by the parent or parents or guardian of the child or youth after the
1816 filing of a petition alleging such child or youth to be neglected,
1817 uncared for or abused shall be inadmissible in any proceeding held
1818 upon such petition against the person making such admission or
1819 statement unless such person shall have been advised of the person's
1820 right to retain counsel, and that if the person is unable to afford
1821 counsel, counsel will be appointed to represent the person, that the
1822 person has a right to refuse to make any statement and that any
1823 statements the person makes may be introduced in evidence against
1824 the person, except that any statement made by the mother of any child,
1825 or youth, upon inquiry by the court and under oath if necessary, as to
1826 the identity of any person who might be the father of the child or
1827 youth shall not be inadmissible if the mother was not so advised.

1828 Sec. 18. Section 46b-138 of the general statutes is repealed and the
1829 following is substituted in lieu thereof (*Effective July 1, 2017*):

1830 For the purpose of hearing any juvenile matter, the court may
1831 summon witnesses and compel their attendance. The conversations of
1832 the judge with a child or [youth] young adult whose case is before the
1833 court shall be privileged.

1834 Sec. 19. Section 46b-138b of the general statutes is repealed and the
1835 following is substituted in lieu thereof (*Effective July 1, 2017*):

1836 In any proceeding concerning the alleged delinquency of a child or
1837 young adult, any victim of the alleged delinquent conduct, the parents
1838 or guardian of such victim if such victim was a child at the time of the
1839 alleged delinquent conduct, a victim advocate for such victim under
1840 section 54-220, or such victim's counsel shall have the right to appear
1841 before the court for the purpose of making a statement to the court
1842 concerning the disposition of the case.

1843 Sec. 20. Section 46b-140 of the 2016 supplement to the general
1844 statutes is repealed and the following is substituted in lieu thereof
1845 (*Effective July 1, 2017*):

1846 (a) In determining the appropriate disposition of a child [convicted]
1847 or young adult adjudicated as delinquent, the court shall consider: (1)
1848 The seriousness of the offense, including the existence of any
1849 aggravating factors such as the use of a firearm in the commission of
1850 the offense and the impact of the offense on any victim; (2) the [child's]
1851 person's record of delinquency; (3) the [child's] person's willingness to
1852 participate in available programs; (4) the existence of other mitigating
1853 factors; and (5) the culpability of the child or young adult in
1854 committing the offense including the level of [the child's] participation
1855 by such person in the planning and carrying out of the offense.

1856 (b) Upon [conviction] adjudication of a child or young adult as
1857 delinquent, the court: (1) May (A) order the child or young adult to
1858 participate in an alternative incarceration program; (B) in the case of a
1859 child, order the child to participate in a program at a wilderness school
1860 facility operated by the Department of Children and Families; (C)
1861 order the child to participate in a youth service bureau program; (D)
1862 place the child or young adult on probation; (E) order the child or
1863 young adult, or, in the case of a child, the parents or guardian of the
1864 child, or both, to make restitution to the victim of the offense in
1865 accordance with subsection (d) of this section; (F) order the child or
1866 young adult to participate in a program of community service in
1867 accordance with subsection (e) of this section; or (G) withhold or
1868 suspend execution of any judgment; and (2) shall impose the penalty

1869 established in subsection (b) of section 30-89 for any violation of said
1870 subsection (b).

1871 (c) The court may order, as a condition of probation, that the child
1872 or young adult (1) in the case of a child, reside with a parent, relative
1873 or guardian or in a suitable foster home or other residence approved
1874 by the court, (2) in the case of a child, attend school and class on a
1875 regular basis and comply with school policies on student conduct and
1876 discipline, (3) refrain from violating any federal or state law or
1877 municipal or local ordinance, (4) undergo any medical or psychiatric
1878 evaluation or treatment deemed necessary by the court, (5) submit to
1879 random drug or alcohol testing, or both, (6) participate in a program of
1880 alcohol or drug treatment, or both, (7) make restitution to the victim of
1881 the offense in accordance with subsection (d) of this section, (8)
1882 participate in an alternative incarceration program or other program
1883 established through the Court Support Services Division, (9)
1884 participate in a program of community service, and (10) satisfy any
1885 other conditions deemed appropriate by the court. The court shall
1886 cause a copy of any such order to be delivered to the child [,] or young
1887 adult, and, in the case of a child, to the child's parents or guardian and
1888 the child's probation officer. If the child or young adult is [convicted]
1889 adjudicated as delinquent for a violation of section 53-247, the court
1890 may order, as a condition of probation, that the child or young adult
1891 undergo psychiatric or psychological counseling or participate in an
1892 animal cruelty prevention and education program provided such a
1893 program exists and is available to the child or young adult.

1894 (d) If the child or young adult has engaged in conduct which results
1895 in property damage or personal injury, the court may order the child
1896 or young adult or, in the case of a child, the parent or parents or
1897 guardian of the child, if such parent or parents or guardian had
1898 knowledge of and condoned the conduct of the child, or both the child
1899 and the parent or parents or guardian, to make restitution to the victim
1900 of such offense, provided the liability of such parent or parents or
1901 guardian shall be limited to an amount not exceeding the amount such
1902 parent or parents or guardian would be liable for in an action under

1903 section 52-572. Restitution may consist of monetary reimbursement for
1904 the damage or injury, based on the [child's or the parent's, parents' or
1905 guardian's] person's ability to pay, [as the case may be,] in the form of
1906 a lump sum or installment payments, paid to the court clerk or such
1907 other official designated by the court for distribution to the victim.

1908 (e) The court may order the child or young adult to participate in a
1909 program of community service under the supervision of the court or
1910 any organization designated by the court. Such child or young adult
1911 shall not be deemed to be an employee and the services of such child
1912 or young adult shall not be deemed employment.

1913 (f) If the court further finds that its probation services or other
1914 services available to the court are not adequate for such child, the court
1915 shall commit such child to the Department of Children and Families in
1916 accordance with the provisions of section 46b-141, as amended by this
1917 act.

1918 (g) Any child [or youth] coming within the jurisdiction of the court,
1919 who is found to be mentally ill, may be committed by said court to the
1920 Commissioner of Children and Families and, if the court [convicts]
1921 adjudicates a child as delinquent and finds such child to be mentally
1922 deficient, the court may commit such child to an institution for
1923 mentally deficient children [or youth or delinquents] or delinquent
1924 children. No such commitment may be ordered or continued for any
1925 child who has attained the age of twenty. Whenever it is found that a
1926 child [convicted] adjudicated as delinquent or adjudged to be a
1927 member of a family with service needs would benefit from a work-
1928 study program or employment with or without continued school
1929 attendance, the court may, as a condition of probation or supervision,
1930 authorize such child to be employed for part or full-time at some
1931 useful occupation that would be favorable to such child's welfare, and
1932 the probation officer shall supervise such employment. For the
1933 purposes of this section, the limitations of subsection (a) of section 31-
1934 23 on the employment of minors under the age of sixteen years shall
1935 not apply for the duration of such probation or supervision.

1936 (h) Whenever the court commits a child to the Department of
1937 Children and Families, there shall be delivered with the mittimus a
1938 copy of the results of the investigations made as required by section
1939 46b-134, as amended by this act. The court may, at any time, require
1940 from the department in whose care a child has been placed such report
1941 as to such child and such child's treatment.

1942 (i) If the delinquent act for which the child is committed to the
1943 Department of Children and Families is a serious juvenile offense, the
1944 court may set a minimum period of twelve months during which the
1945 child shall be placed in a residential facility operated by or under
1946 contract with said department, as determined by the Commissioner of
1947 Children and Families. No such commitment may be ordered or
1948 continued for any child who has attained the age of twenty. The setting
1949 of such minimum period shall be in the form of an order of the court
1950 included in the mittimus. For good cause shown in the form of an
1951 affidavit annexed thereto, the Department of Children and Families,
1952 the parent or guardian of the child or the child may petition the court
1953 for modification of any such order.

1954 (j) Except as otherwise provided in this section, the court may order
1955 that a child be (1) committed to the Department of Children and
1956 Families and, after consultation with said department, the court may
1957 order that the child be placed directly in a residential facility within
1958 this state and under contract with said department, or (2) committed to
1959 the Commissioner of Children and Families for placement by the
1960 commissioner, in said commissioner's discretion, (A) with respect to
1961 the juvenile offenders determined by the Department of Children and
1962 Families to be the highest risk, in the Connecticut Juvenile Training
1963 School, if the juvenile offender is a male, or in another state facility,
1964 presumptively for a minimum period of twelve months, or (B) in a
1965 private residential or day treatment facility within or outside this state,
1966 or (C) on parole. No such commitment may be ordered or continued
1967 for any child who has attained the age of twenty. The commissioner
1968 shall use a risk and needs assessment classification system to ensure
1969 that children who are in the highest risk level will be placed in an

1970 appropriate secure treatment setting.

1971 (k) On or after May 21, 2004, no female child committed to the
1972 Department of Children and Families shall be placed in the
1973 Connecticut Juvenile Training School. Any female child placed in the
1974 Connecticut Juvenile Training School before May 21, 2004, shall be
1975 transferred to another appropriate facility not later than ninety days
1976 after May 21, 2004.

1977 (l) Notwithstanding any provisions of the general statutes
1978 concerning the confidentiality of records and information, whenever a
1979 child [convicted] adjudicated as delinquent is committed to the
1980 Department of Children and Families, the Commissioner of Children
1981 and Families shall have access to the following information: (1)
1982 Educational records of such child; (2) records regarding such child's
1983 past treatment for physical or mental illness, including substance
1984 abuse; (3) records regarding such child's prior placement in a public or
1985 private residential facility; (4) records created or obtained by the
1986 Judicial Department regarding such child; and (5) records, as defined
1987 in subsection (a) of section 17a-28. The Commissioner of Children and
1988 Families shall review such information to determine the appropriate
1989 services and placement which will be in the best interest of the child.

1990 Sec. 21. Section 46b-140a of the general statutes is repealed and the
1991 following is substituted in lieu thereof (*Effective July 1, 2017*):

1992 (a) At any time during the period of probation or suspended
1993 commitment, after hearing and for good cause shown, the court may
1994 modify or enlarge the conditions, whether originally imposed by the
1995 court under this section or otherwise, and may extend the period as
1996 deemed appropriate by the court. The court shall cause a copy of any
1997 such order to be delivered to the child or [youth and to such child's or
1998 youth's parent or guardian and probation officer] young adult, the
1999 probation officer of the child or young adult, and, in the case of a child,
2000 the child's parent or guardian.

2001 (b) The period of participation in an alternative incarceration

2002 program, as a condition of probation or suspended commitment,
2003 unless terminated sooner, shall not exceed the original period of
2004 probation or suspended commitment.

2005 (c) At any time during the period of probation or suspended
2006 commitment, the court may issue a warrant for the arrest of a child or
2007 [youth] young adult for violation of any of the conditions of probation
2008 or suspended commitment, or may issue a notice to appear to answer
2009 to a charge of such violation, which notice shall be personally served
2010 upon the child or [youth] young adult. Any such warrant shall
2011 authorize all officers named [therein] in such warrant to return the
2012 child or [youth] young adult to the custody of the court or to any
2013 suitable [juvenile] detention facility designated by the court.

2014 (d) If such violation is established, the court may continue or revoke
2015 the order of probation or suspended commitment or modify or enlarge
2016 the conditions and, if such order of probation or suspended
2017 commitment is revoked, require the child or [youth] young adult to
2018 serve the commitment imposed or impose any lesser commitment. No
2019 such revocation shall be ordered, except upon consideration of the
2020 whole record and unless such violation is established by reliable and
2021 probative evidence.

2022 (e) Upon a determination by the court that a child or [youth] young
2023 adult has violated probation by failing to comply with the
2024 requirements of electronic monitoring, the Court Support Services
2025 Division shall notify the local law enforcement agency of such
2026 violation.

2027 Sec. 22. Section 46b-141 of the 2016 supplement to the general
2028 statutes is repealed and the following is substituted in lieu thereof
2029 (*Effective July 1, 2017*):

2030 (a) (1) Except as otherwise limited by subsection (i) of section 46b-
2031 140, as amended by this act, and subdivision (2) of this subsection,
2032 commitment of children [convicted] or young adults adjudicated as
2033 delinquent by the Superior Court to the Department of Children and

2034 Families shall be for (A) an indeterminate time up to a maximum of
2035 eighteen months, or (B) when so [convicted] adjudicated for a serious
2036 juvenile offense, up to a maximum of four years at the discretion of the
2037 court, unless extended as [hereinafter] provided in this section.

2038 (2) Commitment of children [convicted] adjudicated as delinquent
2039 by the Superior Court to the Department of Children and Families
2040 shall terminate when the child attains the age of twenty.

2041 (b) The Commissioner of Children and Families may file a motion
2042 for an extension of the commitment as provided in subparagraph (A)
2043 of subdivision (1) of subsection (a) of this section beyond the eighteen-
2044 month period on the grounds that such extension is for the best
2045 interest of the child or the community. The court shall give notice to
2046 the parent or guardian and to the child at least fourteen days prior to
2047 the hearing upon such motion. The court may, after hearing and upon
2048 finding that such extension is in the best interest of the child or the
2049 community, continue the commitment for an additional period of not
2050 more than eighteen months, except that such additional period shall
2051 not continue beyond the date the child attains the age of twenty. Not
2052 later than twelve months after a child is committed to the Department
2053 of Children and Families in accordance with subparagraph (A) of
2054 subdivision (1) of subsection (a) of this section, the court shall hold a
2055 permanency hearing in accordance with subsection (d) of this section.
2056 After the initial permanency hearing, subsequent permanency hearings
2057 shall be held not less frequently than every twelve months while the
2058 child remains committed to the Department of Children and Families.

2059 (c) The court shall hold a permanency hearing in accordance with
2060 subsection (d) of this section for each child [convicted] adjudicated as
2061 delinquent for a serious juvenile offense as provided in subparagraph
2062 (B) of subdivision (1) of subsection (a) of this section [within] not later
2063 than twelve months [of] after commitment to the Department of
2064 Children and Families and every twelve months thereafter if the child
2065 remains committed to the Department of Children and Families. Such
2066 hearing may include the submission of a motion to the court by the

2067 commissioner to either (1) modify such commitment, or (2) extend the
2068 commitment beyond such four-year period on the grounds that such
2069 extension is for the best interest of the child or the community. The
2070 court shall give notice to the parent or guardian and to the child at
2071 least fourteen days prior to the hearing upon such motion. The court,
2072 after hearing, may modify such commitment or, upon finding that
2073 such extension is in the best interest of the child or the community,
2074 continue the commitment for an additional period of not more than
2075 eighteen months.

2076 (d) At least sixty days prior to each permanency hearing required
2077 pursuant to subsection (b) or (c) of this section, the Commissioner of
2078 Children and Families shall file a permanency plan with the court. At
2079 each permanency hearing, the court shall review and approve a
2080 permanency plan that is in the best interest of the child and takes into
2081 consideration the child's need for permanency. Such permanency plan
2082 may include the goal of: (1) Revocation of commitment and placement
2083 of the child with the parent or guardian, (2) transfer of guardianship,
2084 (3) adoption, or (4) for any child sixteen years of age or older, such
2085 other planned permanent living arrangement ordered by the court,
2086 provided the Commissioner of Children and Families has documented
2087 a compelling reason why it would not be in the best interest of the
2088 child for the permanency plan to include the goals in subdivisions (1)
2089 to (3), inclusive, of this subsection. Such other planned permanent
2090 living arrangement may include, but not be limited to, placement of
2091 the child in an independent living program. At any such permanency
2092 hearing, the court shall also determine whether the Commissioner of
2093 Children and Families has made reasonable efforts to achieve the
2094 permanency plan.

2095 (e) (1) If the permanency plan for a child sixteen years of age or
2096 older includes such other planned permanent living arrangement
2097 pursuant to subdivision (4) of subsection (d) of this section, the
2098 department shall document for the court: (A) The manner and
2099 frequency of efforts made by the department to return the child home
2100 or secure a placement for the child with a fit and willing relative, legal

2101 guardian or an adoptive parent; and (B) the steps the department has
2102 taken to ensure that (i) the child's foster family home or child care
2103 institution is following a reasonable and prudent parent standard, as
2104 defined in section 17a-114d; and (ii) the child has regular, ongoing
2105 opportunities to engage in age appropriate or developmentally
2106 appropriate activities, as defined in section 17a-114d.

2107 (2) At any such permanency hearing in which the plan for a child
2108 sixteen years of age or older is such other planned permanent living
2109 arrangement pursuant to subdivision (4) of subsection (d) of this
2110 section, the court shall (A) (i) ask the child about his or her desired
2111 permanency outcome, or (ii) if the child is unavailable to appear at
2112 such hearing, require the attorney for the child to consult with the
2113 child regarding the child's desired permanency outcome and report
2114 the same to the court; (B) make a judicial determination that, as of the
2115 date of hearing, such other planned permanent living arrangement is
2116 the best permanency plan for the child; and (C) document the
2117 compelling reasons why it is not in the best interest of the child to
2118 return home or to be placed with a fit and willing relative, legal
2119 guardian or adoptive parent.

2120 (f) All other commitments of delinquent, mentally deficient or
2121 mentally ill children by the court pursuant to the provisions of section
2122 46b-140, as amended by this act, may be for an indeterminate time,
2123 except that no such commitment may be ordered or continued for any
2124 child who has attained the age of twenty. Commitments may be
2125 reopened and terminated at any time by said court, provided the
2126 Commissioner of Children and Families shall be given notice of such
2127 proposed reopening and a reasonable opportunity to present the
2128 commissioner's views thereon. The parents or guardian of such child
2129 may apply not more than twice in any calendar year for such
2130 reopening and termination of commitment. Any order of the court
2131 made under the provisions of this section shall be deemed a final order
2132 for purposes of appeal, except that no bond shall be required and no
2133 costs shall be taxed on such appeal.

2134 Sec. 23. Section 46b-141a of the general statutes is repealed and the
2135 following is substituted in lieu thereof (*Effective July 1, 2017*):

2136 (a) Whenever a child or young adult is [convicted] adjudicated as
2137 delinquent, the court, in lieu of committing such child to the
2138 Department of Children and Families or such child or young adult to a
2139 [juvenile] detention center, may, in its discretion, order an assessment
2140 for placement in an alternative incarceration program to be conducted
2141 by the Court Support Services Division. If the Court Support Services
2142 Division recommends placement in an alternative incarceration
2143 program, it shall also submit to the court a proposed alternative
2144 incarceration plan. Upon completion of the assessment, the court shall
2145 determine whether such child or young adult shall be ordered to
2146 participate in such program as an alternative to commitment. If the
2147 court determines that the child or young adult shall participate in such
2148 program, the court shall suspend any commitment to the Department
2149 of Children and Families or to a juvenile detention center and shall
2150 make participation in the alternative incarceration program a condition
2151 of probation.

2152 (b) An alternative incarceration program shall include, but not be
2153 limited to, fines, restitution, community service, halfway houses,
2154 alternative incarceration centers, day incarceration centers, drug,
2155 alcohol and mental health programs, electronic monitoring, intensive
2156 probation, vocational probation, boot camps, structured wilderness
2157 programs, pretrial diversion options aimed at creating alternatives to
2158 unnecessary detention, and school and job training programs.

2159 Sec. 24. Section 46b-141d of the general statutes is repealed and the
2160 following is substituted in lieu thereof (*Effective July 1, 2017*):

2161 Any child or young adult who is arrested and held in a detention
2162 center, an alternative detention center or a police station or courthouse
2163 lockup prior to the disposition of a juvenile matter shall, if
2164 subsequently [convicted] adjudicated as delinquent by the Superior
2165 Court and sentenced to a period of probation, earn a reduction of such
2166 [child's] period of probation, including any extensions thereof, equal to

2167 the number of days that such child or young adult spent in such
2168 detention center or lockup.

2169 Sec. 25. Section 46b-145 of the general statutes is repealed and the
2170 following is substituted in lieu thereof (*Effective July 1, 2017*):

2171 No child or young adult shall be prosecuted for an offense before
2172 the regular criminal docket of the Superior Court except as provided in
2173 section 46b-127, as amended by this act, and subsection (f) of section
2174 46b-133c, as amended by this act.

2175 Sec. 26. Section 46b-147 of the general statutes is repealed and the
2176 following is substituted in lieu thereof (*Effective July 1, 2017*):

2177 The disposition and any order of such disposition of any child or
2178 young adult under the provisions of this chapter, evidence given in
2179 such cases, except evidence of crime which, if committed by a person
2180 [of sufficient age, would be punishable by imprisonment in the
2181 Connecticut Correctional Institution, Somers, and all orders therein]
2182 who, at the time of the commission of the crime, attained the age for
2183 adult jurisdiction, shall be inadmissible as evidence in any criminal
2184 proceedings against such child or young adult.

2185 Sec. 27. Subsection (a) of section 51-81c of the general statutes is
2186 repealed and the following is substituted in lieu thereof (*Effective*
2187 *October 1, 2016*):

2188 (a) [A] There is established a program for the use of (1) interest
2189 earned on lawyers' clients' funds accounts, [is hereby established] and
2190 (2) interest earned in an account established pursuant to subdivision
2191 (4) of subsection (a) of section 54-64a, as amended by this act, and any
2192 cash bail forfeited pursuant to said subdivision (4). The organization
2193 administering the program shall use such interest and forfeited funds
2194 to provide funding for [(1)] (A) the delivery of legal services to the
2195 poor by nonprofit corporations whose principal purpose is providing
2196 legal services to the poor, and [(2)] (B) law school scholarships based
2197 on financial need. Each lawyer and law firm having a clients' funds

2198 account shall participate in the program. [On and after July 1, 2005,
2199 each] Each entity, other than a borrower, having an account
2200 established to receive loan proceeds from a mortgage lender, as
2201 defined in this subsection, shall participate in the program. Under the
2202 program, funds in accounts established to receive such loan proceeds,
2203 regardless of the amount or period held, and a client's funds that the
2204 client's lawyers and law firms determine, in good faith, cannot earn
2205 income for the client in excess of the costs incurred to secure such
2206 income, shall be deposited by participating lawyers, law firms and
2207 entities in interest-bearing accounts specifically established pursuant to
2208 the program. Funds deposited in such accounts shall be subject to
2209 withdrawal upon request by the depositor and without delay. The
2210 interest earned on such accounts shall be paid to an organization
2211 qualified under Section 501(c)(3) of the Internal Revenue Code of 1986,
2212 or any subsequent corresponding internal revenue code of the United
2213 States, as from time to time amended, which shall be designated to
2214 administer the program by the judges of the Superior Court pursuant
2215 to subsection (d) of this section. Nothing in this section shall prevent
2216 [(A)] (i) a lawyer or law firm from depositing a client's funds,
2217 regardless of the amount of such funds or the period for which such
2218 funds are expected to be held, in a separate interest-bearing account
2219 established on behalf of and for the benefit of the client, or [(B)] (ii) an
2220 entity from depositing a person's loan proceeds, regardless of the
2221 amount of such proceeds or the period for which such proceeds are
2222 expected to be held, in a separate interest-bearing account established
2223 on behalf of and for the benefit of the person. The organization
2224 administering the program shall mail to each lawyer, law firm and
2225 entity participating in the program a detailed annual report of all
2226 funds disbursed under the program including the amount disbursed to
2227 each recipient of funds. Any recipient of funds under the program
2228 which, using program funds, represents a party in an action filed after
2229 July 1, 1992, against the state or any officer or agency thereof and is
2230 awarded attorney's fees in such action by the court, shall reimburse the
2231 program for the amount of attorney's fees received in proportion to the
2232 percentage of program funds used for the litigation. No recipient of

2233 funds under the program may use such funds to pay the occupational
2234 tax imposed pursuant to section 51-81b on behalf of any attorney. As
2235 used in this section, "mortgage lender" means any person engaged in
2236 the business of making mortgage loans, including, but not limited to, a
2237 bank, out-of-state bank, Connecticut credit union, federal credit union,
2238 out-of-state credit union, mortgage lender or mortgage correspondent
2239 lender required to be licensed under sections 36a-485 to 36a-498a,
2240 inclusive.

2241 Sec. 28. Section 54-64a of the general statutes is repealed and the
2242 following is substituted in lieu thereof (*Effective October 1, 2016*):

2243 (a) (1) Except as provided in [subsection (b)] subsections (b) and (c)
2244 of this section, when any arrested person is presented before the
2245 Superior Court, said court shall, in bailable offenses, promptly order
2246 the release of such person upon the first of the following conditions of
2247 release found sufficient to reasonably ensure the appearance of the
2248 arrested person in court: (A) Upon [his] such person's execution of a
2249 written promise to appear without special conditions, (B) upon [his]
2250 such person's execution of a written promise to appear with
2251 nonfinancial conditions, (C) upon [his] such person's execution of a
2252 bond without surety in no greater amount than necessary, or (D) upon
2253 [his] such person's execution of a bond with surety in no greater
2254 amount than necessary. In addition to or in conjunction with any of the
2255 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
2256 subdivision, the court may, when it has reason to believe that the
2257 person is drug-dependent and where necessary, reasonable and
2258 appropriate, order the person to submit to a urinalysis drug test and to
2259 participate in a program of periodic drug testing and treatment. The
2260 results of any such drug test shall not be admissible in any criminal
2261 proceeding concerning such person.

2262 (2) The court may, in determining what conditions of release will
2263 reasonably ensure the appearance of the arrested person in court,
2264 consider the following factors: (A) The nature and circumstances of the
2265 offense, (B) such person's record of previous convictions, (C) such

2266 person's past record of appearance in court after being admitted to
2267 bail, (D) such person's family ties, (E) such person's employment
2268 record, (F) such person's financial resources, character and mental
2269 condition, and (G) such person's community ties.

2270 (3) Whenever the court orders the release of any arrested person
2271 pursuant to subparagraph (D) of subdivision (1) of this subsection,
2272 such arrested person shall have the option of release upon deposit
2273 with the court of cash bail in an amount equal to ten per cent of the
2274 amount of the surety bond set, which may be deposited on behalf of
2275 the arrested person by any person other than a professional bondsman
2276 licensed under chapter 533 or a surety bail bond agent licensed under
2277 chapter 700f, unless the court determines release upon such deposit is
2278 not appropriate based on the court's review of factors under
2279 subdivision (2) of this subsection. If a court makes such a
2280 determination, the court shall state on the record any such factor that it
2281 considered to be the reason for such determination.

2282 (4) The court shall place the cash bail deposited pursuant to
2283 subdivision (3) of this subsection into an interest-bearing account
2284 specifically established for the purpose of this subdivision. If the
2285 arrested person appears for each court date, the cash bail shall be
2286 returned to the person who deposited the cash bail with the court
2287 pursuant to said subdivision (3). If the arrested person fails to appear
2288 for any court date, such cash bail shall be forfeited. The court shall
2289 remit, at least quarterly, any forfeited cash bail and interest earned on
2290 each deposit made pursuant to this subdivision to an organization
2291 designated by the judges of the Superior Court for use in the program
2292 established pursuant to section 51-81c, as amended by this act.

2293 (b) (1) When any arrested person charged with the commission of
2294 (A) a class A felony, (B) a class B felony, except a violation of section
2295 53a-86 or 53a-122, (C) a class C felony, except a violation of section 53a-
2296 87, 53a-152 or 53a-153, [or] (D) a class D felony under sections 53a-60 to
2297 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114,
2298 53a-136 or 53a-216, or [a] (E) any family violence crime, as defined in

2299 section 46b-38a, is presented before the Superior Court, said court
2300 shall, in bailable offenses, promptly order the release of such person
2301 upon the first of the following conditions of release found sufficient to
2302 reasonably ensure the appearance of the arrested person in court and
2303 that the safety of any other person will not be endangered: [(A)] (i)
2304 Upon such person's execution of a written promise to appear without
2305 special conditions, [(B)] (ii) upon such person's execution of a written
2306 promise to appear with nonfinancial conditions, [(C)] (iii) upon such
2307 person's execution of a bond without surety in no greater amount than
2308 necessary, [(D)] or (iv) upon such person's execution of a bond with
2309 surety in no greater amount than necessary. In addition to or in
2310 conjunction with any of the conditions enumerated in [subparagraphs
2311 (A) to (D), inclusive, of] this subdivision, the court may, when it has
2312 reason to believe that the person is drug-dependent and where
2313 necessary, reasonable and appropriate, order the person to submit to a
2314 urinalysis drug test and to participate in a program of periodic drug
2315 testing and treatment. The results of any such drug test shall not be
2316 admissible in any criminal proceeding concerning such person.

2317 (2) The court may, in determining what conditions of release will
2318 reasonably ensure the appearance of the arrested person in court and
2319 that the safety of any other person will not be endangered, consider the
2320 following factors: (A) The nature and circumstances of the offense, (B)
2321 such person's record of previous convictions, (C) such person's past
2322 record of appearance in court after being admitted to bail, (D) such
2323 person's family ties, (E) such person's employment record, (F) such
2324 person's financial resources, character and mental condition, (G) such
2325 person's community ties, (H) the number and seriousness of charges
2326 pending against the arrested person, (I) the weight of the evidence
2327 against the arrested person, (J) the arrested person's history of
2328 violence, (K) whether the arrested person has previously been
2329 convicted of similar offenses while released on bond, and (L) the
2330 likelihood based upon the expressed intention of the arrested person
2331 that such person will commit another crime while released.

2332 (3) When imposing conditions of release under this subsection, the

2333 court shall state [for] on the record any factors under subdivision (2) of
2334 this subsection that it considered and the findings that it made as to
2335 the danger, if any, that the arrested person might pose to the safety of
2336 any other person upon the arrested person's release that caused the
2337 court to impose the specific conditions of release that it imposed.

2338 (c) Except in the case of an arrested person charged with failure to
2339 appear pursuant to section 53a-173, or a family violence crime, as
2340 defined in section 46b-38a, or if the court makes a finding on the record
2341 that the arrested person would pose a risk to the safety of another
2342 person upon release, when any arrested person, charged with no crime
2343 other than a misdemeanor, is presented before the Superior Court, said
2344 court shall promptly order the release of such person upon the first of
2345 the following conditions of release found sufficient to reasonably
2346 ensure the appearance of the arrested person in court: (1) Upon such
2347 person's execution of a written promise to appear without special
2348 conditions, (2) upon such person's execution of a written promise to
2349 appear with nonfinancial conditions, or (3) upon such person's
2350 execution of a bond without surety in no greater amount than
2351 necessary. In addition to or in conjunction with any of the conditions
2352 enumerated in subdivisions (1) to (3), inclusive, of this subsection, the
2353 court may, when it has reason to believe that the person is drug-
2354 dependent and where necessary, reasonable and appropriate, order the
2355 person to submit to a urinalysis drug test and to participate in a
2356 program of periodic drug testing and treatment. The results of any
2357 such drug test shall not be admissible in any criminal proceeding
2358 concerning such person.

2359 [(c)] (d) If the court determines that a nonfinancial condition of
2360 release should be imposed pursuant to [subparagraph (B) of
2361 subdivision (1) of] subsection (a), [or (b)] (b) or (c) of this section, the
2362 court shall order the pretrial release of the person subject to the least
2363 restrictive condition or combination of conditions that the court
2364 determines will reasonably ensure the appearance of the arrested
2365 person in court and, with respect to the release of the person pursuant
2366 to subsection (b) of this section, that the safety of any other person will

2367 not be endangered, which conditions may include an order that the
2368 arrested person do one or more of the following: (1) Remain under the
2369 supervision of a designated person or organization; (2) comply with
2370 specified restrictions on such person's travel, association or place of
2371 abode; (3) not engage in specified activities, including the use or
2372 possession of a dangerous weapon, an intoxicant or a controlled
2373 substance; (4) provide sureties of the peace pursuant to section 54-56f
2374 under supervision of a designated bail commissioner or intake,
2375 assessment and referral specialist employed by the Judicial Branch; (5)
2376 avoid all contact with an alleged victim of the crime and with a
2377 potential witness who may testify concerning the offense; (6) maintain
2378 employment or, if unemployed, actively seek employment; (7)
2379 maintain or commence an educational program; (8) be subject to
2380 electronic monitoring; or (9) satisfy any other condition that is
2381 reasonably necessary to ensure the appearance of the person in court
2382 and that the safety of any other person will not be endangered. The
2383 court shall state on the record its reasons for imposing any such
2384 nonfinancial condition.

2385 [(d)] (e) If the arrested person is not released, the court shall order
2386 [him] such person committed to the custody of the Commissioner of
2387 Correction until [he] such person is released or discharged in due
2388 course of law.

2389 [(e)] (f) The court may require that the person subject to electronic
2390 monitoring pursuant to subsection [(c)] (d) of this section pay directly
2391 to the electronic monitoring service provider a fee for the cost of such
2392 electronic monitoring services. If the court finds that the person subject
2393 to electronic monitoring is indigent and unable to pay the costs of
2394 electronic monitoring services, the court shall waive such costs. Any
2395 contract entered into by the Judicial Branch and the electronic
2396 monitoring service provider shall include a provision stating that the
2397 total cost for electronic monitoring services shall not exceed five
2398 dollars per day. Such amount shall be indexed annually to reflect the
2399 rate of inflation.

2400 Sec. 29. (NEW) (*Effective October 1, 2016*) Not later than January 1,
2401 2017, the Court Support Services Division shall develop a pretrial
2402 release eligibility notice containing written explanatory text of the
2403 process of release following an arrest set forth in chapter 960 of the
2404 general statutes. The division, in conjunction with the Judicial
2405 Department, the Department of Correction, the Division of State Police
2406 and municipal police departments, shall ensure that such notice is
2407 provided to an arrested person at any time such person is presented
2408 with conditions for such person's release. The division shall update
2409 such notice as deemed necessary by the division.

2410 Sec. 30. Subsection (b) of section 53a-32 of the general statutes is
2411 repealed and the following is substituted in lieu thereof (*Effective*
2412 *October 1, 2016*):

2413 (b) When the defendant is presented for arraignment on the charge
2414 of violation of any of the conditions of probation or conditional
2415 discharge, the court shall review any conditions previously imposed
2416 on the defendant and may order, as a condition of the pretrial release
2417 of the defendant, that the defendant comply with any or all of such
2418 conditions in addition to any conditions imposed pursuant to section
2419 54-64a, as amended by this act. Unless the court, pursuant to
2420 subsection [(c)] (d) of section 54-64a, as amended by this act, orders
2421 that the defendant remain under the supervision of a probation officer
2422 or other designated person or organization, the defendant shall be
2423 supervised by the Court Support Services Division of the Judicial
2424 Branch in accordance with subsection (a) of section 54-63b.

2425 Sec. 31. Section 53a-222 of the general statutes is repealed and the
2426 following is substituted in lieu thereof (*Effective October 1, 2016*):

2427 (a) A person is guilty of violation of conditions of release in the first
2428 degree when, while charged with the commission of a felony, such
2429 person is released pursuant to subsection (b) of section 54-63c,
2430 subsection (c) of section 54-63d or subsection [(c)] (d) of section 54-64a,
2431 as amended by this act, and intentionally violates one or more of the
2432 imposed conditions of release.

2433 (b) Violation of conditions of release in the first degree is a class D
2434 felony.

2435 Sec. 32. Section 53a-222a of the general statutes is repealed and the
2436 following is substituted in lieu thereof (*Effective October 1, 2016*):

2437 (a) A person is guilty of violation of conditions of release in the
2438 second degree when, while charged with the commission of a
2439 misdemeanor or motor vehicle violation for which a sentence to a term
2440 of imprisonment may be imposed, such person is released pursuant to
2441 subsection (b) of section 54-63c, subsection (c) of section 54-63d or
2442 subsection [(c)] (d) of section 54-64a, as amended by this act, and
2443 intentionally violates one or more of the imposed conditions of release.

2444 (b) Violation of conditions of release in the second degree is a class
2445 A misdemeanor.

2446 Sec. 33. Section 54-76b of the general statutes is repealed and the
2447 following is substituted in lieu thereof (*Effective October 1, 2016*):

2448 (a) For the purposes of [sections 54-76b to 54-76n, inclusive] this
2449 section and sections 54-76c to 54-76q, inclusive, as amended by this act:

2450 (1) "Youth" means (A) a [minor who has reached the age of sixteen
2451 years but has not reached the age of eighteen years] person who is
2452 sixteen years of age or older but under twenty-one years of age at the
2453 time of the alleged offense, or (B) a [child] person who has been
2454 transferred to the regular criminal docket of the Superior Court
2455 pursuant to section 46b-127, as amended by this act; and

2456 (2) "Youthful offender" means a youth who (A) is charged with the
2457 commission of a crime which is not a class A felony or a violation of
2458 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
2459 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection
2460 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a
2461 or 53a-72b, except a violation involving consensual sexual intercourse
2462 or sexual contact between [the youth] a person who is sixteen years of
2463 age or older but under eighteen years of age and another person who

2464 is thirteen years of age or older but under sixteen years of age, and (B)
2465 has not previously been convicted of a felony in the regular criminal
2466 docket of the Superior Court or been previously adjudged a serious
2467 juvenile offender or serious juvenile repeat offender, as defined in
2468 section 46b-120, as amended by this act.

2469 (b) The Interstate Compact for Adult Offender Supervision under
2470 section 54-133 shall apply to youthful offenders.

2471 Sec. 34. Subsection (a) of section 54-76c of the general statutes is
2472 repealed and the following is substituted in lieu thereof (*Effective*
2473 *October 1, 2016*):

2474 (a) In any case where an information or complaint has been laid
2475 charging a defendant with the commission of a crime, and where it
2476 appears that the defendant is a youth, such defendant shall be
2477 presumed to be eligible to be adjudged a youthful offender and the
2478 court having jurisdiction shall, but only as to the public, order the
2479 court file sealed, unless such defendant (1) is charged with the
2480 commission of a crime which is a class A felony or a violation of
2481 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
2482 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection
2483 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a
2484 or 53a-72b, except a violation involving consensual sexual intercourse
2485 or sexual contact between [the youth] a person who is sixteen years of
2486 age or older but under eighteen years of age and another person who
2487 is thirteen years of age or older but under sixteen years of age, or (2)
2488 has been previously convicted of a felony in the regular criminal
2489 docket of the Superior Court or been previously adjudged a serious
2490 juvenile offender or serious juvenile repeat offender, as defined in
2491 section 46b-120, as amended by this act. Except as provided in
2492 subsection (b) of this section, upon motion of the prosecuting official,
2493 the court may order that an investigation be made of such defendant
2494 under section 54-76d, for the purpose of determining whether such
2495 defendant is ineligible to be adjudged a youthful offender, provided
2496 the court file shall remain sealed, but only as to the public, during such

2497 investigation.

2498 Sec. 35. Subsection (a) of section 54-76h of the general statutes is
2499 repealed and the following is substituted in lieu thereof (*Effective*
2500 *October 1, 2016*):

2501 (a) All of the proceedings [had] under the provisions of sections 54-
2502 76b to 54-76n, inclusive, as amended by this act, shall be private and
2503 [shall be] conducted in [such] parts of the courthouse or the building
2504 [wherein] in which the court is located [as shall be] that are separate
2505 and apart from [the other parts] any other part of the court which are
2506 then being held for proceedings pertaining to adults charged with
2507 crimes. If the defendant is committed while any examination and
2508 investigation under section 54-76d is pending, before trial, during trial
2509 or after judgment and before sentence, those persons in charge of the
2510 place of detention shall segregate the defendant, to the extent of their
2511 facilities, from defendants [over the age of eighteen years] twenty-one
2512 years of age or older charged with crime.

2513 Sec. 36. Subsection (b) of section 54-76j of the general statutes is
2514 repealed and the following is substituted in lieu thereof (*Effective*
2515 *October 1, 2016*):

2516 (b) If execution of the sentence is suspended under subdivision (6)
2517 of subsection (a) of this section, the defendant may be placed on
2518 probation or conditional discharge for a period not to exceed three
2519 years, provided, at any time during the period of probation, after
2520 hearing and for good cause shown, the court may extend the period as
2521 deemed appropriate by the court. If the court places [the person] a
2522 person who is under eighteen years of age and who is adjudicated to
2523 be a youthful offender on probation, the court may order that, as a
2524 condition of such probation, the person be referred for services to a
2525 youth service bureau established pursuant to section 10-19m, provided
2526 the court finds, through an assessment by a youth service bureau or its
2527 designee, that the person is in need of and likely to benefit from such
2528 services. If the court places a youthful offender on probation, school
2529 and class attendance on a regular basis and satisfactory compliance

2530 with school policies on student conduct and discipline may be a
2531 condition of such probation and, in such a case, failure to so attend or
2532 comply shall be a violation of probation. If the court has reason to
2533 believe that the person adjudicated to be a youthful offender is or has
2534 been an unlawful user of narcotic drugs, as defined in section 21a-240,
2535 and the court places such youthful offender on probation, the
2536 conditions of probation, among other things, shall include a
2537 requirement that such person shall submit to periodic tests to
2538 determine, by the use of "synthetic opiate antinarcotic in action",
2539 nalline test or other detection tests, at a hospital or other facility,
2540 equipped to make such tests, whether such person is using narcotic
2541 drugs. A failure to report for such tests or a determination that such
2542 person is unlawfully using narcotic drugs shall constitute a violation of
2543 probation. If the court places a person adjudicated as a youthful
2544 offender for a violation of section 53-247 on probation, the court may
2545 order that, as a condition of such probation, the person undergo
2546 psychiatric or psychological counseling or participate in an animal
2547 cruelty prevention and education program, provided such a program
2548 exists and is available to the person.

2549 Sec. 37. Subsection (a) of section 54-76l of the general statutes is
2550 repealed and the following is substituted in lieu thereof (*Effective*
2551 *October 1, 2016*):

2552 (a) The records or other information of a youth, other than a youth
2553 [arrested for or] charged with the commission of a crime which is a
2554 class A felony or a violation of section 14-222a, subsection (a) or
2555 subdivision (1) of subsection (b) of section 14-224, section 14-227a or
2556 14-227g, subdivision (2) of subsection (a) of section 53-21 or section
2557 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation
2558 involving consensual sexual intercourse or sexual contact between [the
2559 youth] a person who is sixteen years of age or older but under eighteen
2560 years of age and another person who is thirteen years of age or older
2561 but under sixteen years of age, including fingerprints, photographs
2562 and physical descriptions, shall be confidential and shall not be open
2563 to public inspection or be disclosed except as provided in this section,

2564 but such fingerprints, photographs and physical descriptions
2565 submitted to the State Police Bureau of Identification of the Division of
2566 State Police within the Department of Emergency Services and Public
2567 Protection at the time of the arrest of a person subsequently adjudged,
2568 or subsequently presumed or determined to be eligible to be adjudged,
2569 a youthful offender shall be retained as confidential matter in the files
2570 of the bureau and be opened to inspection only as provided in this
2571 section. Other data ordinarily received by the bureau, with regard to
2572 persons arrested for a crime, shall be forwarded to the bureau to be
2573 filed, in addition to such fingerprints, photographs and physical
2574 descriptions, and be retained in the division as confidential
2575 information, open to inspection only as provided in this section.

2576 Sec. 38. Section 54-76o of the general statutes is repealed and the
2577 following is substituted in lieu thereof (*Effective October 1, 2016*):

2578 Whenever any person has been adjudicated a youthful offender and
2579 has subsequently been discharged from the supervision of the court or
2580 from the care of any institution or agency to whom [he] such person
2581 has been committed by the court, all police and court records
2582 pertaining to such youthful offender shall be automatically erased
2583 [when such person attains twenty-one years of age] four years after
2584 such person was adjudged a youthful offender, provided such person
2585 has not subsequent to being adjudged a youthful offender been
2586 convicted of a felony, as defined in section 53a-25, prior to attaining
2587 such age. Youthful offender status shall not be deemed conviction of a
2588 crime for the purposes of this section. Upon the entry of such an
2589 erasure order, all references including arrest, complaint, referrals,
2590 petitions, reports and orders, shall be removed from all agency, official
2591 and institutional files. The persons in charge of such records shall not
2592 disclose to any person, except the subject of the record, upon
2593 submission of satisfactory proof of the subject's identity in accordance
2594 with guidelines prescribed by the Chief Court Administrator,
2595 information pertaining to the record so erased. No [youth] person who
2596 has been the subject of such an erasure order shall be deemed to have
2597 been arrested ab initio, within the meaning of the general statutes, with

2598 respect to proceedings so erased. Copies of the erasure order shall be
2599 sent to all persons, agencies, officials or institutions known to have
2600 information pertaining to the proceedings affecting such [youth]
2601 person.

2602 Sec. 39. Section 18-100i of the general statutes is repealed and the
2603 following is substituted in lieu thereof (*Effective from passage*):

2604 [(a)] The Commissioner of Correction, at the commissioner's
2605 discretion, may release an inmate from the commissioner's custody,
2606 except an inmate convicted of a capital felony under the provisions of
2607 section 53a-54b in effect prior to April 25, 2012, or murder with special
2608 circumstances under the provisions of section 53a-54b in effect on or
2609 after April 25, 2012, for placement in a licensed community-based
2610 nursing home under contract with the state for the purpose of
2611 providing palliative and end-of-life care to the inmate if the medical
2612 director of the Department of Correction determines that the inmate is
2613 suffering from a terminal condition, disease or syndrome, or is so
2614 debilitated or incapacitated by a terminal condition, disease or
2615 syndrome as to (1) require continuous palliative or end-of-life care, or
2616 (2) be physically incapable of presenting a danger to society.

2617 [(b)] The Commissioner of Correction may require as a condition of
2618 release under subsection (a) of this section that the medical director
2619 conduct periodic medical review and diagnosis of the inmate during
2620 such release. An inmate released pursuant to subsection (a) of this
2621 section shall be returned to the custody of the Commissioner of
2622 Correction if the medical director determines that the inmate no longer
2623 meets the criteria for release under subsection (a) of this section.]

2624 [(c)] Any inmate released from the custody of the Commissioner of
2625 Correction pursuant to [subsection (a) of] this section shall be
2626 supervised in the community by the Department of Correction.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2017</i>	46b-120
Sec. 2	<i>July 1, 2017</i>	46b-121
Sec. 3	<i>from passage</i>	46b-121n
Sec. 4	<i>July 1, 2017</i>	46b-127
Sec. 5	<i>July 1, 2017</i>	46b-133
Sec. 6	<i>July 1, 2017</i>	46b-133c
Sec. 7	<i>July 1, 2017</i>	46b-133d
Sec. 8	<i>from passage</i>	4-68m(d) and (e)
Sec. 9	<i>July 1, 2017</i>	46b-124
Sec. 10	<i>July 1, 2017</i>	46b-128
Sec. 11	<i>July 1, 2017</i>	46b-128a
Sec. 12	<i>July 1, 2017</i>	46b-133a
Sec. 13	<i>July 1, 2017</i>	46b-133b
Sec. 14	<i>July 1, 2017</i>	46b-134
Sec. 15	<i>July 1, 2017</i>	46b-135
Sec. 16	<i>July 1, 2017</i>	46b-136
Sec. 17	<i>July 1, 2017</i>	46b-137
Sec. 18	<i>July 1, 2017</i>	46b-138
Sec. 19	<i>July 1, 2017</i>	46b-138b
Sec. 20	<i>July 1, 2017</i>	46b-140
Sec. 21	<i>July 1, 2017</i>	46b-140a
Sec. 22	<i>July 1, 2017</i>	46b-141
Sec. 23	<i>July 1, 2017</i>	46b-141a
Sec. 24	<i>July 1, 2017</i>	46b-141d
Sec. 25	<i>July 1, 2017</i>	46b-145
Sec. 26	<i>July 1, 2017</i>	46b-147
Sec. 27	<i>October 1, 2016</i>	51-81c(a)
Sec. 28	<i>October 1, 2016</i>	54-64a
Sec. 29	<i>October 1, 2016</i>	New section
Sec. 30	<i>October 1, 2016</i>	53a-32(b)
Sec. 31	<i>October 1, 2016</i>	53a-222
Sec. 32	<i>October 1, 2016</i>	53a-222a
Sec. 33	<i>October 1, 2016</i>	54-76b
Sec. 34	<i>October 1, 2016</i>	54-76c(a)
Sec. 35	<i>October 1, 2016</i>	54-76h(a)
Sec. 36	<i>October 1, 2016</i>	54-76j(b)
Sec. 37	<i>October 1, 2016</i>	54-76l(a)
Sec. 38	<i>October 1, 2016</i>	54-76o
Sec. 39	<i>from passage</i>	18-100i

Statement of Legislative Commissioners:

In Section 1(10), the phrases ", including a child who has attained the age of eighteen," and ", including a child who has attained the age of eighteen, as ordered by the court," were bracketed for accuracy, in Section 4(c), "or detention" was added for accuracy, Section 6(a) was rewritten for clarity, in Section 15(a), conforming changes were made for internal consistency, in Section 16, "young adult, or, in the case of a child," was deleted from the provision regarding custody of a child for accuracy and in Section 20(g), "or youths" was deleted for accuracy.

JUD *Joint Favorable Subst.*

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: See Below

Municipal Impact: None

Explanation

The bill requires the Juvenile Justice Policy and Oversight Committee (JJPOC) to plan for the implementation of: (1) raising juvenile justice jurisdiction from age 17 to age 20 over a period of three years beginning 7/1/17 and (2) extending youthful offender status to certain offenders in that same age range over the same period of time. The JJPOC must report its findings and recommendations by 1/1/2017. As this plan has not yet been created, a projection of its fiscal impact cannot be established. Generally, programing and incarceration options for juveniles are more intensive and more costly than those provided to adults. The bill makes changes to bail requirements and rules that result in a potential cost to the Judicial Department, savings to the Department of Correction, and revenue gain to the Interest on Lawyers' Trust Accounts (IOLTA).

Under the bill, the court is required to provide an option to provide cash bail in most circumstances, and cannot require bonds with surety in most misdemeanor cases. To the extent that courts require new resources to process bail deposits, Judicial will incur costs to hire additional staff. There are a total of 33 court locations that would accept cash bail payments to be deposited into an interest bearing account: 13 Judicial Districts and 20 Geographical Area courts.

As of February 2016, there are approximately 550 offenders incarcerated pretrial due to unpaid bail that would be subject to the changes under the bill. To the extent that future offenders would not

be incarcerated pretrial, a savings would result to DOC. On average, it costs the state \$61,320 (including benefits) to incarcerate an offender.

The court is required to transfer all interest earned on cash bail deposits to IOLTA. If cash bail is forfeited, funds will be transferred to IOLTA.

The Out Years

The fiscal impact to state agencies in the out years will be dependent upon the recommendations of the JJPOC and the population of delinquent 18, 19, and 20 year olds.

OLR Bill Analysis**sSB 18*****AN ACT CONCERNING A SECOND CHANCE SOCIETY.*****SUMMARY:**

This bill (1) gradually raises the maximum age of juvenile justice jurisdiction over a period of three years from age 17 to age 20; (2) extends youthful offender status to certain offenders ages 18, 19, and 20; (3) requires certain defendants to have the option to post cash bail instead of surety bond as a condition of release; and (4) makes other miscellaneous changes.

More specifically, it raises the age of the juvenile justice jurisdiction over a period of three years and makes several changes to various laws related to juvenile matters to reflect the age increase. In doing so, it:

1. creates “young adults,” a new category of individuals within the juvenile justice system, which includes 18-year-olds, beginning July 1, 2017; 19-year-olds, beginning July 1, 2018; and 20-year-olds, beginning July 1, 2019;
2. requires the Juvenile Justice Policy and Oversight Committee (JJPOC) to (a) plan for the implementation of any changes required to the juvenile justice system to extend the juvenile court’s jurisdiction and (b) report its findings and recommendations, by January 1, 2017, to the governor, the six legislative leaders, and select committees of the General Assembly;
3. makes related technical and conforming changes throughout the existing juvenile justice laws to reflect the increase in the age of juvenile jurisdiction and thereby makes existing delinquency proceeding requirements generally applicable to young adults;

4. raises, from 14 to 15, the minimum age at which a child who committed a felony may be prosecuted as a serious juvenile repeat offender; and
5. requires juvenile court judges to automatically transfer to adult criminal court a young adult charged with a capital felony committed prior to April 25, 2012; a class A felony; certain class B felonies; or arson murder, as is required for 15- through 17-year-olds under existing law.

The bill extends youthful offender status to certain offenders ages 18, 19, and 20. By law, a person qualifies for this status if he or she does not have a prior felony conviction or certain juvenile adjudications and meets other criteria. By law, youthful offender cases are handled in adult court separately from criminal matters. Courts can impose different penalties than in either juvenile or adult court, and a youthful offender adjudication is not a criminal conviction.

With respect to bail bonds and release, the bill requires the court, if it orders certain defendants to post a surety bond to give them the option to post cash bail equal to 10% of the surety bond instead. The cash bail is (1) deposited in court, (2) forfeited if the arrestee does not appear at a court date, and (3) returned to the person who deposited it if the arrestee appears for each court date.

The bill prohibits the court from requiring a defendant to post a surety bond if he or she is (1) charged only with a misdemeanor that is not a family violence crime or 2nd degree failure to appear and (2) not a risk to another person's safety. Thus, it requires the court to order the person's release on one of the other options available to the court.

The bill requires the Judicial Branch's Court Support Services Division (CSSD) to create and give arrestees notice explaining the process of release after an arrest.

Additionally, the bill makes changes to the Department of Correction's (DOC) commissioner authority over inmates released

under supervision to a nursing home for palliative and end-of-life care. It eliminates provisions (1) specifically allowing the commissioner, as a condition of nursing home placement, to require the DOC medical director to periodically review and diagnose the inmate during his or her release and (2) requiring the inmate's return to DOC custody if the medical director determines that the inmate no longer meets the criteria for release.

Lastly, the bill expands the list of state agencies with which the Office of Policy Management's Criminal Justice Policy and Planning Division (CJPPD) must consult and which must provide information and data the division requests.

EFFECTIVE DATE: July 1, 2017, except (1) the provisions on JJPOC (§ 3), CJPPD (§ 8), and DOC release to nursing home (§ 39) are effective upon passage and (2) the provisions on bail bonds and release (§§ 27-32) and youthful offenders (§§ 33-38) are effective October 1, 2016.

§§ 1-7 & 9-26 — RAISE THE AGE - JUVENILE JUSTICE JURISDICTION

Young Adult (§ 1)

The bill creates a new category of individuals within the juvenile justice system, "young adults," which includes 18-year-olds, beginning July 1, 2017; 19-year-olds, beginning July 1, 2018; and 20-year-olds, beginning July 1, 2019. By law, the juvenile justice system already serves children under age 18. Thus the bill raises the current cutoff age for juvenile court jurisdiction, age 17, by one year annually starting July 1, 2017, until the cutoff is age 20.

It defines "young adult," for purposes of delinquency matters and proceedings, as follows:

On or after July 1, 2017. Anyone who (1) committed or allegedly committed a delinquent act while age 18 and (2)(a) after turning age 19, violates a Superior Court order or condition of probation with respect to 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.

On or after July 1, 2018. Anyone who (1) committed or allegedly committed a delinquent act while age 18 or 19 and (2)(a) after turning age 20, violates a Superior Court order or condition of probation with respect to 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.

On or after July 1, 2019. Anyone who (1) committed or allegedly committed a delinquent act while age 18, 19, or 20 and (2)(a) after turning age 21, violates a Superior Court order or condition of probation with respect to 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.

Adult Jurisdiction (§ 1)

In raising the age of the juvenile court's jurisdiction, the bill also raises the age of adult jurisdiction and defines "age of adult jurisdiction" as follows:

1. age 19, from July 1, 2017 through June 30, 2018;
2. age 20, from July 1, 2018 through June 30, 2019; and
3. age 21 and older, starting July 1, 2019.

JJPOC (§ 3)

Mission. The bill requires the JJPOC to evaluate and report on (1) juvenile justice system policies and (2) the extension of juvenile jurisdiction to 18-, 19-, and 20-year-olds. The 39-member committee, including legislators, executive and judicial branch officials, child and youth advocates, parents or parent advocates, and a police chief was established in 2014 to evaluate and report on the extension of juvenile jurisdiction to 16- and 17-year-olds.

Plan Implementation and Reporting. The bill requires the JJPOC to plan for the implementation of any changes required to the juvenile

justice system in order to extend the jurisdiction of the juvenile court to include:

1. 18-year-olds beginning July 1, 2017;
2. 19-year-olds beginning July 1, 2018; and
3. 20-year-olds, beginning July 1, 2019.

Under the bill, the JJPOC, by January 1, 2017, must report its findings and recommendations to the governor; the six legislative leaders; and the Appropriations, Children's, Human Services, and Judiciary committees.

Working Groups, Consultation, and Support. Under the bill, the JJPOC may form working groups to help the committee carry out its duties. The working groups must consist of individuals the JJPOC members identify as stakeholders in the juvenile justice policy system and the expansion of juvenile jurisdiction.

Existing law requires the JJPOC, in carrying out its responsibilities, to consult with one or more organizations that focus on relevant children and youth issues, such as the University of New Haven.

By law, the JJPOC must also work in collaboration with any Results First initiatives implemented by law, including those implemented by the Results First Policy Oversight Committee (CGS § 2-111).

Recommendations to Improve the Juvenile Justice System. Existing law requires the JJPOC to assess the juvenile justice system and recommend ways to improve it. The JJPOC must report its assessment and recommendations annually to the Appropriations, Children's, Human Services, and Judiciary committees and the Office of Policy and Management (OPM) secretary, by July 1, 2016, 2017, and 2018. Existing law also requires JJPOC to report, quarterly until January 1, 2017 and annually after that, to these entities on the progress in achieving its goals and measures.

Delinquency Proceedings (§§ 2, 5-7 & 9-24)

The bill makes conforming changes throughout the existing juvenile justice statutes to reflect the extension of juvenile jurisdiction to young adults. In doing so, it makes existing delinquency proceeding requirements generally applicable to young adults.

Arrest and Detention Hearing. Under the bill, when a young adult is arrested for committing an alleged delinquent act, he or she may either be released or sent to detention, as is the case under existing law for children. By law, a person who is detained has the right to a hearing on the next business day and may be detained after the hearing in limited circumstances, such as if the court finds a strong probability that he or she will commit or attempt to commit other offenses injurious to him- or herself or to the community before the court disposition.

Nonjudicial or Judicial Handling. By law, a delinquency case may either be handled nonjudicially (outside of the courtroom) or judicially. In order to qualify for nonjudicial handling, among other things, the alleged act cannot be a felony and the person must (1) not have any previous delinquency convictions and (2) have admitted to the allegations.

When a delinquency case is handled judicially, there is typically an initial plea hearing (arraignment), followed by a pretrial conference, followed by a trial or a plea canvass and dispositional hearing. Under existing law, if a child pleads guilty to a delinquent act or is found guilty as the result of a trial, he or she may be committed to the Department of Children and Families (DCF) for up to 18 months (or up to four years for a serious juvenile offense). Under the bill, this also applies in the case of a young adult.

Competency and Intervention. The bill extends to young adults the law's court procedure for addressing questions about the competency of and intervention services for a child charged with a delinquent offense.

Under current law, DCF provides intervention services to children. Under the bill, in the case of a young adult, intervention services must be provided by the Department of Mental Health and Addiction Services (DMHAS), or if the young adult agrees to pay for such services, by any appropriate person, agency, mental health facility, or treatment program that agrees to provide appropriate intervention services in the least restrictive setting available to the young adult and comply with specified conditions. In the case of a young adult, the bill extends existing notification and reporting requirements related to intervention services to the DMHAS commissioner.

Physical and Mental Examination at Disposition. The law requires the court to order a complete mental and physical examination of a child by a professional qualified to do so when it is necessary to the disposition of a case. The bill also applies this to cases involving young adults. Under the bill, the court must assess the young adult the cost of the examination if he or she is found able to pay all or part of the cost. Under existing law, in a case involving a child, the court must assess the cost of the examination to any agency with legal custody of the child or the child's parent, guardian, or custodian found able to pay all or part of the cost.

Under existing law, prior to the disposition of the case of any child adjudicated as delinquent, the court may order a complete diagnostic examination of the child, unless such information is otherwise available. Under the bill, the court may do the same in cases involving young adults.

Alternative Incarceration Program. Under the bill, instead of committing a young adult who was adjudicated as delinquent to a detention center, a juvenile court judge may order CSSD to assess the young adult for placement in an alternative incarceration program and the court may then order the young adult to participate in such a program. This is already the case for a child under existing law.

Probation or Suspended Commitment. By law, at any time during a period of probation or suspended commitment, after a

hearing and for good cause shown, the court may modify or enlarge the conditions of the probation or suspension and may extend the period as it deems appropriate.

Under existing law, the court must give a copy of any such order to the child or his or her parent or guardian and probation officer. Under the bill, the court must also give a copy to the young adult and his or her probation officer.

Juvenile Records. By law, all juvenile delinquency proceedings records, including those for young adults under the bill, are generally confidential and for the juvenile court's use. But the court must disclose such records in specified situations. For example, the records must be available (1) to judicial branch employees and probate court judges and employees if their jobs require access to such records, (2) to employees and authorized agents of certain state and federal agencies, (3) upon order of the court to anyone who has a legitimate interest and is identified in the order, (4) to the victim of the crime, and (5) to law enforcement officials under certain circumstances.

Serious Juvenile Offender. The law designates approximately 50 felonies, including murder, first degree assault, and first degree burglary, as serious juvenile offenses (SJOs). Under existing law, a child charged with an SJO may not be released from detention without an order from the court. Under the bill, this is also the case for a young adult charged with an SJO.

Serious Juvenile Repeat Offender. The bill raises, from 14 to 15, the minimum age at which a child who commits a felony may be prosecuted as a serious juvenile repeat offender. The bill allows a young adult who commits a felony to be prosecuted as a serious juvenile repeat offender.

Serious Sexual Offender. Under existing law, whenever a child is alleged to have committed a crime of a sexual nature and the case is not transferred to the adult criminal court, the prosecutor may ask the court to designate the proceeding as a serious sexual offender

prosecution. The bill extends this to any case in which a young adult commits such a crime.

By law, the requirements for the timing for a hearing, right to trial by jury, and transfer to adult criminal court outlined above for serious juvenile repeat offender cases also apply in serious sexual offender cases.

Transfer to Adult Criminal Court (§§ 4, 25 & 26)

Under current law, a child age 17 or younger accused of a crime is adjudicated in juvenile court rather than in adult criminal court. In juvenile court, a person is accused of a delinquent act rather than a crime and different procedures apply. Different penalties apply when a person is found to have committed a delinquent act than apply in adult court to a person convicted of a crime (see BACKGROUND).

As is the case for 15- through 17-year-olds under current law, the bill requires the juvenile court judge to automatically transfer to adult criminal court young adults (i.e., 18-year-olds, beginning July 1, 2017; 18- and 19-year-olds, beginning July 1, 2018; and 18- through 20-year-olds, beginning July 1, 2019) charged with a capital felony committed prior to April 25, 2012; a class A felony; certain class B felonies; or arson murder. By law, the following B felonies are not subject to automatic transfer:

1. first-degree manslaughter;
2. first-degree assault of a DOC employee;
3. second-degree sexual assault of a victim under age 16;
4. second-degree kidnapping;
5. one form of first-degree burglary (i.e., the person enters or remains unlawfully in a building with intent to commit a crime in the building and in the course of committing the offense, intentionally, knowingly, or recklessly inflicts or attempts to inflict bodily injury on another person);

6. second-degree arson;
7. first-degree larceny;
8. first-degree identify theft;
9. first-degree robbery, other than when the person is armed with a deadly weapon;
10. importing child pornography;
11. first-degree possession of child pornography;
12. first-degree computer crime; and
13. computer crime in furtherance of terrorist purposes.

Under existing law, for a child age 15 through 17 charged with a felony not subject to automatic transfer, the prosecutor may request a transfer to adult court, and the court may order the transfer in certain circumstances. Under the bill, the prosecutor may do the same for a young adult charged with a felony not subject to automatic transfer.

By law and under the bill, if the prosecutor requests a transfer to adult criminal court, the juvenile court can order the transfer only if it determines after a hearing that (1) there is probable cause to believe that the person committed the alleged offense and (2) the best interests of both the person and public are not served by keeping the case in juvenile court. The court must consider (1) the person's prior criminal or juvenile offenses and their seriousness, (2) any evidence that the person has intellectual disability or mental illness, and (3) the availability of juvenile court services that can serve the person's needs. The motion to transfer must be made, and the hearing held, within 30 days after the person's arraignment in juvenile court.

By law, for discretionary transfers, the adult criminal court can return the case to juvenile court any time before a jury verdict or guilty plea, on a showing of good cause.

By law, the disposition, related orders, and evidence in a juvenile matter are inadmissible as evidence in a criminal proceeding, except for evidence of a crime committed when the person attained the age of adult jurisdiction.

Under the bill, a young adult transferred to adult criminal court may be tried as a youthful offender, as noted below.

§§ 33-38 — YOUTHFUL OFFENDERS

By law, youthful offender laws provide special procedures for cases transferred from juvenile to adult criminal court. To qualify as a youthful offender, the minor cannot be charged with certain crimes (such as a class A felony) and cannot have any prior felony convictions or certain juvenile adjudications (see BACKGROUND).

Youthful offender proceedings are private and conducted separately from adult criminal matters and the court has a different sentencing option than in either adult or juvenile court, with a four-year maximum prison term that the court can impose (see BACKGROUND). But even if the minor qualifies, a prosecutor can request, and the court order, that the minor's case be moved to adult court.

Extending Youthful Offender Status

The bill extends youthful offender status to offenders ages 18, 19, and 20. As under current law, offenders transferred from juvenile court to the adult criminal docket are also eligible for youthful offender status. Thus, under the bill, offenders will be eligible for youthful offender status in two ways: either their cases (1) come to adult court directly because they are too old for juvenile court when they commit their crimes or (2) start in juvenile court but are transferred to adult court.

The bill makes technical and conforming changes to existing youthful offender laws to reflect the increased ages of offenders eligible for youthful offender status under the bill. It also makes two other changes:

1. it limits the court's existing authority to refer youthful offenders to a youth services bureau to offenders under age 18 and
2. it changes the time frame for automatically erasing police and court records about a youthful offender. Currently, records are automatically erased once the youthful offender reaches age 21 if he or she has completed any required supervision or commitment and has not been later convicted of a felony. The bill instead requires automatic erasure under these same conditions four years after the person was adjudged a youthful offender.

By law, someone who is a youthful offender is not a criminal and being adjudged a youthful offender is not a conviction (CGS § 54-76k).

§§ 27-32 — BAIL BONDS AND RELEASE

Cash Bail Option

The bill requires the court, if it orders certain defendants to post a surety bond, to give them the option to post cash bail instead. This applies to defendants who are not charged with a family violence crime or certain serious crimes (class A felonies, most class B and C felonies, and some class D felonies). By law, the court must order these defendants released on the first condition sufficient to reasonably ensure the person's appearance in court. The conditions include:

1. a written promise to appear either without special conditions or with nonfinancial conditions or
2. on a bond with or without surety in no greater amount than necessary.

When considering which option to order, the law requires the court to consider the nature and circumstances of the offense and the person's prior convictions, past record of appearance in court, family ties, employment record, financial resources, character, mental condition, and community ties.

Unless the court states on the record which of the factors above make it inappropriate, the bill requires a court that orders a surety bond to give the arrestee the option to instead pay cash bail to the court. The cash bail must equal 10% of the surety bond's amount. The bill allows anyone other than a professional bondsman or surety bail bond agent to provide the cash bail.

The bill requires the court to place the cash bail it collects in an interest-bearing account established for this purpose. The cash bail is forfeited if the arrestee does not appear at a court date but is returned to the person who deposited it if the arrestee appears at each court date. At least quarterly, the court must remit forfeited cash bail and any interest earned on it to the organization administering the interest of lawyers' trust accounts (IOLTA) program to fund legal services to the poor.

Defendants Charged With a Misdemeanor

The bill prohibits the court from requiring a defendant to post a surety bond if he or she is charged only with a misdemeanor and:

1. he or she is not charged with a family violence crime or the class A misdemeanor of 2nd degree failure to appear and
2. the court does not find on the record that the defendant poses a risk to another person's safety if released.

If a defendant falls into this category, the court must order him or her released under one of the other available options, whichever is sufficient to reasonably ensure the defendant's appearance in court:

1. a written promise to appear without special conditions or with nonfinancial conditions or
2. bond without surety in no amount greater than necessary.

Pretrial Release Eligibility Notice

The bill requires CSSD, by January 1, 2017, to develop a pretrial release eligibility notice that explains the process of release after an

arrest. The Judicial Branch, DOC, State Police, and municipal police departments must ensure that arrestees are provided the notice when they are presented with conditions for their release. The division must update the notice as it deems necessary.

§ 39 — DOC RELEASE TO NURSING HOME

By law, the DOC commissioner has authority to release inmates (other than those convicted of capital felony or murder with special circumstances) for palliative and end-of-life care to a licensed community-based nursing home under contract with the state. Such an inmate remains under DOC supervision while in the community.

The bill eliminates provisions:

1. specifically allowing the DOC commissioner, as a condition of nursing home placement, to require the DOC medical director to periodically review and diagnose the inmate during his or her release, and
2. requiring the inmate's return to DOC custody if the medical director determines the inmate no longer meets the criteria for release.

As under existing law, before the commissioner can authorize placement, the medical director must determine that the inmate is suffering from a terminal condition, disease, or syndrome or is so debilitated or incapacitated by it as to (1) need continuous palliative or end-of-life care or (2) be physically incapable of presenting a danger to society.

§ 8 — CJPPD

By law, the CJPPD must develop a plan to promote a more effective and cohesive state criminal justice system.

The bill requires the CJPPD, in carrying out its duties, to consult with DCF and the chief medical examiner's office. Under the bill, DCF and the chief medical examiner's office must provide the division, at

its request, the information and data the division needs to perform its duties.

Under existing law, the CJPPD must consult with the chief court administrator, the CSSD executive director, the chief state's attorney, and the chief public defender; who must provide the information and data the division requests.

BACKGROUND

Class A and B Felonies: Disposition in Juvenile vs. Criminal Court

When handled in criminal court, authorized prison terms are generally up to (1) 25 years for class A felonies and (2) 20 years for class B felonies. For some A or B felonies, there are (1) longer maximum terms (e.g., 60 years for murder) or (2) mandatory minimum terms.

If a child is adjudicated delinquent in a juvenile court for violating a criminal statute, the court may order various sentences, such as an alternative incarceration program, probation, or commitment to DCF. DCF commitment may be for up to four years for a "serious juvenile offense" or up to 18 months for other offenses. Serious juvenile offenses include (1) murder with special circumstances (previously, capital felony); (2) arson murder; (3) all class A felonies; and (4) many class B felonies.

DCF may extend the commitment beyond these periods if it can prove to the court that doing so would be in the best interest of the child or the community. DCF commitments for delinquency end when the child reaches age 20 (CGS §§ 46b-140, 141).

Qualifying as a Youthful Offender

To qualify as a youthful offender, the person must not be charged with:

1. a class A felony;

2. negligent homicide with a motor vehicle (CGS § 14-222a);
3. evading responsibility for an accident causing death or serious physical injury (CGS § 14-224(a) or (b)(1));
4. driving under the influence (CGS §§ 14-227a or -227g);
5. the portion of risk of injury to a minor involving sexual contact (CGS § 53-21(a)(2));
6. 1st, 2nd, or 3rd degree sexual assault (CGS §§ 53a-70, -71, and -72a);
7. 1st degree aggravated sexual assault (CGS § 53a-70a);
8. sexual assault in a spousal or cohabiting relationship (CGS § 53a-70b); or
9. 3rd degree sexual assault with a firearm (CGS § 53a-72b).

A 16- or 17-year-old charged with one of the sexual assault crimes listed above may be eligible if the conduct involved consensual sexual intercourse or contact with someone age 13 through 15.

Additionally, the person must have:

1. no prior felony convictions;
2. no adjudications as a serious juvenile offender (a determination in juvenile court that he or she committed one of certain serious crimes, such as murder, 1st degree assault, or 1st degree burglary); and
3. no adjudications as a serious juvenile repeat offender in juvenile court (a determination that he or she committed a felony and has two prior convictions or delinquency determinations for committing a felony)(CGS § 54-76b).

Youthful Offender Punishment Options

When sentencing a youthful offender, the law allows the court to:

1. impose a prison term of up to four years or the maximum term authorized for the crime, whichever is less;
2. commit the defendant for up to four years or the maximum term authorized for the crime, whichever is less, to a religious, charitable, or correctional institution authorized to receive people over age 16;
3. impose a fine of up to \$1,000;
4. impose conditional or unconditional discharge;
5. require community service;
6. impose a sentence and suspend any portion of it;
7. order alcohol or drug dependency treatment; or
8. order supervision by the court's drug intervention program if available in the relevant judicial district (these programs currently operate in Danielson and New Haven).

If the court suspends a sentence, it may impose up to three years of probation but may, after a hearing, extend the period at any time during the probationary period for good cause (CGS § 54-76j).

Related Bills

sSB 454, favorably reported by the Judiciary Committee, requires the court to release someone charged only with misdemeanor drug possession on a written promise to appear either without special conditions or with nonfinancial conditions.

SB 428, File 560, increases certain court filing fees and directs the increased revenue to the organization administering the IOLTA program to fund legal services for the poor. The bill also expands the permissible uses of the Superior Court's Client Security Fund to include grants to the organization administering the IOLTA program

for this same purpose.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 22 Nay 17 (03/28/2016)