



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

OFFICE OF  
THE CHIEF STATE'S ATTORNEY

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March 28, 2016

The Honorable Arthur J. O'Neill  
Deputy Republican Leader  
House Republican Office  
Legislative Office Building, Room 4200  
Hartford, Connecticut 06106

Re: Senate Bill No. 18, An Act Concerning a Second Chance Society

Dear Representative O'Neill,

During my testimony before the Judiciary Committee on March 23, 2016, you requested information regarding the impact that raising the age of juvenile jurisdiction to twenty would have on the Division of Criminal Justice and the criminal justice system in general. While the precise costs of the proposed change cannot be determined, there is no doubt that raising the age of juvenile jurisdiction as proposed will have a significant financial impact on the entire criminal justice system.

At any given moment there are approximately 85,000 to 90,000 criminal cases pending in the State of Connecticut. Most recent information from the Judicial Branch shows that more than 11,000 of those cases—or about 12%—involve defendants aged 18 through 20, the vast majority of which will not be transferrable to the adult docket. Therefore, should S.B. 18 be adopted, juvenile dockets would be flooded with approximately 11,000 new cases.

When one considers the logistics of moving these cases into the juvenile system, the staggering costs become more clear. All juvenile matters must be heard in a closed courtroom with only the necessary officials, the defendant, and a few family members present. Therefore, all other persons whose cases appear on the criminal docket that day must be cleared from the courtroom and wait in an adjacent hallway, sidewalk, or parking lot (depending upon the size of the courthouse) until the next case is called.

To provide some context: a busy geographical area courthouse often maintains a docket of more than 200 cases in a given day. Currently, a docket of that size usually is not completed until about 4:00 p.m. If 12% of those cases are moved to the juvenile docket, the burden on courthouse staff and the remaining criminal defendants would be considerable. Of course, the State's Attorney's office must dedicate prosecutors to handle that docket, the Public Defenders must

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similarly designate attorneys to represent these juvenile defendants, and the court must staff that docket separate from an adult docket that might be occurring in the same courthouse that day.

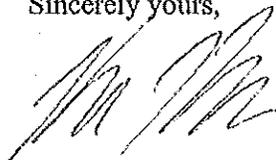
In order to ensure that all dockets are completed by 5:00 p.m., the Judicial Branch likely would need to open additional courtrooms. Given the restricted space in many of our criminal courthouses, the only way that moving such significant numbers of cases to the juvenile docket can be managed is if all such cases are referred to a separate courthouse in the judicial district that handles only juvenile matters. In a time when the Judicial Branch finds itself seeking to close courthouses to absorb the massive funding cuts, it is difficult to conceive of how this transformation will occur.

The costs of housing a separate population of 18 to 20 year olds must also be considered. Federal law currently requires that no juvenile (defined by federal law as one under the age of eighteen) may be confined with persons over the age of eighteen. Presumably, by creating a new class of 18 to 20 year olds, our law will require that these persons not be housed with those who are 21 and older. It would seem, therefore, that the Judicial Branch and the Department of Correction, as well as all police facilities, will be required to have three separate detention areas: one for persons aged 17 and under, one for persons aged 18-20, and a third for persons aged 21 and above. Again, the costs of creating such separate detention areas cannot be estimated but is undoubtedly significant.

Thank you for the opportunity to express my thoughts concerning the fiscal impact of S.B. 18. Of course, separate and apart from the financial strain that this bill would place upon the criminal justice system, I continue to believe that treating those between the ages of 18-20 as juveniles, particularly those who commit serious felonies such as Robbery in the First Degree, Manslaughter, Sexual Assault in the Second Degree, and Burglary in the First Degree, is unwise and creates a significant risk to public safety. Our statutes contain multiple opportunities for young offenders to avoid criminal conviction and to have all records of their arrests expunged. To send further signals to young persons that they will not be held accountable for their actions simply further diminishes any sense of personal responsibility. A message which, if heeded, will not only jeopardize public safety, but also penalize that young person as he reaches full adulthood without recognizing that his actions may have serious and life-long consequences.

As always, if you have any questions or concerns or wish to discuss this matter further, please feel free to contact me at your convenience.

Sincerely yours,



KEVIN T. KANE  
CHIEF STATE'S ATTORNEY

c: Members of the Judiciary Committee