



General Assembly

Amendment

February Session, 2016

LCO No. 5860



Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 18

File No. 600

Cal. No. 399

(As Amended)

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

1 Strike subdivision (1) of subsection (b) of section 4 in its entirety and
2 insert the following in lieu thereof:

3 "(b) (1) Upon motion of a prosecutorial official, the superior court
4 for juvenile matters shall conduct a hearing to determine whether the
5 case of any child or young adult charged with the commission of a
6 violation of section 53a-122 or a class C, D or E felony or an
7 unclassified felony shall be transferred from the docket for juvenile
8 matters to the regular criminal docket of the Superior Court. The court
9 shall not order that the case be transferred under this subdivision
10 unless the court finds that (A) such offense was committed [after such
11 child attained the age of fifteen years] by a child when such child was
12 at least fifteen years of age or by a young adult, (B) there is probable
13 cause, based on either sworn affidavits or testimony, to believe the
14 child or young adult has committed the act for which the child or

15 young adult is charged, and (C) [the best interests of the child and the
16 public will not be served by maintaining the case in the superior court
17 for juvenile matters] public safety can best be served by transferring
18 the case to the regular criminal docket of the Superior Court. In
19 making such findings, the court shall consider (i) any prior criminal or
20 juvenile offenses committed by the child or young adult, (ii) the
21 seriousness of such offenses, (iii) any evidence that the child or young
22 adult has intellectual disability or mental illness, and (iv) the best
23 interests of the child or young adult, including the sophistication,
24 maturity and mental status of the child or young adult by
25 consideration of his or her social, environmental and mental health
26 history and the availability of services in the docket for juvenile
27 matters that can serve the [child's] needs of the child or young adult. In
28 the case of any such violation for which there is a victim, the court
29 shall hear and further consider such victim's statement, if any, when
30 making such findings. Any motion under this subdivision shall be
31 made, and any hearing under this subdivision shall be held, not later
32 than thirty days after the child or young adult is arraigned in the
33 superior court for juvenile matters."

34 Strike section 34 in its entirety and substitute the following in lieu
35 thereof:

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

39 (a) In any case where an information or complaint has been laid
40 charging a defendant with the commission of a crime, and where it
41 appears that the defendant is a youth, such defendant shall be
42 presumed to be eligible to be adjudged a youthful offender, provided
43 in the case of a crime for which there is a victim, the court has heard
44 and considered the victim's statement, if any, and the court having
45 jurisdiction shall, but only as to the public, order the court file sealed,
46 unless such defendant (1) is charged with the commission of a crime
47 which is a class A felony or a violation of section 14-222a, subsection

48 (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a
49 or 14-227g, subdivision (2) of subsection (a) of section 53-21 or section
50 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation
51 involving consensual sexual intercourse or sexual contact between [the
52 youth] a person who is sixteen years of age or older but under eighteen
53 years of age and another person who is thirteen years of age or older
54 but under sixteen years of age, or (2) has been previously convicted of
55 a felony in the regular criminal docket of the Superior Court or been
56 previously adjudged a serious juvenile offender or serious juvenile
57 repeat offender, as defined in section 46b-120, as amended by this act.
58 Except as provided in subsection (b) of this section, upon motion of the
59 prosecuting official, the court may order that an investigation be made
60 of such defendant under section 54-76d, for the purpose of
61 determining whether such defendant is ineligible to be adjudged a
62 youthful offender, provided the court file shall remain sealed, but only
63 as to the public, during such investigation."