



General Assembly

Amendment

May Special Session, 2016

LCO No. 6436



Offered by:

SEN. FASANO, 34th Dist.

SEN. WITKOS, 8th Dist.

To: Senate Bill No. 505

File No.

Cal. No.

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

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

3 "(2) Notwithstanding any provision of the general statutes, when
4 sentencing a person whose case has been transferred to the regular
5 criminal docket of the Superior Court pursuant to this section and who
6 is convicted of an offense for which there is a mandatory minimum
7 sentence which shall not be suspended, the court may suspend the
8 execution of such mandatory minimum sentence if such person was
9 under eighteen years of age at the time of the offense, except if the
10 offense is a violation of section 53a-70, 53a-70a or 53a-70c."

11 Strike subdivision (2) of subsection (a) of section 33 in its entirety
12 and insert the following in lieu thereof:

13 "(2) "Youthful offender" means a youth who (A) is charged with the
14 commission of a crime which is not a class A felony or a violation of

15 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
16 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection
17 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71,
18 53a-72a or 53a-72b, except a violation involving consensual sexual
19 intercourse or sexual contact between [the youth] a person who is
20 sixteen years of age or older but under eighteen years of age and
21 another person who is thirteen years of age or older but under sixteen
22 years of age, and (B) has not previously been convicted of a felony in
23 the regular criminal docket of the Superior Court or been previously
24 adjudged a serious juvenile offender or serious juvenile repeat
25 offender, as defined in section 46b-120, as amended by this act."

26 Strike section 34 in its entirety and insert the following in lieu
27 thereof:

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29 repealed and the following is substituted in lieu thereof (*Effective*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

31 (a) In any case where an information or complaint has been laid
32 charging a defendant with the commission of a crime, and where it
33 appears that the defendant is a youth, such defendant shall be
34 presumed to be eligible to be adjudged a youthful offender and the
35 court having jurisdiction shall, but only as to the public, order the
36 court file sealed, unless such defendant (1) is charged with the
37 commission of a crime which is a class A felony or a violation of
38 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
39 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection
40 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71,
41 53a-72a or 53a-72b, except a violation involving consensual sexual
42 intercourse or sexual contact between [the youth] a person who is
43 sixteen years of age or older but under eighteen years of age and
44 another person who is thirteen years of age or older but under sixteen
45 years of age, or (2) has been previously convicted of a felony in the
46 regular criminal docket of the Superior Court or been previously
47 adjudged a serious juvenile offender or serious juvenile repeat

48 offender, as defined in section 46b-120, as amended by this act. Except
49 as provided in subsection (b) of this section, upon motion of the
50 prosecuting official, the court may order that an investigation be made
51 of such defendant under section 54-76d, for the purpose of
52 determining whether such defendant is ineligible to be adjudged a
53 youthful offender, provided the court file shall remain sealed, but only
54 as to the public, during such investigation."

55 Strike section 37 in its entirety and substitute the following in lieu
56 thereof:

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

60 (a) The records or other information of a youth, other than a youth
61 [arrested for or] charged with the commission of a crime which is a
62 class A felony or a violation of section 14-222a, subsection (a) or
63 subdivision (1) of subsection (b) of section 14-224, section 14-227a or
64 14-227g, subdivision (2) of subsection (a) of section 53-21 or section
65 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a or 53a-72b, except a
66 violation involving consensual sexual intercourse or sexual contact
67 between [the youth] a person who is sixteen years of age or older but
68 under eighteen years of age and another person who is thirteen years
69 of age or older but under sixteen years of age, including fingerprints,
70 photographs and physical descriptions, shall be confidential and shall
71 not be open to public inspection or be disclosed except as provided in
72 this section, but such fingerprints, photographs and physical
73 descriptions submitted to the State Police Bureau of Identification of
74 the Division of State Police within the Department of Emergency
75 Services and Public Protection at the time of the arrest of a person
76 subsequently adjudged, or subsequently presumed or determined to
77 be eligible to be adjudged, a youthful offender shall be retained as
78 confidential matter in the files of the bureau and be opened to
79 inspection only as provided in this section. Other data ordinarily
80 received by the bureau, with regard to persons arrested for a crime,

81 shall be forwarded to the bureau to be filed, in addition to such
82 fingerprints, photographs and physical descriptions, and be retained in
83 the division as confidential information, open to inspection only as
84 provided in this section."