



General Assembly

Amendment

May Special Session, 2016

LCO No. 6444



Offered by:

SEN. FASANO, 34th Dist.
SEN. WITKOS, 8th Dist.
SEN. KISSEL, 7th Dist.
SEN. KANE, 32nd Dist.
SEN. BOUCHER, 26th Dist.
SEN. CHAPIN, 30th Dist.
SEN. FORMICA, 20th Dist.
SEN. FRANTZ, 36th Dist.

SEN. GUGLIELMO, 35th Dist.
SEN. HWANG, 28th Dist.
SEN. KELLY, 21st Dist.
SEN. LINARES, 33rd Dist.
SEN. MARKLEY, 16th Dist.
SEN. MARTIN, 31st Dist.
SEN. MCLACHLAN, 24th Dist.

To: Senate Bill No. 505

File No. 0

Cal. No. 0

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

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

3 "(a) (1) The court shall automatically transfer from the docket for
4 juvenile matters to the regular criminal docket of the Superior Court
5 the case of any child or young adult charged with the commission of a
6 capital felony under the provisions of section 53a-54b in effect prior to
7 April 25, 2012, a class A felony, or a class B felony, except as provided
8 in [subdivision (3) of this] subsection (b) of this section, or a violation
9 of section 53a-54d, provided such offense was committed [after such
10 child attained the age of fifteen years] by a child when such child was

11 at least fifteen years of age or by a young adult, or a violation of
12 section 53a-71, 53a-72a, 53a-72b or 53a-87 committed when such
13 person was a young adult, and counsel has been appointed for such
14 child or young adult if such child or young adult is indigent. Such
15 counsel may appear with the child or young adult but shall not be
16 permitted to make any argument or file any motion in opposition to
17 the transfer. The child or young adult shall be arraigned in the regular
18 criminal docket of the Superior Court at the next court date following
19 such transfer. [, provided any] Any proceedings held prior to the
20 finalization of such transfer shall be private and shall be conducted in
21 such parts of the courthouse or the building in which the court is
22 located that are separate and apart from the other parts of the court
23 which are then being used for proceedings pertaining to [adults]
24 persons charged with crimes on the regular criminal docket."

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

27 "(2) Notwithstanding any provision of the general statutes, when
28 sentencing a person whose case has been transferred to the regular
29 criminal docket of the Superior Court pursuant to this section and who
30 is convicted of an offense for which there is a mandatory minimum
31 sentence which shall not be suspended, the court may suspend the
32 execution of such mandatory minimum sentence if such person was
33 under eighteen years of age at the time of the offense, except if the
34 offense is a violation of section 53a-70, 53a-70a, 53a-70c, 53a-71 or 53a-
35 72b."

36 Strike subdivision (1) of subsection (a) of section 33 in its entirety
37 and substitute the following in lieu thereof:

38 "(1) "Youth" means (A) a [minor who has reached the age of sixteen
39 years but has not reached the age of eighteen years] person who is
40 sixteen years of age or older but under twenty-one years of age at the
41 time of the alleged offense, except if the alleged offense is a violation of
42 section 53a-72b or 53a-87, in which case the person is sixteen or

43 seventeen years of age, or (B) a [child] person who has been
44 transferred to the regular criminal docket of the Superior Court
45 pursuant to section 46b-127, as amended by this act; and"

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

48 "(2) "Youthful offender" means a youth who (A) is charged with the
49 commission of a crime which is not a class A felony or a violation of
50 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
51 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection
52 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71,
53 53a-72a or 53a-72b, except a violation involving consensual sexual
54 intercourse or sexual contact between [the youth] a person who is
55 sixteen years of age or older but under eighteen years of age and
56 another person who is thirteen years of age or older but under sixteen
57 years of age, and (B) has not previously been convicted of a felony in
58 the regular criminal docket of the Superior Court or been previously
59 adjudged a serious juvenile offender or serious juvenile repeat
60 offender, as defined in section 46b-120, as amended by this act."

61 Strike section 34 in its entirety and insert the following in lieu
62 thereof:

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

66 (a) In any case where an information or complaint has been laid
67 charging a defendant with the commission of a crime, and where it
68 appears that the defendant is a youth, such defendant shall be
69 presumed to be eligible to be adjudged a youthful offender and the
70 court having jurisdiction shall, but only as to the public, order the
71 court file sealed, unless such defendant (1) is charged with the
72 commission of a crime which is a class A felony or a violation of
73 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
74 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection

75 (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71,
76 53a-72a or 53a-72b, except a violation involving consensual sexual
77 intercourse or sexual contact between [the youth] a person who is
78 sixteen years of age or older but under eighteen years of age and
79 another person who is thirteen years of age or older but under sixteen
80 years of age, or (2) has been previously convicted of a felony in the
81 regular criminal docket of the Superior Court or been previously
82 adjudged a serious juvenile offender or serious juvenile repeat
83 offender, as defined in section 46b-120, as amended by this act. Except
84 as provided in subsection (b) of this section, upon motion of the
85 prosecuting official, the court may order that an investigation be made
86 of such defendant under section 54-76d, for the purpose of
87 determining whether such defendant is ineligible to be adjudged a
88 youthful offender, provided the court file shall remain sealed, but only
89 as to the public, during such investigation."

90 Strike section 37 in its entirety and substitute the following in lieu
91 thereof:

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

95 (a) The records or other information of a youth, other than a youth
96 [arrested for or] charged with the commission of a crime which is a
97 class A felony or a violation of section 14-222a, subsection (a) or
98 subdivision (1) of subsection (b) of section 14-224, section 14-227a or
99 14-227g, subdivision (2) of subsection (a) of section 53-21 or section
100 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a or 53a-72b, except a
101 violation involving consensual sexual intercourse or sexual contact
102 between [the youth] a person who is sixteen years of age or older but
103 under eighteen years of age and another person who is thirteen years
104 of age or older but under sixteen years of age, including fingerprints,
105 photographs and physical descriptions, shall be confidential and shall
106 not be open to public inspection or be disclosed except as provided in
107 this section, but such fingerprints, photographs and physical

108 descriptions submitted to the State Police Bureau of Identification of
109 the Division of State Police within the Department of Emergency
110 Services and Public Protection at the time of the arrest of a person
111 subsequently adjudged, or subsequently presumed or determined to
112 be eligible to be adjudged, a youthful offender shall be retained as
113 confidential matter in the files of the bureau and be opened to
114 inspection only as provided in this section. Other data ordinarily
115 received by the bureau, with regard to persons arrested for a crime,
116 shall be forwarded to the bureau to be filed, in addition to such
117 fingerprints, photographs and physical descriptions, and be retained in
118 the division as confidential information, open to inspection only as
119 provided in this section."