



General Assembly

**Amendment**

May Special Session, 2016

LCO No. 6508



Offered by:

REP. KLARIDES, 114<sup>th</sup> Dist.  
REP. CANDELORA, 86<sup>th</sup> Dist.  
REP. HOYDICK, 120<sup>th</sup> Dist.  
REP. MINER, 66<sup>th</sup> Dist.

To: Senate Bill No. 505

File No.

Cal. No.

**"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-60a, 53a-60b or 53a-60c committed when such person was a  
13 young adult, and counsel has been appointed for such child or young  
14 adult if such child or young adult is indigent. Such counsel may

15 appear with the child or young adult but shall not be permitted to  
16 make any argument or file any motion in opposition to the transfer.  
17 The child or young adult shall be arraigned in the regular criminal  
18 docket of the Superior Court at the next court date following such  
19 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 substitute 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-60a, 53a-60b or 53a-60c."

35 Strike subdivision (2) of subsection (a) of section 33 in its entirety  
36 and substitute the following in lieu thereof:

37 "(2) "Youthful offender" means a youth who (A) is charged with the  
38 commission of a crime which is not a class A felony or a violation of  
39 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of  
40 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection  
41 (a) of section 53-21 or section 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a,  
42 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving  
43 consensual sexual intercourse or sexual contact between [the youth] a  
44 person who is sixteen years of age or older but under eighteen years of  
45 age and another person who is thirteen years of age or older but under  
46 sixteen years of age, and (B) has not previously been convicted of a

47 felony in the regular criminal docket of the Superior Court or been  
48 previously adjudged a serious juvenile offender or serious juvenile  
49 repeat offender, as defined in section 46b-120, as amended by this act."

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

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53 repealed and the following is substituted in lieu thereof (*Effective*  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

55 (a) In any case where an information or complaint has been laid  
56 charging a defendant with the commission of a crime, and where it  
57 appears that the defendant is a youth, such defendant shall be  
58 presumed to be eligible to be adjudged a youthful offender and the  
59 court having jurisdiction shall, but only as to the public, order the  
60 court file sealed, unless such defendant (1) is charged with the  
61 commission of a crime which is a class A felony or a violation of  
62 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of  
63 section 14-224, section 14-227a or 14-227g, subdivision (2) of subsection  
64 (a) of section 53-21 or section 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a,  
65 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving  
66 consensual sexual intercourse or sexual contact between [the youth] a  
67 person who is sixteen years of age or older but under eighteen years of  
68 age and another person who is thirteen years of age or older but under  
69 sixteen years of age, or (2) has been previously convicted of a felony in  
70 the regular criminal docket of the Superior Court or been previously  
71 adjudged a serious juvenile offender or serious juvenile repeat  
72 offender, as defined in section 46b-120, as amended by this act. Except  
73 as provided in subsection (b) of this section, upon motion of the  
74 prosecuting official, the court may order that an investigation be made  
75 of such defendant under section 54-76d, for the purpose of  
76 determining whether such defendant is ineligible to be adjudged a  
77 youthful offender, provided the court file shall remain sealed, but only  
78 as to the public, during such investigation."

79 Strike section 37 in its entirety and substitute the following in lieu  
80 thereof:

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

84 (a) The records or other information of a youth, other than a youth  
85 [arrested for or] charged with the commission of a crime which is a  
86 class A felony or a violation of section 14-222a, subsection (a) or  
87 subdivision (1) of subsection (b) of section 14-224, section 14-227a or  
88 14-227g, subdivision (2) of subsection (a) of section 53-21 or section  
89 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or  
90 53a-72b, except a violation involving consensual sexual intercourse or  
91 sexual contact between [the youth] a person who is sixteen years of age  
92 or older but under eighteen years of age and another person who is  
93 thirteen years of age or older but under sixteen years of age, including  
94 fingerprints, photographs and physical descriptions, shall be  
95 confidential and shall not be open to public inspection or be disclosed  
96 except as provided in this section, but such fingerprints, photographs  
97 and physical descriptions submitted to the State Police Bureau of  
98 Identification of the Division of State Police within the Department of  
99 Emergency Services and Public Protection at the time of the arrest of a  
100 person subsequently adjudged, or subsequently presumed or  
101 determined to be eligible to be adjudged, a youthful offender shall be  
102 retained as confidential matter in the files of the bureau and be opened  
103 to inspection only as provided in this section. Other data ordinarily  
104 received by the bureau, with regard to persons arrested for a crime,  
105 shall be forwarded to the bureau to be filed, in addition to such  
106 fingerprints, photographs and physical descriptions, and be retained in  
107 the division as confidential information, open to inspection only as  
108 provided in this section."