



## AUTOMATIC TRANSFER OF JUVENILES FROM JUVENILE TO CRIMINAL COURT

By: James Orlando, Senior Legislative Attorney

### TRANSFERS TO ADULT CRIMINAL COURT: 2015 LEGISLATIVE CHANGES

[PA 15-183](#) reduced the number of cases subject to transfer from juvenile to criminal court by (1) raising the minimum age for such transfers, from 14 to 15 and (2) eliminating automatic transfers for certain class B felonies.

### ISSUE

Describe when a juvenile offender in Connecticut must be transferred from juvenile to criminal court. This report updates OLR Report [2014-R-0094](#) to reflect changes made during the 2015 legislative session (see sidebar).

### SUMMARY

In Connecticut, juvenile courts have jurisdiction over children under age 18. The law requires the juvenile court to automatically transfer a child aged 15 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012; a class A felony; certain class B felonies; or arson murder ([CGS § 46b-127](#)).

The prosecutor may file a motion to return the matter back to juvenile court at any time after the arraignment in criminal court if the child is charged with:

1. a class B felony or
2. 1<sup>st</sup> degree sexual assault when it involved sexual intercourse with a victim under age 13 and the actor was more than two years older (but under age 18) ([CGS § 53a-70\(a\)\(2\)](#)).

For children charged with felonies not subject to automatic transfer, the prosecutor has discretion to request a transfer to adult court. The court can order the transfer only if (1) the child was at least age 15 at the time of the alleged offense, (2) there is probable cause to believe that the child committed the alleged offense, and (3) the best interests of the child and public are not served by keeping the case in



juvenile court. If a case is transferred in this way, the criminal court can return the case to juvenile court any time before a jury verdict or guilty plea, for good cause shown ([CGS § 46b-127](#)).

### **CRIMES REQUIRING AUTOMATIC TRANSFER TO ADULT COURT**

The law requires the juvenile court to automatically transfer a child aged 15 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012, a class A felony, most class B felonies, or arson murder ([CGS § 46b-127](#)).

Table 1 displays these crimes and their authorized prison sentences, including any mandatory minimum sentences. As described above, the prosecutor can file a motion to (1) return some of these cases to juvenile court and (2) request transfer of children charged with other felonies not appearing in this table to adult court.

**Table 1: Crimes That Subject a Child to Automatic Transfer from Juvenile to Adult Court**  
(see [CGS § 46b-127](#))

<i>Classification</i>	<i>Crime (CGS §)</i>	<i>Prison Sentence</i>
<b>Capital Felony</b>	Capital felony (for crimes committed before April 25, 2012) (formerly 53a-54b)	25 to 60 years Mandatory minimum 25 years  ( <a href="#">PA 15-84</a> eliminated life sentences for this crime for offenders under age 18 at the time of the offense)
<b>Class A Felony</b>	Murder* ( <a href="#">53a-54a</a> )	25 to 60 years Mandatory minimum 25 years
	Felony murder ( <a href="#">53a-54c</a> )	25 to 60 years Mandatory minimum 25 years
	Aggravated sexual assault of a minor ( <a href="#">53a-70c</a> )	25 to 50 years Mandatory minimum: <ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: 25 years</li> <li>• Subsequent offense: 50 years</li> </ul>
	Assault of pregnant woman resulting in termination of pregnancy ( <a href="#">53a-59c</a> )	10 to 25 years Mandatory minimum 10 years

Table 1 (continued)

<b>Classification</b>	<b>Crime (CGS §)</b>	<b>Prison Sentence</b>
<b>Class A Felony (continued)</b>	Sexual assault 1 <sup>st</sup> degree (when (1) use or threaten force and victim under age 16 or (2) victim under age 13 and actor more than two years older) (53a-70)	10 to 25 years Mandatory minimum: <ul style="list-style-type: none"> <li>• Five years if victim under age 16</li> <li>• 10 years if victim under age 10</li> </ul> <p>Sentence must include at least 10 years' imprisonment (any non-mandatory portion may be suspended) or a term of imprisonment and special parole together constituting at least 10 years</p>
	Aggravated sexual assault 1 <sup>st</sup> degree (victim under age 16) (53a-70a)	10 to 25 years Mandatory minimum: <ul style="list-style-type: none"> <li>• 10 years</li> <li>• 20 years if use force or threaten force</li> </ul>
	Kidnapping 1 <sup>st</sup> degree (53a-92)	10 to 25 years Mandatory minimum 10 years
	Kidnapping 1 <sup>st</sup> degree with a firearm (53a-92a)	10 to 25 years Mandatory minimum 10 years
	Home invasion (53a-100aa)	10 to 25 years Mandatory minimum 10 years
	Arson 1 <sup>st</sup> degree (53a-111)	10 to 25 years No mandatory minimum (pursuant to <i>State v. O'Neill</i> , 200 Conn. 268 (1986))
	Employing a minor in an obscene performance (53a-196a)	10 to 25 years Mandatory minimum 10 years
<b>Class B Felony</b>	Manslaughter 1 <sup>st</sup> degree with a firearm (53a-55a)	Five to 40 years Mandatory minimum five years
	Transferring pistol or revolver that is stolen or has altered identification (29-33)	One to 20 years Mandatory minimum three years
	Transferring long gun that is stolen or has altered identification (29-37a)	One to 20 years
	Strawman gun violations committed by a felon (29-37j)	One to 20 years Mandatory minimum three years
	Workers' compensation fraud (over \$2,000 in benefits) (31-290c)	One to 20 years
	Risk of injury (sexual contact with child under age 16) (53-21(a)(2))	One to 20 years Mandatory minimum five years if victim under age 13
	Deprivation of rights (if results in death) (53-37b)	One to 20 years

Table 1 (continued)

<b>Classification</b>	<b>Crime (CGS §)</b>	<b>Prison Sentence</b>
<b>Class B Felony (continued)</b>	Unlawful bomb manufacture ( <a href="#">53-80a</a> )	One to 20 years
	Intentional failure to report loss or theft of a firearm ( <a href="#">53-202g</a> )	One to 20 years
	Firearms trafficking ( <a href="#">53-202aa</a> )	One to 20 years Mandatory minimum three years
	Unlawful manufacture of chemical, biological, or radioactive weapon ( <a href="#">53-209a</a> )	One to 20 years
	Extortionate advance of credit ( <a href="#">53-390</a> )	One to 20 years
	Extortionate advance of money ( <a href="#">53-391</a> )	One to 20 years
	Extortionate collection or conspiracy to do so ( <a href="#">53-392</a> )	One to 20 years
	Conspiracy (to commit a class A or B felony) ( <a href="#">53a-48</a> and <a href="#">53a-51</a> )	One to 20 years
	Attempt (to commit a class A or B felony) ( <a href="#">53a-49</a> and <a href="#">53a-51</a> )	One to 20 years
	Assault 1 <sup>st</sup> degree ( <a href="#">53a-59</a> )	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> <li>• Five years when committed with a deadly weapon or dangerous instrument</li> <li>• 10 years if victim is (1) under age 10 or (2) a witness and actor knew victim was a witness</li> </ul>
	Assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability 1 <sup>st</sup> degree ( <a href="#">53a-59a</a> )	One to 20 years Mandatory minimum five years
	Sexual assault 1 <sup>st</sup> degree (also an A felony under certain circumstances, see above) ( <a href="#">53a-70</a> )	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> <li>• Two years</li> <li>• 10 years if victim is under age 10</li> </ul> <p>Sentence must include at least 10 years' imprisonment (any non-mandatory portion may be suspended) or a term of imprisonment and special parole together constituting at least 10 years</p>
Aggravated sexual assault 1 <sup>st</sup> degree (victim age 16 or older) ( <a href="#">53a-70a</a> )	10 to 20 years Mandatory minimum five years	
Sexual assault in spousal or cohabitation relationship ( <a href="#">53a-70b</a> )	One to 20 years Mandatory minimum two years	

Table 1 (continued)

<b>Classification</b>	<b>Crime (CGS §)</b>	<b>Prison Sentence</b>
<b>Class B Felony (continued)</b>	Sexual assault 3 <sup>rd</sup> degree with a firearm (victim under 16) ( <a href="#">53a-72b</a> )	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> <li>• Two years</li> </ul> Combined prison and special parole term of 10 years
	Promoting prostitution 1 <sup>st</sup> degree ( <a href="#">53a-86</a> ) (This statute was amended by <a href="#">PA 16-71</a> , § 16)	One to 20 years Mandatory minimum nine months if the prostitute is under age 18
	Enticing a minor (victim under age 13 or 3 <sup>rd</sup> or subsequent offense and victim is age 13 or older) ( <a href="#">53a-90a</a> ) (This statute was amended by <a href="#">PA 16-71</a> , § 9)	One to 20 years Mandatory minimum when minor is under age 13: <ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense: five years</li> <li>• Subsequent offense: 10 years</li> </ul>
	Kidnapping 2 <sup>nd</sup> degree with a firearm ( <a href="#">53a-94a</a> )	One to 20 years Mandatory minimum three years
	Burglary 1 <sup>st</sup> degree ( <a href="#">53a-101</a> )  Note: one form of committing this crime is subject to discretionary rather than automatic transfer (53a-101(a)(2))	One to 20 years Mandatory minimum five years when actor was armed with explosives, a deadly weapon, or a dangerous instrument
	Robbery 1 <sup>st</sup> degree, when the person is armed with a deadly weapon ( <a href="#">53a-134(a)(2)</a> )	One to 20 years Mandatory minimum five years when committed with a deadly weapon
	Possession of a weapon or dangerous instrument in a correctional institution ( <a href="#">53a-174a</a> )	One to 20 years
	Rioting at correctional institution ( <a href="#">53a-179b</a> )	One to 20 years
	Trafficking in persons ( <a href="#">53a-192a</a> ) (This statute was amended by <a href="#">PA 16-71</a> , § 12)	One to 20 years
	Promoting a minor in an obscene performance ( <a href="#">53a-196b</a> )	One to 20 years
	Money laundering 1 <sup>st</sup> degree ( <a href="#">53a-276</a> )	One to 20 years
Vendor fraud 1 <sup>st</sup> degree ( <a href="#">53a-291</a> )	One to 20 years	
<b>Unclassified</b>	Arson murder ( <a href="#">53a-54d</a> )	25 to 60 years Mandatory minimum 25 years  ( <a href="#">PA 15-84</a> eliminated life sentences for this crime for offenders under age 18 at the time of the offense)

\* Murder with special circumstances ([CGS § 53a-54b](#)) is also a class A felony, but under [PA 15-84](#), a defendant must have been over age 18 when the offense occurred to be charged with that crime.

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