



## SERIOUS JUVENILE OFFENSES

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### OTHER SERIOUS OFFENDER DESIGNATIONS

Under certain circumstances, a prosecutor may request that a court designate a proceeding against a child in juvenile court as either a serious juvenile repeat offender prosecution or a serious sexual offender prosecution. Children convicted under such proceedings generally face stricter sentences than would be imposed in a serious juvenile offender proceeding.

For more information, see OLR Report 2016-R-0284.

### ISSUE

What are serious juvenile offenses (SJOs) and how does the court handle cases in which a child is charged with such an offense?

### SUMMARY

In Connecticut, juvenile courts have jurisdiction over children under age 18 (i.e., minors). These courts adjudicate delinquency cases, in which minors are charged with violating state or federal laws.

The law designates approximately 50 felonies, including murder and various degrees of assault and burglary, as SJOs. Cases involving minors age 15 or older charged with these offenses are either (1) automatically transferred to adult criminal court or (2) may be transferred to adult

court at the prosecutor's discretion and under certain circumstances. (For more information on these adjudications, see OLR Report 2016-R-0284.)

Once a case is transferred to adult criminal court, the court must determine if the minor qualifies as a "youthful offender." The sentencing options for youthful offenders differ from those for delinquent adjudications, but they are generally more lenient than those imposed for adult criminal convictions. If the minor is not granted youthful offender status and his or her case remains in criminal court, he or she is tried and sentenced as an adult. (For more information about youthful offender status, see OLR Report [2016-R-0067](#).)

The law requires the juvenile court system to treat SJO cases that remain under its jurisdiction differently than non-SJO cases in a number of ways, including (1)

stricter detention protocols, (2) a prohibition against non-judicial handling (handling outside of the courtroom), and (3) a longer potential commitment to the Department of Children and Families (DCF) than those charged with non-SJOs. Minors convicted of SJOs in juvenile court face harsher penalties than those associated with other non-SJO convictions, including up to four years in DCF commitment. They must also wait longer to have their criminal records expunged than minors convicted of lesser offenses.

## **DETENTION AND NON-JUDICIAL HANDLING**

Generally, a minor arrested and brought to detention for a non-SJO may be released to his or her parents or guardian before he or she is arraigned. A minor charged with an SJO may not be released from detention without an order from the court ([CGS § 46b-133](#)).

Additionally, certain juvenile delinquency cases may be handled non-judicially if the minor does not have any previous delinquency convictions and has admitted to the allegations ([CGS § 46b-128](#)). Generally, such cases are disposed of after a successful probationary period of up to six months. According to the Connecticut Practice Book, SJO cases may not be handled in this manner ([CPB § 27-4A](#)).

## **PENALTIES AND RECORD ERASURE**

If a minor whose SJO case was transferred to adult court does not qualify for youthful offender status and is convicted, he or she generally may be sentenced to the same prison terms and fines as an adult (see Table 1 below).

If an SJO case is adjudicated in juvenile court, the court may order various sentences such as an alternative incarceration program, probation, or commitment to DCF. DCF commitment may be for up to four years for an SJO, as opposed to 18 months for other offenses. DCF may extend the commitment beyond these periods if it can prove to the court that doing so would be in the best interest of the child or the community. DCF commitments for delinquency end when the child reaches age 20 ([CGS §§ 46b-140, -141](#)).

When a minor who was adjudicated delinquent turns 18, he or she may petition the court to have the associated police and court records erased. The court generally must grant the petition if at least two years have elapsed since he or she was discharged from court supervision or DCF custody and there have been no subsequent delinquency or adult criminal proceedings or convictions. However, if the minor was adjudicated for an SJO, the wait period is four years instead of two ([CGS § 46b-146](#)).

It is a (1) Class C felony with a mandatory minimum two-year prison sentence and \$5,000 fine for a person convicted as delinquent for an SJO to possess a firearm, pistol, revolver, ammunition, or electronic defense weapon (e.g., a Taser) and (2) Class A misdemeanor, punishable by up to a year in prison, a \$2,000 fine, or both, for such a person to possess body armor ([CGS §§ 53a-217, -217c, -217d](#)).

**TABLES**

Table 1 provides the law’s authorized penalties for adults convicted of various felonies. With the exception of “murder with special circumstances,” these penalties also apply to juveniles convicted as adults in criminal court. (By law, an individual may not be charged with murder with special circumstances if he or she was under age 18 when the alleged offense occurred; thus, this felony classification does not apply to juveniles ([CGS § 53a-54b](#)).)

**Table 1: Felony Penalties for Adult Convictions**

<i>Classification</i>	<i>Imprisonment</i>	<i>Fine</i>
Class A felony (murder with special circumstances)	Life, without release	Up to \$20,000
Class A felony (murder)	25 to 60 years	Up to \$20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	Up to \$20,000
Class B felony (1 <sup>st</sup> degree manslaughter with a firearm)	5 to 40 years	Up to \$15,000
Class B felony	1 to 20 years	Up to \$15,000
Class C felony	1 to 10 years	Up to \$10,000
Class D felony	Up to 5 years	Up to \$ 5,000

Table 2 lists the crimes that are categorized as SJOs and whether transfer to adult court for prosecution is mandatory or discretionary. In addition to the crimes listed in the table, it is an SJO to run away, without just cause, from any secure placement other than home while referred as a delinquent child to the Judicial Branch’s Court Support Services Division or committed as a delinquent child to DCF for an SJO ([CGS § 46b-120\(10\)](#)).

**Table 2: Crimes Designated as SJOs**

<b>CGS §</b>	<b>Subject</b>	<b>Penalty</b>	<b>Transfer</b>
<a href="#">21a-277</a>	Illegally manufacturing, distributing, selling, or dispensing drugs	Penalties vary depending on the violation but all are unclassified felonies	Discretionary
<a href="#">21a-278</a>	Illegally manufacturing, distributing, selling, or dispensing drugs by a non-drug-dependent person	Penalties vary depending on the violation but all are unclassified felonies	Discretionary
<a href="#">29-33</a>	Violating pistol and revolver transfer laws	B felony with three year mandatory minimum or C felony with two year mandatory minimum	Mandatory if B felony; Discretionary if C felony
<a href="#">29-34</a>	Making a false statement in connection with a pistol or revolver transfer or transferring a pistol or revolver to someone under age 21	C felony with two year mandatory minimum	Discretionary
<a href="#">29-35</a>	Carrying a pistol or revolver without a permit	Depending on the violation, penalties range from an infraction (up to a \$35 fine) to a D felony with one year mandatory minimum (The mandatory minimum only applies if there are no mitigating circumstances, see <a href="#">CGS § 29-37</a> ).	Discretionary unless infraction, which may not be transferred
<a href="#">53-21(a)(2),(3)</a>	Risk of injury to a minor involving contact with intimate parts or transferring the legal or physical custody of a child to another person for money	Depending on the violation: C felony or B felony with possible five year mandatory minimum	Mandatory if B felony; Discretionary if C felony
<a href="#">53-80a</a>	Manufacturing bombs	B felony	Mandatory
<a href="#">53-202b</a>	Selling or transferring an assault weapon	C felony with two year mandatory minimum (five year mandatory minimum if the weapon recipient is under age 18)	Discretionary

Table 2 (continued)

<b>CGS §</b>	<b>Subject</b>	<b>Penalty</b>	<b>Transfer</b>
<a href="#">53-202c</a>	Possessing an assault weapon	Depending on the violation: A misdemeanor or D felony with one year mandatory minimum	Discretionary
<a href="#">53-390</a> to <a href="#">-392</a>	Extortionate extension of credit and related offenses	Depending on the violation: B felony or up to twenty year sentence and various fines apply	Mandatory
<a href="#">53a-54a</a> to <a href="#">-54e</a>	Murder, felony murder, arson murder	Murder if under age 18 is a class A felony with a 25 to 60 year prison sentence	Mandatory
<a href="#">53a-55</a> to <a href="#">-56b</a>	Manslaughter: 1 <sup>st</sup> degree, 1 <sup>st</sup> degree with a firearm, 2 <sup>nd</sup> degree, 2 <sup>nd</sup> degree with a firearm, 2 <sup>nd</sup> degree with a motor vehicle	Depending on the violation: B or C felony and mandatory minimum may apply	Discretionary, except mandatory if 1 <sup>st</sup> degree with a firearm
<a href="#">53a-57</a>	Misconduct with a motor vehicle	D felony	Discretionary
<a href="#">53a-59</a> to <a href="#">-59b</a>	Assault: 1 <sup>st</sup> degree; 1 <sup>st</sup> degree assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability; 1 <sup>st</sup> degree assault of a Department of Corrections (DOC) employee	B felony, mandatory minimum may apply depending on the violation	Discretionary for 1 <sup>st</sup> degree assault of a DOC employee; all others mandatory
<a href="#">53a-59c</a>	Assault of a pregnant woman resulting in the pregnancy's termination	A felony	Mandatory
<a href="#">53a-60</a> to <a href="#">-60c</a>	2 <sup>nd</sup> degree assault; 2 <sup>nd</sup> degree assault with a firearm; 2 <sup>nd</sup> degree assault (with or without a firearm) of an elderly, blind, disabled, or pregnant person or a person with intellectual disability	D felony, mandatory minimum may apply depending on the violation or C felony	Discretionary
<a href="#">53a-64aa</a> to <a href="#">-64bb</a>	1 <sup>st</sup> and 2 <sup>nd</sup> degree strangulation	Depending on the violation: C or D felony	Discretionary

Table 2 (continued)

<b>CGS §</b>	<b>Subject</b>	<b>Penalty</b>	<b>Transfer</b>
<a href="#">53a-70</a> to <a href="#">-71</a>	Sexual assault: 1 <sup>st</sup> degree, aggravated 1 <sup>st</sup> degree, in a spousal or cohabiting relationship, aggravated of a minor, 2 <sup>nd</sup> degree	Depending on the violation: A, B, or C felony, with various mandatory minimums	Discretionary if 2 <sup>nd</sup> degree sexual assault; all others mandatory
<a href="#">53a-72b</a>	3 <sup>rd</sup> degree sexual assault with a firearm	Depending on the violation: C felony or B felony, with two year mandatory minimum	Mandatory if B felony
<a href="#">53a-86</a>	1 <sup>st</sup> degree promoting prostitution	B felony, mandatory minimum may apply	Mandatory
<a href="#">53a-92</a> to <a href="#">-94a</a>	Kidnapping: 1 <sup>st</sup> degree, 1 <sup>st</sup> degree with a firearm, 2 <sup>nd</sup> degree, 2 <sup>nd</sup> degree with a firearm	Depending on the violation: A felony or B felony with three year mandatory minimum	Discretionary if 2 <sup>nd</sup> degree kidnapping without a firearm, otherwise mandatory
<a href="#">53a-95</a>	1 <sup>st</sup> degree unlawful restraint	D felony	Discretionary
<a href="#">53a-100aa</a>	Home invasion	A felony, ten year mandatory minimum	Mandatory
<a href="#">53a-101</a>	1 <sup>st</sup> degree burglary	B felony and five year mandatory minimum may apply	Depends on the circumstances
<a href="#">53a-102a</a>	2 <sup>nd</sup> degree burglary with a firearm	C felony with one year mandatory minimum	Discretionary
<a href="#">53a-103a</a>	3 <sup>rd</sup> degree burglary with a firearm	D felony with one year mandatory minimum	Discretionary
<a href="#">53a-111</a> to <a href="#">-113</a>	1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> degree arson	Depending on the violation: A, B, or C felony	Mandatory if A felony; otherwise discretionary
<a href="#">53a-122(a)(1)</a>	1 <sup>st</sup> degree larceny involving extortion	B felony	Discretionary
<a href="#">53a-123(a)(3)</a>	2 <sup>nd</sup> degree larceny involving property taken from another's person	C felony	Discretionary
<a href="#">53a-134</a> , <a href="#">-135</a> , <a href="#">-136a</a>	Robbery: 1 <sup>st</sup> degree, 2 <sup>nd</sup> degree, involving car jacking	Depending on the violation: B or C felony and mandatory minimum may apply	Mandatory if 1 <sup>st</sup> degree robbery committed while armed with a deadly weapon, otherwise discretionary
<a href="#">53a-167c</a>	Assault of public safety, emergency medical, public transit, or health care personnel	C felony	Discretionary

Table 2 (continued)

<b>CGS §</b>	<b>Subject</b>	<b>Penalty</b>	<b>Transfer</b>
<a href="#">53a-174(a)</a>	Conveying unauthorized items into a prison or institution	D felony	Discretionary
<a href="#">53a-196a</a>	Employing a minor in an obscene performance	A felony, ten year mandatory minimum	Mandatory
<a href="#">53a-211</a>	Possessing a sawed-off shotgun or silencer	D felony	Discretionary
<a href="#">53a-212</a>	Stealing a firearm	C felony, two year mandatory minimum	Discretionary
<a href="#">53a-216</a>	Criminal use of a firearm or electronic defense weapon	D felony, five year mandatory minimum	Discretionary
<a href="#">53a-217b</a>	Possessing a weapon on school grounds	D felony	Discretionary

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