
OLR Bill Analysis

sHB 5189

AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR FIRE-STARTING BEHAVIOR TREATMENT.

SUMMARY

This bill allows a child charged with a delinquency offense involving an “act of fire starting” to file a motion with the court for an evaluation to determine if he or she would benefit from participating in a fire-starting behavior treatment program. The motion must be filed within 10 days of the child entering a plea, unless the court waives the requirement on its own or the parties agree to waive it.

Under the bill, an “act of fire starting” is (1) conduct that causes an explosion or a fire to start, regardless of whether any person or animal was injured or property was damaged as a result or (2) planning or preparing to start a fire or cause an explosion.

The bill permits the court to suspend the delinquency proceeding so the child may attend the program and if he or she successfully completes it and complies with the suspension order, the court may dismiss the delinquency charges. The bill does not specify (1) who must conduct the fire starting evaluation or a timeframe in which it must be completed or (2) which entity is responsible for providing the program.

Under the bill, a child is ineligible for the program if the court previously ordered this treatment or if he or she is charged with a serious juvenile offense (see BACKGROUND).

EFFECTIVE DATE: July 1, 2018

SUSPENSION ORDER

The court, upon the child’s motion, may suspend the delinquency proceedings for up to one year and order the child to participate in a

fire starting behavior treatment program. But it may only do so after it (1) considers information concerning the child's fire starting and the evaluation results, (2) finds that the child requires and is likely to benefit from such treatment, and (3) determines that the suspension will advance the interests of justice. The evaluation results may only be used to determine whether the delinquency proceedings should be suspended.

During the suspension period, the child must be supervised by a juvenile probation officer who must monitor the child's compliance with court orders. The child's parent or guardian must pay the evaluation and program costs unless the court waives the costs upon finding that the parent or guardian is indigent.

If the court denies the motion to suspend the delinquency proceedings, the prosecutor may proceed with the adjudication. A court order granting or denying the suspension is not deemed a final order for appeal purposes.

Under the bill, at any time during the suspension, but no later than one month before it ends, a juvenile probation officer must notify the court of the impending conclusion and submit a report on whether the child completed the program and complied with the other suspension order conditions the court imposed.

If the court, on the child's or its own motion, finds that the child completed the program and complied with the other suspension order conditions, it may dismiss the suspended delinquency charges. If it denies the motion and terminates the suspension, the prosecutor may proceed with the adjudication.

BACKGROUND

Serious juvenile offenses include murder with special circumstances, arson murder, all class A felonies, many class B felonies, and running away without just cause from a secure placement other than a home while referred as a delinquent to the Court Support Services Division or committed as a delinquent to the Department of

Children and Families (CGS § 46b-120).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 0 (03/15/2018)