



House of Representatives

General Assembly

File No. 57

February Session, 2018

Substitute House Bill No. 5189

House of Representatives, March 28, 2018

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2018*) (a) For the purposes of this
2 section, "an act of fire starting" means (1) conduct that causes a fire to
3 start or an explosion, regardless of whether injury to a person or
4 animal or damage to property results, or (2) planning or preparing to
5 start a fire or cause an explosion.

6 (b) The court, on motion of a child charged with a delinquency
7 offense involving an act of fire starting, but not yet convicted, may
8 order that such child be evaluated to determine whether the child
9 would benefit from participating in a fire-starting behavior treatment
10 program. Such motion shall be filed with the court within ten days
11 after a plea is entered, except if waived by the court or pursuant to an
12 agreement by the parties. The results of any evaluation ordered
13 pursuant to this subsection shall be utilized only for the purposes of
14 determining whether the delinquency proceeding should be

15 suspended under this section.

16 (c) The court, upon motion of the child charged with a delinquency
17 offense but not yet convicted, may order the suspension of the
18 delinquency proceedings for a period of up to one year and order that
19 the child participate in a fire starting behavior treatment program if the
20 court, after consideration of information before it concerning the
21 child's act of fire starting and the evaluation ordered pursuant to
22 subsection (b) of this section, finds that the child requires and is likely
23 to benefit from such treatment and the suspension of the delinquency
24 proceedings will advance the interests of justice. During the period of
25 suspension, a child shall be placed under the supervision of a juvenile
26 probation officer and such officer shall monitor the compliance of the
27 child with the orders of the court. The costs of such evaluation and
28 treatment program shall be paid by the child's parent or guardian
29 unless such costs are waived by the court upon a finding that such
30 parent or guardian is indigent.

31 (d) If the court denies the motion for suspension of the delinquency
32 proceedings, the prosecutorial official may proceed with the
33 delinquency proceedings. Any order of the court granting or denying a
34 motion for suspension of the delinquency proceedings shall not be
35 deemed a final order for purposes of appeal.

36 (e) At any time before the end of the period of the suspension of the
37 delinquency proceedings, but not later than one month before the end
38 of the period of suspension, a juvenile probation officer shall notify the
39 court of the impending conclusion of the suspension and submit a
40 report on whether the child has completed the fire-starting behavior
41 treatment program and has complied with all other conditions of the
42 suspension order imposed by the court.

43 (f) If the court, on motion of the child or on its own motion, finds
44 that the child has completed the fire-starting behavior treatment
45 program and has complied with all other conditions of suspension, it
46 may dismiss the charge for which the delinquency proceedings had
47 been suspended. If the court denies the motion and terminates the

48 suspension of the delinquency proceedings, the prosecutorial official
49 may proceed with such proceedings.

50 (g) The provisions of this section shall not apply to any child
51 charged with a serious juvenile offense, as defined in section 46b-120
52 of the general statutes, or any child who was previously ordered
53 treated under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	New section

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Judicial Dept.; Children & Families, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which allows the court to suspend a delinquency proceeding for specified fire starting offenses and to order a child for evaluation and treatment, results in a potential cost to the Judicial Department and the Department of Children and Families (DCF).

Costs for the evaluation and treatment program are to be paid by the child's parent or guardian unless the costs are waived by the court upon a finding that the parent or guardian is indigent. In such cases, the cost will be paid by the Judicial Department. If the child is in the care and custody of DCF, then such costs will be paid by the agency.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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)