



Senate

General Assembly

File No. 132

February Session, 2018

Substitute Senate Bill No. 187

Senate, March 29, 2018

The Committee on Children reported through SEN. MOORE, M. of the 22nd Dist. and SEN. SUZIO of the 13th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE TRANSFER OF A CHILD CHARGED WITH CERTAIN OFFENSES TO THE CRIMINAL DOCKET.

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

1 Section 1. Subsection (b) of section 46b-127 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2018*):

4 (b) (1) Upon motion of a prosecutorial official, the superior court for
5 juvenile matters shall conduct a hearing to determine whether the case
6 of any child charged with the commission of a class C, D or E felony or
7 an unclassified felony shall be transferred from the docket for juvenile
8 matters to the regular criminal docket of the Superior Court. The court
9 shall not order that the case be transferred under this subdivision
10 unless the court finds that (A) such offense was committed after such
11 child attained the age of fifteen years, (B) there is probable cause to
12 believe the child has committed the act for which the child is charged,
13 and (C) the best interests of the child [and] or the public will not be

14 served by maintaining the case in the superior court for juvenile
 15 matters. In making such findings, the court shall consider (i) any prior
 16 criminal or juvenile offenses committed by the child, (ii) the
 17 seriousness of such offenses, (iii) any evidence that the child has
 18 intellectual disability or mental illness, and (iv) the availability of
 19 services in the docket for juvenile matters that can serve the child's
 20 needs. Any motion under this subdivision shall be made, and any
 21 hearing under this subdivision shall be held, not later than thirty days
 22 after the child is arraigned in the superior court for juvenile matters.

23 (2) If a case is transferred to the regular criminal docket pursuant to
 24 subdivision (1) of this subsection or subdivision (3) of subsection (a) of
 25 this section, the court sitting for the regular criminal docket may return
 26 the case to the docket for juvenile matters at any time prior to a jury
 27 rendering a verdict or the entry of a guilty plea for good cause shown
 28 for proceedings in accordance with the provisions of this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	46b-127(b)

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 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the provisions that allow certain juvenile matters to be transferred from juvenile court to Superior Court and, to the extent that it results in a great number of incarcerations, results in a potential cost to the Department of Correction. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹.

The Out Years

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

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

OLR Bill Analysis**sSB 187*****AN ACT CONCERNING THE TRANSFER OF A CHILD CHARGED WITH CERTAIN OFFENSES TO THE CRIMINAL DOCKET.*****SUMMARY**

Existing law permits a prosecutor to petition the court to transfer a child charged with a class C, D, E, or unclassified felony from the juvenile court docket to the adult criminal court docket. This bill broadens the circumstances in which the court may grant such a petition.

Under the bill, the court may order the transfer of a child facing such charges if it finds that the best interests of the child or the public will not be served by keeping the case in juvenile court. Currently, the law only allows the court to order the transfer if it finds that the best interests of both the child and the public will not be served by maintaining the case in juvenile court. As under existing law, to order such a transfer the court must additionally find that (1) the offense was committed after the child turned 15 and (2) there is probable cause to believe that the child committed the alleged act.

Under existing law, unchanged by the bill, (1) arson murder and all class A felonies are automatically transferred to the adult criminal docket and (2) some class B felonies are automatically transferred, and the prosecutor may petition the court to transfer the other class B felony cases.

EFFECTIVE DATE: July 1, 2018

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 0 (03/15/2018)