



**Testimony Concerning**  
**H.B 5040: An Act Concerning Adjudication of Certain Young Adults in the Juvenile Court,**  
**H.B. 5041: An Act Concerning the Transfer of Juvenile Services from the Department of**  
**Children & Families to the Court Support Services Division, Judicial Branch**  
**And**  
**H.B. 5042: An Act Concerning Prosecution of Low Risk Young Offenders in Adult Court**

**In front of the**  
**Judiciary Committee**  
**March 21, 2018**

Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas and esteemed members of the Judiciary Committee:

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with University of Connecticut School of Law concerning the Governor's raised bills **H.B. 5040: An Act Concerning Adjudication of Certain Young Adults in the Juvenile Court, H.B.: 5042: An Act Concerning Prosecution of Low Risk Offenders in Adult Court and H.B. 5041: An Act Concerning the Transfer of Juvenile Services from the Department of Children & Families (DCF) to the Court Support Services Division (CSSD), Judicial Branch.** The Center supports **H.B. 5041** which serves to clarify, in response to the passage of Public Act 17-2, under whose care and responsibility youth committed as delinquent to DCF should be effective July 1, 2018 by clarifying that those youth will be under the supervision of CSSD and juvenile probation. The Center endorses the goal and intent behind both **H.B. 5040 and 5042**, which work to raise the age of juvenile jurisdiction to include 18 to 20 year olds and extend youthful offender status to this age group respectively. However, the Center has concerns with some of the proposed language of **H.B. 5040** which would remove some of the existing protections for 16 and 17 year old youth accused of certain crimes, and we therefore cannot wholly support this bill without removal of this language.

The Center provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through our TeamChild Juvenile Justice Project and our Racial Justice Project, the Center provides individual representation to youth in the juvenile justice system and collaborates with the juvenile public defenders, probation officers and other service providers to improve overall outcomes by ensuring their educational rights are being followed. Through our Racial Justice Project, we run Racial and Ethnic Disparities (RED) Reduction Projects in Hartford, Bridgeport, New Haven and Waterbury, where we work

with local stakeholders to develop strategies to reduce the disproportionate representation of youth of color in our juvenile justice system. The Center also plays a role in shaping juvenile justice policy through our membership in the Juvenile Justice Policy Oversight Committee (JJPOC) and its various subcommittees.

**H.B. 5041 should be enacted with additional clarifying language**

The passage of H.B. 5041 is crucial as it serves to clarify the responsible agency for youth who are currently committed to DCF as delinquent and whose commitment will extend beyond July 1, 2018. This bill is necessary in response to anticipated closure of the Connecticut Juvenile Training School and Public Act 17-2 passed late in the 2017 Special Session which transferred all judicial responsibility for the adjudicated juvenile justice population to the Court Support Services Division of the Judicial Branch effective July 1, 2018. While H.B. 5041 is essential as it achieves this basic goal, additional clarifying language around the process and procedures for this transfer is also necessary. Detailed thought needs to be given to protecting the rights and entitlements of these youth during the transfer process and the input and perspective of the counsel for those youth, the Office of the Chief Public Defender, must be considered and incorporated into this language.

**H.B. 5040 should not be passed without the suggested changes in Section 4 of this bill**

The intent behind H.B. 5040, to raise the age of juvenile jurisdiction for 18, 19 and 20 year olds who commit lower level offenses, is a crucial step towards acknowledging the long standing science establishing this age group to be still within a crucial stage of brain development. H.B. proposes that these youth who have been accused of committing these lower level offenses, be phased into juvenile court jurisdiction one age group at a time over the course of the next three years (18 year olds in 2019, 19 year olds in 2020 and 20 year olds in 2021). Such an expansion **would ensure this older group of youth, who have the same developmental characteristics as their younger counterparts, be given all the benefits and protections of juvenile court jurisdiction.**

The General Assembly made great strides and advancements in juvenile justice for the State of Connecticut when it removed the category of Class B felonies from the automatic transfer provisions of Conn. Gen. Stat. § 46b-127. However, Section 4 of H.B. 5040 serves to reverse this progress and return this group of felonies to the list of crimes for which youth can be automatically transferred to adult court. Reinstating automatic transfer for these less serious crimes goes against the grain of what H.B. 5040 attempts to achieve – it retracts the rights of all youth to have charges of this nature first and reviewed and handled by the juvenile court. **This proposed provision of HB 5040 should be removed.**

Of additional concern is the proposed change which lowers the burden necessary to prove discretionary transfers for lesser C, D and E felonies, making affidavits and written statements

