



General Assembly

Substitute Bill No. 5189

February Session, 2018



**AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY
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:		
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Section 1	<i>July 1, 2018</i>	New section
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KID *Joint Favorable Subst.*

JUD *Joint Favorable*