



General Assembly

**Amendment**

February Session, 2018

LCO No. 4589



Offered by:  
SEN. SUZIO, 13<sup>th</sup> Dist.

To: Subst. Senate Bill No. 509

File No. 615

Cal. No. 365

**"AN ACT CONCERNING NEWLY DISCOVERED EVIDENCE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 46b-127 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2018*):

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2018	46b-127(b)