

Children in Possession of Dangerous Weapons

By: Katherine Dwyer, Associate Attorney
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Issue

Are law enforcement officers authorized by law to arrest or detain a youth who is in possession of a weapon?

Summary

By law, a police officer may arrest a child who is in the process of committing a crime, on speedy information (reasonably accurate information that the child arrested was guilty of, or implicated in, a crime), or when the arrest appears imperative ([CGS § 46b-133\(a\)](#)).

There are several crimes involving weapon possession for which a child could be arrested. Examples include:

1. possessing a weapon on school grounds ([CGS § 53a-217b](#));
2. carrying a dangerous weapon ([CGS § 53-206](#));
3. attempting to commit assault with a deadly weapon (CGS §§ [53a-49](#), [53a-59](#)); and
4. threatening with a firearm ([CGS § 53a-61aa](#)).

Additionally, anyone purchasing or receiving a handgun in Connecticut must have an eligibility certificate or a permit to sell or carry handguns and anyone carrying a handgun must have a permit to carry handguns. A person must be at least age 21 to obtain a permit or eligibility certificate, so a child could be arrested for carrying, purchasing, or receiving a handgun since he or she would be too young to legally obtain such a credential (CGS §§ [29-28](#), [-33\(b\)](#), [-35](#), and [-36f](#)).

Following the arrest, the police officer may (1) release the child to the child's parents, guardian, or another suitable person or agency; (2) at the officer's discretion, release the child on his or her own; or (3) seek a court order to detain the child in a juvenile detention center ([CGS § 46b-133\(c\)](#)) as amended by [PA 18-31 § 33](#)).

A child may not be placed in detention unless the court determines, based on the available facts, that there is:

1. probable cause to believe that the child committed the alleged acts;
2. no appropriate less restrictive alternative available; and
3. (a) probable cause to believe that the level of risk that the child poses to public safety if released to the community before the court hearing or disposition cannot be managed in a less restrictive setting; (b) a need to hold the child to ensure his or her appearance in court or compliance with court process, based on previous failure to respond to court process; or (c) a need to hold the child for another jurisdiction.

A detained child must have a hearing the next business day after his or her arrest ([CGS § 46b-133\(c\),\(e\)](#), as amended by [PA 18-31 § 33](#)).

KD:cmg