



***Substitute House Bill No. 5575***

***Public Act No. 19-135***

***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:

Section 1. (NEW) (*Effective July 1, 2019*) (a) For the purposes of this section, "an act of fire starting" means (1) conduct that causes an explosion or a fire to start, regardless of whether such explosion or fire results in an injury to a person or animal or damage to property, or (2) planning or preparing to cause an explosion or start a fire.

(b) The court, on a motion of a child charged with a delinquency offense involving an act of fire starting, but not yet convicted, may order that such child be evaluated to determine whether the child would benefit from participating in a fire starting behavior treatment program. Such motion shall be filed with the court not later than ten days after a plea is entered, except if waived by the court or pursuant to an agreement by the parties. The court shall use the results of any evaluation ordered pursuant to this subsection only for the purpose of determining whether delinquency proceedings should be suspended under this section. The costs of such evaluation shall be paid by such child's parent or guardian unless such costs are waived by the court upon a finding that such parent or guardian is indigent.

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(c) The court, on a motion of a child charged with a delinquency offense involving an act of fire starting, but not yet convicted, may order the suspension of the delinquency proceeding for a period of up to one year and order that such child participate in a fire starting behavior treatment program if the court, after consideration of information before it concerning the child's act of fire starting and the evaluation ordered pursuant to subsection (b) of this section, finds that such child requires and is likely to benefit from such treatment and the suspension of the delinquency proceedings will advance the interests of justice. During the period of suspension, such child shall be placed under the supervision of a juvenile probation officer and such officer shall monitor the compliance of such child with the orders of the court. The costs of such treatment program shall be paid by such child's parent or guardian unless such costs are waived by the court upon a finding that such parent or guardian is indigent.

(d) If the court denies the motion for suspension of the delinquency proceedings, the prosecutorial official may proceed with the delinquency proceedings. Any order of the court granting or denying a motion for suspension of the delinquency proceedings shall not be deemed a final order for purposes of appeal.

(e) At any time before the end of the period of the suspension of the delinquency proceedings, except during the final month of the period of suspension, a juvenile probation officer shall notify the court of the impending conclusion of the suspension and submit a report on whether the child has completed the fire starting behavior treatment program and has complied with all other conditions of the suspension order imposed by the court.

(f) The court, on a motion of a child or on its own motion, may dismiss the charge for which the delinquency proceedings had been suspended if it finds that such child has successfully completed the fire starting behavior treatment program and has complied with all other

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conditions of the suspension order. If the court denies such motion and terminates the suspension of the delinquency proceedings, the prosecutorial official may proceed with such proceedings.

(g) The provisions of this section shall not apply to any child charged with a serious juvenile offense, as defined in section 46b-120 of the general statutes, or any child for whom evaluation and treatment was previously ordered pursuant to this section.

Approved July 1, 2019