
OLR Bill Analysis

sSB 504

AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR TREATMENT OR OTHER SERVICES IN MOTOR VEHICLE THEFT OR MISUSE CASES AND CONCERNING DETENTION OF JUVENILES.

SUMMARY

This bill allows a child charged with a delinquency offense involving either the unlawful use or operation of a motor vehicle or motor vehicle theft to file a motion with the court requesting an evaluation to determine if he or she would benefit from treatment or other services to address any condition or behavior directly related to the offense.

Following an evaluation, the court may suspend the delinquency proceeding so the child may receive such services. If the child successfully completes treatment and complies with the suspension order, the court may dismiss the delinquency charges.

Under the bill, a child is ineligible for this opportunity if (1) the court previously ordered an evaluation and treatment or (2) he or she is charged with a serious juvenile offense (see BACKGROUND).

Under existing law, the court may only order a child to be detained after he or she is arrested for an alleged crime on certain grounds, including probable cause to believe that the level of risk that the child poses to public safety if released to the community cannot be managed in a less restrictive setting. The bill specifies that a court may determine that a child poses a risk to public safety for these purposes if he or she:

1. has previously been adjudicated delinquent for or convicted of or pled guilty or nolo contendere to two or more felony offenses,

2. has had two or more prior probation dispositions, and
3. is charged with committing 1st or 2nd degree larceny involving a motor vehicle.

As under existing law, in order to detain a child on this basis, the court must additionally find that there is probable cause to believe that the child committed the alleged acts.

EFFECTIVE DATE: July 1, 2019

DEFINITIONS

For the bill's purposes, a "child" is a person who:

1. is at least age seven at the time of the alleged delinquent act and is either (a) under age 18 and has not been legally emancipated or (b) age 18 or older and committed the delinquent act before turning 18;
2. is age 18 or older and (a) violates a court order or condition of probation the court ordered related to a delinquency proceeding or (b) willfully fails to appear in juvenile court in response to a summons or for another delinquency hearing for which the child received notice.

A "delinquency offense involving the unlawful use or operation of a motor vehicle" includes (1) operating or using a vehicle, or causing the vehicle to be used or operated, without the owner's consent or (2) 1st or 2nd degree criminal trover (i.e., wrongful taking that results in damages) when it involves a motor vehicle.

A "delinquency offense involving motor vehicle theft" means 1st, 2nd, or 3rd degree larceny of a motor vehicle (the degree of larceny is based on the value of the car).

EVALUATION ORDER

Under the bill, a child's motion for an evaluation must be filed with the court within 10 days after the child enters a plea unless the court waives the requirement or the parties agree to waive it.

Based on the evaluation results, the bill permits the court to suspend the delinquency proceeding so the child may attend a treatment program. The court may use the evaluation results only to determine whether the delinquency proceedings should be suspended.

The child's parent or guardian must pay the evaluation costs unless the court waives the costs upon finding that the parent or guardian is indigent.

SUSPENSION ORDER

The court, upon the child's motion, may suspend the delinquency proceedings for up to one year and order the child to participate in treatment or other services to address any condition directly related to the alleged motor vehicle offense.

But the court may only do so after it:

1. considers information concerning the child's condition or behavior directly related to the offense and the evaluation results and
2. finds that (a) the child requires and is likely to benefit from the treatment or other services and (b) the suspension will advance the interests of justice.

If the court denies the motion to suspend the delinquency proceedings, the prosecutor may proceed with the case. A court order granting or denying the suspension is generally not subject to appeal.

If the court approves the motion to suspend, the child must be supervised during the suspension by a juvenile probation officer who must monitor the child's compliance with court orders. The child's parent or guardian must pay the treatment costs unless the court waives the costs upon finding that the parent or guardian is indigent.

Under the bill, at any time during the suspension, but no later than one month before it ends, a juvenile probation officer must (1) notify the court of the impending conclusion and (2) submit a report on

whether the child completed the treatment or other services and complied with the other court-ordered suspension conditions.

DISMISSAL

If the court, on the child's or its own motion, finds that the child successfully completed the treatment or other services and complied with the other suspension order conditions, it may dismiss the suspended delinquency charges. If it denies the motion and terminates the suspension, the prosecutor may proceed with the case.

BACKGROUND

Serious Juvenile Offense

By law, serious juvenile offenses include, among other things, murder with special circumstances, arson murder, most class A felonies, many class B felonies, and running away without just cause from a secure residential facility in which the court has placed the child after adjudicating him or her delinquent (CGS § 46b-120(8)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 1 (04/10/2019)