



House of Representatives

General Assembly

File No. 51

January Session, 2019

Substitute House Bill No. 5575

House of Representatives, March 13, 2019

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

6 (b) The court, on a 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 not later than ten
11 days after a plea is entered, except if waived by the court or pursuant
12 to an agreement by the parties. The court shall use the results of any
13 evaluation ordered pursuant to this subsection only for the purpose of
14 determining whether delinquency proceedings should be suspended

15 under this section. The costs of such evaluation shall be paid by such
16 child's parent or guardian unless such costs are waived by the court
17 upon a finding that such parent or guardian is indigent.

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

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

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

45 (f) The court, on a motion of a child or on its own motion, may
46 dismiss the charge for which the delinquency proceedings had been
47 suspended if it finds that such child has successfully completed the fire

48 starting behavior treatment program and has complied with all other
 49 conditions of the suspension order. If the court denies such motion and
 50 terminates the suspension of the delinquency proceedings, the
 51 prosecutorial official may proceed with such proceedings.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section

Statement of Legislative Commissioners:

In Section 1(c), "upon a motion of the child" was changed to "on a motion of a child" and "involving an act of fire starting" was added for consistency, and in Section 1(f), "on a motion of the child" was changed to "on a motion of a child" for consistency.

KID *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Judicial Dept.; Children & Families, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which allows the court to suspend a delinquency proceeding for specified fire starting offenses and to order a child for evaluation and treatment, results in a potential cost to the Judicial Department and the Department of Children and Families (DCF).

Costs for the evaluation and treatment program are to be paid by the child's parent or guardian unless the costs are waived by the court upon a finding that the parent or guardian is indigent. In such cases, the cost will be paid by the Judicial Department. If the child is in the care and custody of DCF, then such costs will be paid by the agency.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

HB 5575

AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR FIRE STARTING BEHAVIOR TREATMENT.

SUMMARY

This bill allows a child charged with a delinquency offense involving an “act of fire starting” to file a motion with the court for an evaluation to determine if he or she would benefit from participating in a fire-starting behavior treatment program. The motion must be filed within 10 days after the child enters a plea unless the court waives the requirement on its own or the parties agree to waive it.

The bill defines an “act of fire starting” as (1) conduct that causes an explosion or a fire to start, regardless of whether any person or animal was injured or property was damaged as a result, or (2) planning or preparing to start a fire or cause an explosion.

The bill permits the court to suspend the delinquency proceeding so the child may attend the program, and if he or she successfully completes it and complies with the suspension order, the court may dismiss the delinquency charges.

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

EFFECTIVE DATE: July 1, 2019

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 a fire-starting behavior treatment program. But it may only do so after it (1) considers information concerning the child’s fire starting and the evaluation results, (2) finds that the child requires and is likely to benefit from such treatment, and (3) determines that the suspension

will advance the interests of justice. The court may use the evaluation results only to determine whether the delinquency proceedings should be suspended.

During the suspension period, the child must be supervised by a juvenile probation officer who must monitor the child's compliance with court orders. The child's parent or guardian must pay the evaluation and program costs unless the court waives the costs upon finding that the parent or guardian is indigent.

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.

Under the bill, at any time during the suspension, but no later than one month before it ends, a juvenile probation officer must notify the court of the impending conclusion and submit a report on whether the child completed the program and complied with the other court-ordered suspension conditions.

If the court, on the child's or its own motion, finds that the child successfully completed the program 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

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

Committee on Children

Joint Favorable

Yea 14 Nay 0 (02/21/2019)