

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-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

Title: JUVENILES.

Vote Date: 4/10/2019

Vote Action: Joint Favorable

PH Date: 3/25/2019

File No.:

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SPONSORS OF BILL:

Judiciary Committee
Sen. Leonard A. Fasano
Sen. Martin M. Looney

REASONS FOR BILL:

To divert children in motor vehicle theft or misuse delinquency cases to treatment or other programs by possibly suspending such proceedings. The court may order the suspension of the delinquency proceedings for a period of up to one year and order that such child participate in treatment or other services to address any condition or behavior. This order is granted upon a judge's consideration of the delinquency case and provides supervision by the juvenile probation officer during this suspended prosecution period. Upon successful completion of services, the delinquency case may be dismissed based on the detailed report submitted prior to one month before court proceedings by the probation officer. The diversionary program would be modeled on the state's current diversionary program for juveniles facing substance abuse issues.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of CT Judicial Branch

The Judicial Branch takes no position on the policy change. The Judicial Branch notes this bill will require them to create new policies, forms, procedures, and motions. Additionally, the suspension of prosecution will delay resolution of cases and strain resources. The Judicial Branch requests that the effective date be moved back to October 1, 2019.

State of CT Division of Criminal Justice

The Division of Criminal Justice stated preference for the substitute language in HB 7332 on “raise the age” legislation to address the problem of repeat motor vehicle thieves. The Division is in support of comprehensive legislation in this bill concerning the important issues in addressing the serious problem posed by the small number of juvenile offenders involved in very serious and dangerous crimes.

Office of the Child Advocate, Sarah Healy Eagan, JD, Child Advocate

The organization supports this bill as they state it would create a specific diversionary program to treat the unique needs of children in delinquency proceedings involving motor vehicle theft and misuse. Such children could be evaluated for treatment and/or services and would authorize the court to suspend the delinquency proceeding for a set period of time to allow the child to participate in the treatment. This diversionary option would promote the goals of rehabilitation, core values of the juvenile justice system, and is strongly supported by the organization.

Office of the Chief Public Defender, Susan I. Hamilton, MSW, JD, Director of Delinquency Defense and Child Protection

The organization is in support of these diversionary options as they promote the goals of restorative justice and rehabilitation for children involved in our juvenile justice system and allows children to receive necessary treatment and other services while also being held accountable for their behavior without a resulting delinquency conviction.

Section 2 would specifically permit the court to find that a child poses a risk to public safety for purposes of detaining the child if the child has had two or more prior felony convictions, two or more prior dispositions of probation and is currently charged with larceny involving a motor vehicle. The organization provides an amendment on section 2 current language to include Larceny 3rd (Sec. 53a-124(a)(1)) as the current language of the bill only refers to Larceny 1st and 2nd (Sec. 53a-122(3); 53a-123(a)(1)). They believe this language is consistent with the factors currently considered by the court when detaining children but will further assist the court in exercising its discretion in cases involving motor vehicle theft.

NATURE AND SOURCES OF SUPPORT:

Connecticut Juvenile Justice Alliance, Abby Anderson, Executive Director

Ms. Anderson is in favor of section 1 stating that it would allow a juvenile delinquency case be suspended for up to a year so that youth can receive evaluation and services to address underlying issues they may face. The organization questions why this judge granted option is only available for some and not all offenses.

National Alliance on Mental Illness, Susan Kelley, JD, Director of Advocacy and Policy

The organization supports the rehabilitative approach of section 1, but would like it to be extended to youth for all offenses, not just juvenile delinquency cases.

State Senator Leonard A. Fasano

Senator Fasano is in support of this bill as it seeks to address the apparent juvenile crime in our state by providing needed services and community supports to deter youth from criminal activity by diverting juveniles away from criminal behavior and creating safer communities by improving public safety. He states the bill includes input from many stakeholders, including

the Division of Public Defender Services, which has been instrumental in crafting the bill's language and offering possible solutions.

State Senator Martin M. Looney

Senator Looney is in support of this bill regarding the issue of the increasing number of motor vehicle thefts by juveniles. He states that these thefts pose a risk to not only the owner of the motor vehicle that was stolen but also to anyone on the road when the unlicensed juveniles are out driving around in the stolen vehicle. He believes this legislation strikes a good balance in its attempt to protect public safety and to ensure that juveniles are held accountable while not destroying the future for these young people.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Juvenile Justice Alliance, Abby Anderson, Executive Director

Ms. Anderson is in opposition to section 2 as she believes it will expand the number of youth who can be admitted to juvenile detention. The Alliance opposes this section because current law already allows for youth who are a risk to public safety to be detained. Best practice and policy states those are the only youths for whom short-term detention is appropriate. The Alliance would like to see more mediation efforts in lieu of detainment to address juvenile car theft. They cited a \$650/case in 2018 by CT mediation program (RYASAP) versus an \$800/night detainment cost with average detention stays lasting 2 weeks amounting to an \$11,200 cost per case according to CSSD.

The Sentencing Project, Josh Rovner, State Advocacy Associate

Mr. Rovner is in opposition due to (1) motor vehicle theft arrests for teens and adults in CT are remarkably parallel, but this bill only addresses youth theft (2) increases in car theft are not unique to CT, citing ten years of rankings show that CT metro areas are not experiencing a spike, relative to the rest of the nation, when it comes to the incidence of car theft (3) most youth offending, other than car theft, has decreased showing moving youth into the juvenile justice system has been the right decision. He believes the current law, which allows for adult court waivers, is sufficient to address the problem that this bill purports to solve.

National Alliance on Mental Illness, Susan Kelley, JD, Director of Advocacy and Policy

The organization opposes section 2 of this bill, which would expand the number of youth entering juvenile detention. Ms. Kelley stated that current law already allows for youth who are a risk to public safety to be detained and further individual detaining would mean more costs for the state. Instead, keep youth out of the juvenile justice system through front end diversion programs that provide appropriate mental health and rehabilitative, trauma informed services to youth in the juvenile system.

Marianne Fichtel, New Canaan, CT

Ms. Fichtel is in opposition of section 2 of this bill.

Reported by: Gauri Verma

Date: 4/29/2019