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STATE OF CONNECTICUT
JUDICIAL BRANCH

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Testimony of the Judicial Branch
Judiciary Committee Public Hearing
March 25, 2019

H.B. 7389, An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch concerning H.B. 7389, *An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee.*

Should the Committee decide to act favorably on the bill as proposed, the Judicial Branch would like to make you aware of some of the technical issues and implementation difficulties we will face.

Section 1 will require the Judicial Branch to make changes so that all transfers from juvenile court are confidential until conviction. All cases will have to be docketed on a "confidential" docket that cannot be posted in courthouses, nor can the cases be displayed on the website, which will involve changes to our computer system and web look up system in order to restrict access. Our data feeds to other agencies will also have to be modified to flag restrictions so that the confidentiality requirements can be identified and maintained. All of those processes will require time and resources, making the October 1, 2019 implementation date impossible to meet.

Additionally, it is not clear how such confidentiality can be maintained once jury selection starts, as prospective jurors would have to be informed of the case prior to the jury being impaneled. Currently, all cases transferred from juvenile court become youthful offender (YO) cases once accepted in adult court, except certain cases such as Class A felonies and some sexual assaults. In YO matters, all the proposed confidentiality restrictions currently apply. It would seem that those YO confidentiality provisions would remain under this proposal, making such cases confidential under two separate but virtually identical sections. This would extend the current confidentiality provisions to non-YO cases such as serious sexual assaults and murders. No persons would be able to have any information on any such transferred case, including victims, until after the defendant was convicted.

Section 2 creates a significant problem for the Judicial Branch as it is not clear where any defendant under the age of 18 whose case was transferred from juvenile court to adult court, would be held both pretrial or after sentencing. The Prison Rape Elimination Act requires persons under the age of 18 to be held separately from adult detainees. We currently do not have the capacity in our detention centers to house and transport this population. Given all of the issues that need to be addressed, the January 1, 2020 implementation date is not possible to meet.

Thank you for your time and attention to this matter.