

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 19-110—sSB 504

Judiciary Committee

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 act allows a child charged with certain delinquency offenses involving a motor vehicle to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense. If the child successfully completes the services and complies with any other conditions the court sets, the court may dismiss the suspended delinquency charges.

The court may grant the request if, after considering the information before it, it finds (1) the child is likely to benefit from supervision and participation in the recommended services and (2) the suspension advances the interests of justice.

A child is ineligible for this opportunity if he or she (1) was previously granted a suspended prosecution under the act or (2) is charged with a serious juvenile offense (see BACKGROUND).

The act also requires the judicial branch to:

1. collect and annually examine data relating to the suspended delinquency proceedings under the act;
2. separate the data by the children's demographics, offense characteristics, and treatment and service outcomes; and
3. report the data upon request.

Additionally, the act specifies circumstances in which the juvenile court may make a determination that the level of risk a detained child accused of an alleged crime poses to public safety if released to the community cannot be managed in a less restrictive setting.

EFFECTIVE DATE: October 1, 2019, except the provision on determining when a child poses a public safety risk is effective July 1, 2019.

DEFINITIONS

For the act'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 or
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 he or she received notice.

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A “delinquency offense involving a motor vehicle” includes:

1. operating or using a vehicle, or causing the vehicle to be used or operated, without the owner’s consent;
2. 1st or 2nd degree criminal trover (i.e., wrongful taking that results in damages) when it involves a motor vehicle; and
3. 1st, 2nd, or 3rd degree larceny of a motor vehicle, depending on the car’s value.

SUSPENSION FOR TREATMENT

Motion for Suspension

A child who wishes to request a suspension of delinquency proceedings under the act must file a motion with the court within 10 days after entering a plea, unless this deadline is waived by the court or pursuant to an agreement by the parties.

The court, upon the child’s motion, may suspend the delinquency proceedings for up to six months and order the child to participate in services to address any condition or behavior directly related to the alleged motor vehicle offense. The child must be supervised during the suspension by a juvenile probation officer who must monitor the child’s compliance with court orders.

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.

Assessment for Supervision and Services

As a condition of eligibility for the suspension, the child must agree to (1) cooperate with an assessment to determine if he or she would benefit from supervision and services, (2) participate in and satisfactorily complete the recommended services, and (3) comply with any court orders.

The court’s use of the assessment results is limited to determining the appropriate services and whether the delinquency proceedings should be suspended.

Costs for Treatment and Services

The child’s parent or guardian must pay any out-of-pocket costs for the treatment or other services unless the court waives them upon finding that the parent or guardian is indigent.

Probation Notice and Report to Court

Under the act, 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

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2. submit a report on whether the child completed the treatment or other services and complied with the other court-ordered suspension conditions and, if not, whether the suspension should be extended to allow additional time for the child to do so.

Dismissal of Charges

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.

Extension or Termination of Suspension

The court may extend the suspension for up to six additional months if it finds that the child has not completed the treatment or other services, has not complied with all other suspension conditions, and additional time is needed to complete the treatment or other services.

If it denies the motion and terminates the suspension, the prosecutor may proceed with the case.

DETENTION FOLLOWING AN ARREST

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 act specifies that a court may make such a determination for these purposes if the child:

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, 2nd, or 3rd degree larceny involving a motor vehicle.

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

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)).