



General Assembly

January Session, 2019

Committee Bill No. 5575

LCO No. 3683



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

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

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

Statement of Purpose:

To permit the court to suspend a delinquency proceeding for certain fire starting offenses and order a child to participate in a fire starting behavior treatment program.

Co-Sponsors: REP. BOYD, 50th Dist.; REP. LINEHAN, 103rd Dist.
REP. MCGORTY, 122nd Dist.

H.B. 5575