



General Assembly

January Session, 2019

Raised Bill No. 7332

LCO No. 5505



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

***AN ACT CONCERNING PUBLIC SAFETY AND THE WELFARE OF
REPEAT JUVENILE OFFENDERS AND THEIR VICTIMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 46b-127 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2019*):

4 (a) (1) The court shall automatically transfer from the docket for
5 juvenile matters to the regular criminal docket of the Superior Court
6 the case of any child (A) (i) charged with the commission of (I) a
7 capital felony under the provisions of section 53a-54b in effect prior to
8 April 25, 2012, (II) a class A felony, [or] (III) a class B felony, except as
9 provided in subparagraph (A)(ii) of this subdivision or subdivision (3)
10 of this subsection, or (IV) a violation of section 53a-54d, [provided] or
11 (ii) previously adjudicated as delinquent for or convicted of or pled
12 guilty or nolo contendere to two or more felony offenses, and charged
13 with the commission of larceny under subdivision (3) of subsection (a)
14 of section 53a-122, subdivision (1) of subsection (a) of section 53a-123
15 or subdivision (1) of subsection (a) of section 53a-124, and (B) such

16 offense was committed after such child attained the age of fifteen years
17 and counsel has been appointed for such child if such child is indigent.
18 Such counsel may appear with the child but shall not be permitted to
19 make any argument or file any motion in opposition to the transfer.
20 The child shall be arraigned in the regular criminal docket of the
21 Superior Court at the next court date following such transfer, provided
22 any proceedings held prior to the finalization of such transfer shall be
23 private and shall be conducted in such parts of the courthouse or the
24 building in which the court is located that are separate and apart from
25 the other parts of the court which are then being used for proceedings
26 pertaining to adults charged with crimes.

27 (2) A state's attorney may, at any time after such arraignment, file a
28 motion to transfer the case of any child charged with the commission
29 of a class B felony, larceny under subdivision (1) of subsection (a) of
30 section 53a-123 or subdivision (1) of subsection (a) of section 53a-124,
31 or a violation of subdivision (2) of subsection (a) of section 53a-70, to
32 the docket for juvenile matters for proceedings in accordance with the
33 provisions of this chapter.

34 (3) No case of any child charged with the commission of a violation
35 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of
36 subsection (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b,
37 subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section
38 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall
39 be transferred from the docket for juvenile matters to the regular
40 criminal docket of the Superior Court, except as provided in this
41 subdivision or subdivision (1) of this subsection. Upon motion of a
42 prosecutorial official, the superior court for juvenile matters shall
43 conduct a hearing to determine whether the case of any child charged
44 with the commission of any such offense shall be transferred from the
45 docket for juvenile matters to the regular criminal docket of the
46 Superior Court. The court shall not order that the case be transferred
47 under this subdivision unless the court finds that (A) such offense was
48 committed after such child attained the age of fifteen years, (B) there is
49 probable cause to believe the child has committed the act for which the

50 child is charged, and (C) after considering the best interests of the
51 child, [and] the best interests of the public will not be served by
52 maintaining the case in the superior court for juvenile matters. In
53 making such findings, the court shall consider (i) any prior criminal or
54 juvenile offenses committed by the child, (ii) the seriousness of such
55 offenses, (iii) any evidence that the child has intellectual disability or
56 mental illness, and (iv) the availability of services in the docket for
57 juvenile matters that can serve the child's needs. Any motion under
58 this subdivision shall be made, and any hearing under this subdivision
59 shall be held, not later than thirty days after the child is arraigned in
60 the superior court for juvenile matters.

61 (b) (1) [Upon] Except as provided in subsection (a) of this section
62 with respect to larceny, upon motion of a prosecutorial official, the
63 superior court for juvenile matters shall conduct a hearing to
64 determine whether the case of any child charged with the commission
65 of a class C, D or E felony or an unclassified felony shall be transferred
66 from the docket for juvenile matters to the regular criminal docket of
67 the Superior Court. The court shall not order that the case be
68 transferred under this subdivision unless the court finds that (A) such
69 offense was committed after such child attained the age of fifteen
70 years, (B) there is probable cause to believe the child has committed
71 the act for which the child is charged, and (C) after considering the
72 best interests of the child, [and] the best interests of the public will not
73 be served by maintaining the case in the superior court for juvenile
74 matters. In making such findings, the court shall consider (i) any prior
75 criminal or juvenile offenses committed by the child, (ii) the
76 seriousness of such offenses, (iii) any evidence that the child has
77 intellectual disability or mental illness, and (iv) the availability of
78 services in the docket for juvenile matters that can serve the child's
79 needs. Any motion under this subdivision shall be made, and any
80 hearing under this subdivision shall be held, not later than thirty days
81 after the child is arraigned in the superior court for juvenile matters.

82 (2) If a case is transferred to the regular criminal docket pursuant to
83 subdivision (1) of this subsection or subdivision (3) of subsection (a) of

84 this section, the court sitting for the regular criminal docket may return
85 the case to the docket for juvenile matters at any time prior to a jury
86 rendering a verdict or the entry of a guilty plea for good cause shown
87 for proceedings in accordance with the provisions of this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	46b-127(a) and (b)

Statement of Purpose:

To require the automatic transfer to criminal court of a case of a juvenile charged with larceny involving theft of a motor vehicle when the juvenile has at least four prior adjudications or convictions for a felony and to change the factors a court must consider when determining whether to transfer a case involving a juvenile charged with certain felonies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]