



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.

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) For purposes of this
2 section: (1) "Delinquency offense involving the unlawful use or
3 operation of a motor vehicle" means an offense under (A) subdivision
4 (1) of subsection (a) of section 53a-119b of the general statutes, (B)
5 section 53a-126a of the general statutes, or (C) section 53a-126b of the
6 general statutes, when the property consists of a motor vehicle; and (2)
7 "delinquency offense involving motor vehicle theft" means an offense
8 under (A) subdivision (3) of subsection (a) of section 53a-122 of the
9 general statutes, (B) subdivision (1) of subsection (a) of section 53a-123
10 of the general statutes, or (C) subdivision (1) of subsection (a) of
11 section 53a-124 of the general statutes.

12 (b) The court, on motion of a child, as defined in section 46b-120 of
13 the general statutes, charged with a delinquency offense involving the
14 unlawful use or operation of a motor vehicle or a delinquency offense
15 involving motor vehicle theft for which such child is not yet
16 adjudicated as delinquent, may order that such child be evaluated to
17 determine whether the child would benefit from treatment or other
18 services to address any condition or behavior directly related to such
19 offense. Such motion shall be filed with the court not later than ten

20 days after a plea is entered, except if waived by the court or pursuant
21 to an agreement by the parties. The results of any evaluation ordered
22 pursuant to this subsection shall be utilized only for the purposes of
23 determining whether the delinquency proceeding should be
24 suspended under this section. Any out-of-pocket costs of such
25 evaluation shall be paid by the child's parent or guardian unless such
26 costs are waived by the court upon a finding that such parent or
27 guardian is indigent.

28 (c) The court, upon motion of the child charged with a delinquency
29 offense involving the unlawful use or operation of a motor vehicle or a
30 delinquency offense involving motor vehicle theft for which such child
31 is not yet adjudicated as delinquent, may order the suspension of the
32 delinquency proceedings for a period of up to one year and order that
33 such child participate in treatment or other services to address any
34 condition or behavior directly related to such offense if the court, after
35 consideration of information before it concerning such condition and
36 behavior, and the evaluation ordered pursuant to subsection (b) of this
37 section, finds that: (1) Such child requires and is likely to benefit from
38 such treatment or other services, and (2) suspension of delinquency
39 proceedings will advance the interest of justice. During the period of
40 suspension of the delinquency proceedings, a child shall be placed
41 under the supervision of a juvenile probation officer and such officer
42 shall monitor the compliance of such child with the orders of the court.
43 Any out-of-pocket costs of such treatment or other services shall be
44 paid by the child's parent or guardian unless such costs are waived by
45 the court upon a finding that such parent or guardian is indigent.

46 (d) If the court denies the motion for suspension of the delinquency
47 proceedings, the prosecutorial official may proceed with the
48 delinquency proceedings. Any order of the court granting or denying a
49 motion for suspension of the delinquency proceedings shall not be
50 deemed a final order for purposes of appeal.

51 (e) At any time before the end of the period of the suspension of the
52 delinquency proceedings, but not later than one month before the end

53 of the period of suspension, a juvenile probation officer shall notify the
54 court of the impending conclusion of the suspension and submit a
55 report on whether the child has completed the treatment or other
56 services and has complied with all other conditions of the suspension
57 order imposed by the court.

58 (f) If the court, on motion of the child or on its own motion, finds
59 that the child has completed the treatment or other services and has
60 complied with all other conditions of suspension of the delinquency
61 proceedings, the court may dismiss the charge for which the
62 delinquency proceedings had been suspended. If the court denies the
63 motion and terminates the suspension of the delinquency proceedings,
64 the prosecutorial official may proceed with such proceedings.

65 (g) The provisions of this section shall not apply to any child
66 charged with a serious juvenile offense, as defined in section 46b-120
67 of the general statutes, or any child who was previously evaluated and
68 ordered to receive treatment or other services under this section.

69 Sec. 2. Section 46b-133 of the general statutes is amended by adding
70 subsection (k) as follows (*Effective July 1, 2019*):

71 (NEW) (k) For purposes of subsections (c) and (e) of this section, a
72 child may be determined to pose a risk to public safety if such child
73 has previously been adjudicated as delinquent for or convicted of or
74 pled guilty or nolo contendere to two or more felony offenses, has had
75 two or more prior dispositions of probation and is charged with
76 commission of a larceny under subdivision (3) of subsection (a) of
77 section 53a-122 or subdivision (1) of subsection (a) of section 53a-123.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section
Sec. 2	July 1, 2019	46b-133

Statement of Legislative Commissioners:

In Section 1(a)(1) and (2), subparagraph designators were added for clarity. In Section 1(b), "child" was defined as the existing definition of "child" for purposes of delinquency proceedings. In Section 1(c) and (f), "of the delinquency proceedings" was added after "suspension" for consistency.

JUD *Joint Favorable Subst. -LCO*