



General Assembly

Amendment

January Session, 2019

LCO No. 8394



Offered by:

SEN. LOONEY, 11th Dist.
SEN. FASANO, 34th Dist.
SEN. WINFIELD, 10th Dist.
REP. STAFSTROM, 129th Dist.
REP. REBIMBAS, 70th Dist.

To: Subst. Senate Bill No. 504

File No. 856

Cal. No. 452

"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."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2019*) (a) For purposes of this
4 section: (1) "Delinquency offense involving a motor vehicle" means any
5 offense under (A) subdivision (1) of subsection (a) of section 53a-119b
6 of the general statutes, (B) section 53a-126a of the general statutes, (C)
7 section 53a-126b of the general statutes, when the property consists of
8 a motor vehicle, (D) subdivision (3) of subsection (a) of section 53a-122
9 of the general statutes, (E) subdivision (1) of subsection (a) of section
10 53a-123 of the general statutes, or (F) subdivision (1) of subsection (a)

11 of section 53a-124 of the general statutes; and (2) "child" means child,
12 as defined in section 46b-120 of the general statutes.

13 (b) The court, on motion of a child charged with a delinquency
14 offense involving a motor vehicle for which such child is not yet
15 adjudicated as delinquent, may order the suspension of the
16 delinquency proceedings for a period of up to six months and order
17 the child to participate in services to address any condition or behavior
18 directly related to such offense during the period of suspension if the
19 court, after consideration of the information before it, finds (1) the
20 child is likely to benefit from supervision and participation in the
21 recommended services, and (2) the suspension of the delinquency
22 proceedings will advance the interests of justice. Such motion shall be
23 filed with the court not later than ten days after a plea is entered,
24 except if waived by the court or pursuant to an agreement by the
25 parties.

26 (c) As a condition of eligibility for suspension of prosecution, the
27 child shall agree to: (1) Cooperate with an assessment to determine
28 whether such child would benefit from supervision and services; (2)
29 participate in and satisfactorily complete the recommended services;
30 and (3) comply with any orders of the court. During the period of
31 suspension of the delinquency proceedings, a child shall be placed
32 under the supervision of a juvenile probation officer and such officer
33 shall monitor the compliance of such child with the orders of the court.
34 Any assessment conducted pursuant to this section shall be used only
35 for the purposes of determining the appropriate services and whether
36 the delinquency proceedings should be suspended under this section.
37 Any out-of-pocket costs of such treatment or other services shall be
38 paid by the child's parent or guardian unless such costs are waived by
39 the court upon a finding that such parent or guardian is indigent.

40 (d) If the court denies the motion for suspension of the delinquency
41 proceedings, the prosecutorial official may proceed with the
42 delinquency proceedings. Any order of the court granting or denying a
43 motion for suspension of the delinquency proceedings shall not be

44 deemed a final order for purposes of appeal.

45 (e) At any time before the end of the period of the suspension of the
46 delinquency proceedings, but not later than one month before the end
47 of the period of suspension, a juvenile probation officer shall notify the
48 court of the impending conclusion of the suspension and submit a
49 report on whether the child has completed the treatment or other
50 services and has complied with all other conditions of the suspension
51 order imposed by the court and, if not, whether the suspension period
52 should be extended to allow additional time for the child to complete
53 the recommended services.

54 (f) If the court, on motion of the child or on its own motion, finds
55 that the child has completed the treatment or other services and has
56 complied with all other conditions of suspension of the delinquency
57 proceedings, the court may dismiss the charge for which the
58 delinquency proceedings had been suspended. If the court finds that
59 the child has not completed the treatment or other services, has not
60 complied with all other conditions of suspension and additional time
61 is needed to complete the treatment or other services, the court may
62 extend the suspension period for up to an additional six months. If the
63 court denies the motion and terminates the suspension of the
64 delinquency proceedings, the prosecutorial official may proceed with
65 such proceedings.

66 (g) The provisions of this section shall not apply to any child
67 charged with a serious juvenile offense, as defined in section 46b-120
68 of the general statutes, or any child who was previously granted
69 suspension of prosecution pursuant to subsection (b) of this section.

70 (h) The Judicial Branch shall (1) collect and annually examine data
71 relating to the suspension of delinquency proceedings pursuant to this
72 section, (2) disaggregate such data by demographics of the children for
73 whom such delinquency proceedings were suspended, offense
74 characteristics, and treatment and service outcomes, and (3) report
75 such data upon request.

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

78 (NEW) (k) For purposes of subsections (c) and (e) of this section, a
79 child may be determined to pose a risk to public safety if such child
80 has previously been adjudicated as delinquent for or convicted of or
81 pled guilty or nolo contendere to two or more felony offenses, has had
82 two or more prior dispositions of probation and is charged with
83 commission of a larceny under subdivision (3) of subsection (a) of
84 section 53a-122 or subdivision (1) of subsection (a) of section 53a-123 or
85 subdivision (1) of subsection (a) of section 53a-124."

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