OLR Bill Analysis
HB 7332

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

SUMMARY

Under existing law, the juvenile court must automatically transfer a delinquency case to the adult criminal court docket if the child is at least age 15 and charged with murder with special circumstances, a class A felony, or certain class B felonies. Otherwise, the transfer of a case of a juvenile charged with a felony is at the court’s discretion and may only occur if, following a motion by the prosecutor and a hearing on the transfer, the court makes certain findings.

This bill requires cases involving juveniles charged with stealing a motor vehicle, regardless of value, to be automatically transferred from juvenile to adult criminal court if the juvenile was (1) age 15 or older at the time of the offense and (2) previously adjudicated delinquent for, convicted of, or pled guilty or nolo contendere to, two or more felony offenses and (3) if indigent, appointed counsel.

By law, stealing a motor vehicle is:

1. a class D felony, if the motor vehicle’s value is $10,000 or less (CGS § 53a-124(a)(1));

2. a class C felony, if the motor vehicle’s value exceeds $10,000 (CGS § 53a-123(a)(1)); and

3. a class B felony, if the motor vehicle’s value exceeds $20,000 (CGS § 53a-122(a)(3)) (currently, this is one of the class B felonies for which transfer from juvenile to adult court is discretionary rather than mandatory).

The bill also modifies the circumstances in which the juvenile court
can make discretionary transfers to adult court by changing the findings the court must make before ordering such a transfer.

**EFFECTIVE DATE:** October 1, 2019

**DISCRETIONARY TRANSFER CRITERIA**

Currently, following a prosecutor’s motion and a hearing, the court may order the transfer of a case involving certain felonies (e.g., first degree identity theft or second degree sexual assault) from juvenile to adult court if, among other things, the best interests of the child and the public will not be served by maintaining the case in juvenile court. Under the bill, the court may instead order such a transfer if, after considering the best interests of the child, the court finds that the best interests of the public will not be served by maintaining the case in juvenile court. The bill retains current law’s requirements that the court:

1. before ordering such a transfer, additionally find that (a) the offense was committed after the child turned 15 and (b) there is probable cause to believe the child committed the alleged act and

2. when making a determination whether to transfer, consider the child’s criminal history, the seriousness of the offense, any evidence that the child has a disability or mental illness, and the availability of juvenile court services that can meet the child’s needs.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 20  Nay 4  (03/19/2019)