

Automatic Transfer of Juveniles from Juvenile to Criminal Court

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October 17, 2019 | 2019-R-0242

Issue

Describe when a juvenile offender in Connecticut must be transferred from juvenile to criminal court. This report updates OLR Report [2016-R-0214](#).

Summary

In Connecticut, juvenile courts have jurisdiction over children under age 18. The law requires the juvenile court to automatically transfer a child aged 15 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012; a class A felony; most class B felonies; or arson murder. The court must appoint counsel for the child if he or she is indigent ([CGS § 46b-127\(a\)\(1\)](#)).

The prosecutor may file a motion to return the matter back to juvenile court at any time after the arraignment in criminal court if the child is charged with (1) a class B felony or (2) 1st degree sexual assault when it involved sexual intercourse with a victim under age 13 and the actor was more than two years older (but under age 18) ([CGS § 53a-70\(a\)\(2\)](#)).

For children charged with felonies not subject to automatic transfer, the prosecutor has discretion to request a transfer to adult court. The court can order the transfer only if (1) the child was at least age 15 at the time of the alleged offense, (2) there is probable cause to believe that the child committed the alleged offense, and (3) the best interests of the child and public are not served by keeping the case in juvenile court. The court must consider certain factors when deciding whether

to grant the transfer (e.g., the seriousness of the offense and the availability of juvenile court services that could serve the child’s needs) ([CGS § 46b-127\(a\)\(3\), \(b\)](#)).

If the court granted the prosecutor’s motion for a discretionary transfer, the criminal court can return the case to juvenile court any time before a jury verdict or guilty plea, for good cause shown. As of October 1, 2019, this also applies to cases that were automatically transferred to adult court if the charges were then reduced to a charge that would have allowed the transfer to be discretionary ([CGS § 46b-127\(c\)\(2\)](#) as amended by [PA 19-187](#), § 1).

PA 19-187

PA 19-187 also generally makes the proceedings and records of cases transferred from juvenile to adult court confidential. It allows victims to access the records to the same extent that a victim may access the records of an adult defendant in a criminal proceeding ([PA 19-187](#), § 1, effective October 1, 2019).

Criminal Charges Requiring Automatic Transfer to Adult Court

The law requires the juvenile court to automatically transfer a child aged 15 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012, a class A felony, most class B felonies, or arson murder (an unclassified felony).

Table 1 lists these crimes and their authorized prison sentences, including any mandatory minimum sentences. As described above, the prosecutor can file a motion to (1) return some of these cases to juvenile court and (2) request transfer of children charged with other felonies not appearing in this table to adult court.

Table 1: Crimes That Subject a Child Aged 15 Through 17 to Automatic Transfer from Juvenile to Adult Court (see [CGS § 46b-127](#))

<i>Classification</i>	<i>Crime (CGS §)</i>	<i>Prison Sentence*</i>
Capital Felony	Capital felony (for crimes committed before April 25, 2012) (formerly 53a-54b)	25 to 60 years Mandatory minimum 25 years (PA 15-84 eliminated life sentences for this crime for offenders under age 18 at the time of the offense)
Class A Felony	Murder** (53a-54a)	25 to 60 years Mandatory minimum 25 years
	Felony murder (53a-54c)	25 to 60 years Mandatory minimum 25 years

Classification	Crime (CGS §)	Prison Sentence*
Class A Felony (continued)	Assault of pregnant woman resulting in termination of pregnancy (53a-59c)	10 to 25 years Mandatory minimum 10 years
	1 st degree sexual assault (when (1) use or threaten force and victim under age 16 or (2) victim under age 13 and actor more than two years older) (53a-70)	10 to 25 years Mandatory minimum: <ul style="list-style-type: none"> • Five years if victim under age 16 • 10 years if victim under age 10 Sentence must include at least 10 years' imprisonment (any non-mandatory portion may be suspended) or a term of imprisonment and special parole together constituting at least 10 years
	1 st degree aggravated sexual assault (victim under age 16) (53a-70a)	10 to 25 years Mandatory minimum: <ul style="list-style-type: none"> • 10 years • 20 years if use force or threaten force
	Aggravated sexual assault of a minor (53a-70c)	25 to 50 years Mandatory minimum: <ul style="list-style-type: none"> • 1st offense: 25 years • Subsequent offense: 50 years
	Commercial sexual abuse of a minor (victim under age 15) (53a-83b)	10 to 25 years Mandatory minimum 10 years
	1 st degree kidnapping (53a-92)	10 to 25 years Mandatory minimum 10 years
	1 st degree kidnapping with a firearm (53a-92a)	10 to 25 years Mandatory minimum 10 years
	Home invasion (53a-100aa)	10 to 25 years Mandatory minimum 10 years
	1 st degree arson (53a-111)	10 to 25 years No mandatory minimum (pursuant to <i>State v. O'Neill</i> , 200 Conn. 268 (1986))
	Trafficking in persons (53a-192a)	10 to 25 years Mandatory minimum 10 years
Employing a minor in an obscene performance (53a-196a)	10 to 25 years Mandatory minimum 10 years	
Class B Felony	Transferring pistol or revolver that is stolen or has altered identification (29-33)	One to 20 years Mandatory minimum three years
	Transferring long gun that is stolen or has altered identification (29-37a)	One to 20 years

<i>Classification</i>	<i>Crime (CGS §)</i>	<i>Prison Sentence*</i>
Class B Felony (continued)	Strawman gun violations committed by a person with a prior felony conviction (29-37i)	One to 20 years Mandatory minimum three years
	Workers' compensation fraud (over \$2,000 in benefits) (31-290c)	One to 20 years
	Risk of injury (sexual contact with child under age 16) (53-21(a)(2))	One to 20 years Mandatory minimum five years if victim under age 13
	Deprivation of rights (if results in death) (53-37b)	One to 20 years
	Unlawful bomb manufacture (53-80a)	One to 20 years
	Intentional failure to report loss or theft of a firearm (53-202g)	One to 20 years
	Firearms trafficking (53-202aa)	One to 20 years Mandatory minimum three years
	Unlawful manufacture of chemical, biological, or radioactive weapon (53-209a)	One to 20 years
	Extortionate advance of credit (53-390)	One to 20 years
	Extortionate advance of money (53-391)	One to 20 years
	Extortionate collection or conspiracy to do so (53-392)	One to 20 years
	Conspiracy (to commit a class A or B felony) (53a-48 and 53a-51)	One to 20 years
	Attempt (to commit a class A or B felony) (53a-49 and 53a-51)	One to 20 years
	Manslaughter 1 st degree with a firearm (53a-55a)	Five to 40 years Mandatory minimum five years
	Assault 1 st degree (53a-59)	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> • Five years when committed with a deadly weapon or dangerous instrument • 10 years if victim is (1) under age 10 or (2) a witness and actor knew victim was a witness
	1 st degree assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability (53a-59a)	One to 20 years Mandatory minimum five years

Classification	Crime (CGS §)	Prison Sentence*
Class B Felony (continued)	1 st degree sexual assault (also an A felony under certain circumstances, see above) (53a-70)	One to 20 years Mandatory minimum: <ul style="list-style-type: none"> • Two years • 10 years if victim is under age 10 Sentence must include at least 10 years' imprisonment (any non-mandatory portion may be suspended) or a term of imprisonment and special parole together constituting at least 10 years
	1 st degree aggravated sexual assault (victim age 16 or older) (53a-70a)	10 to 20 years Mandatory minimum five years
	3 rd degree sexual assault with a firearm (victim under age 16) (53a-72b)	One to 20 years Mandatory minimum two years Sentence must include a combined prison and special parole term of 10 years
	Commercial sexual abuse of a minor (victim age 15 or older) (53a-83b)	One to 20 years
	1 st degree promoting prostitution (53a-86)	One to 20 years Mandatory minimum nine months if the victim is under age 18
	Enticing a minor (victim under age 13, or 3 rd or subsequent offense and victim is age 13 or older) (53a-90a)	One to 20 years Mandatory minimum when minor is under age 13: <ul style="list-style-type: none"> • 1st offense: five years • Subsequent offense: 10 years
	2 nd degree kidnapping with a firearm (53a-94a)	One to 20 years Mandatory minimum three years
	1 st degree burglary (53a-101) Note: one form of committing this crime is subject to discretionary rather than automatic transfer (53a-101(a)(2))	One to 20 years Mandatory minimum five years when actor was armed with explosives, a deadly weapon, or a dangerous instrument
	1 st degree telephone fraud (53a-125c)	One to 20 years
	1 st degree robbery, when the person is armed with a deadly weapon (53a-134(a)(2))	One to 20 years Mandatory minimum five years when committed with a deadly weapon

Classification	Crime (CGS §)	Prison Sentence*
Class B Felony (continued)	Intimidating a witness (53a-151a)	One to 20 years
	Possession of a weapon or dangerous instrument in a correctional institution (53a-174a)	One to 20 years
	Rioting at a correctional institution (53a-179b)	One to 20 years
	Promoting a minor in an obscene performance (53a-196b)	One to 20 years
	1 st degree money laundering (53a-276)	One to 20 years
	1 st degree vendor fraud (53a-291)	One to 20 years
Unclassified	Arson murder (53a-54d)	25 to 60 years Mandatory minimum 25 years (PA 15-84 eliminated life sentences for this crime for offenders under age 18 at the time of the offense)

* For the authorized prison sentences, see [CGS §§ 53a-35a](#) and [-35b](#).

** Murder with special circumstances ([CGS § 53a-54b](#)) is also a class A felony, but under [PA 15-84](#), a defendant must have been over age 18 when the offense occurred to be charged with that crime.

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