



General Assembly

February Session, 2020

Raised Bill No. 5508

LCO No. 2989



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING REPEAT JUVENILE OFFENDERS AND
CONCERNING EARNED RISK REDUCTION CREDITS.***

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 2020
2 supplement to the general statutes (*Effective October 1, 2020*):

3 (a) (1) The court shall automatically transfer from the docket for
4 juvenile matters to the regular criminal docket of the Superior Court the
5 case of any child charged with the commission of a (A) capital felony
6 under the provisions of section 53a-54b in effect prior to April 25, 2012,
7 [a] (B) class A felony, [or a] (C) class B felony, except as provided in
8 subdivision (3) of this subsection, [or a] (D) violation of section 53a-54d,
9 or (E) any felony offense if such child was previously adjudicated as
10 delinquent for or convicted of or pled guilty or nolo contendere to four
11 or more felony offenses, provided each such offense under this
12 subdivision was committed after such child attained the age of fifteen
13 years and counsel has been appointed for such child if such child is
14 indigent. Such counsel may appear with the child but shall not be
15 permitted to make any argument or file any motion in opposition to the

16 transfer. The child shall be arraigned in the regular criminal docket of
17 the Superior Court at the next court date following such transfer,
18 provided any proceedings held prior to the finalization of such transfer
19 shall be private and shall be conducted in such parts of the courthouse
20 or the building in which the court is located that are separate and apart
21 from the other parts of the court which are then being used for
22 proceedings pertaining to adults charged with crimes.

23 (2) A state's attorney may, at any time after such arraignment, file a
24 motion to transfer the case of any child charged with the commission of
25 a class B felony or a violation of subdivision (2) of subsection (a) of
26 section 53a-70 to the docket for juvenile matters for proceedings in
27 accordance with the provisions of this chapter.

28 (3) No case of any child charged with the commission of a violation
29 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection
30 (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b, subdivision
31 (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-
32 196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred
33 from the docket for juvenile matters to the regular criminal docket of the
34 Superior Court, except as provided in subparagraph (E) of subdivision
35 (1) of this subsection or this subdivision. Upon motion of a prosecutorial
36 official, the superior court for juvenile matters shall conduct a hearing
37 to determine whether the case of any child charged with the commission
38 of any such offense shall be transferred from the docket for juvenile
39 matters to the regular criminal docket of the Superior Court. The court
40 shall not order that the case be transferred under this subdivision unless
41 the court finds that (A) such offense was committed after such child
42 attained the age of fifteen years, (B) there is probable cause to believe
43 the child has committed the act for which the child is charged, and (C)
44 the best interests of the child and the public will not be served by
45 maintaining the case in the superior court for juvenile matters. In
46 making such findings, the court shall consider (i) any prior criminal or
47 juvenile offenses committed by the child, (ii) the seriousness of such
48 offenses, (iii) any evidence that the child has intellectual disability or
49 mental illness, and (iv) the availability of services in the docket for

50 juvenile matters that can serve the child's needs. Any motion under this
51 subdivision shall be made, and any hearing under this subdivision shall
52 be held, not later than thirty days after the child is arraigned in the
53 superior court for juvenile matters.

54 (b) [Upon] Except in the case of an automatic transfer for the
55 commission of a class C, D or E felony under circumstances described
56 in subparagraph (E) of subdivision (1) of subsection (a) of this section,
57 upon motion of a prosecutorial official, the superior court for juvenile
58 matters shall conduct a hearing to determine whether the case of any
59 child charged with the commission of a class C, D or E felony or an
60 unclassified felony shall be transferred from the docket for juvenile
61 matters to the regular criminal docket of the Superior Court. The court
62 shall not order that the case be transferred under this subdivision unless
63 the court finds that (1) such offense was committed after such child
64 attained the age of fifteen years, (2) there is probable cause to believe the
65 child has committed the act for which the child is charged, and (3) the
66 best interests of the child and the public will not be served by
67 maintaining the case in the superior court for juvenile matters. In
68 making such findings, the court shall consider (A) any prior criminal or
69 juvenile offenses committed by the child, (B) the seriousness of such
70 offenses, (C) any evidence that the child has intellectual disability or
71 mental illness, and (D) the availability of services in the docket for
72 juvenile matters that can serve the child's needs. Any motion under this
73 subdivision shall be made, and any hearing under this subdivision shall
74 be held, not later than thirty days after the child is arraigned in the
75 superior court for juvenile matters.

76 Sec. 2. Subsections (a) and (b) of section 18-98e of the general statutes
77 are repealed and the following is substituted in lieu thereof (*Effective*
78 *October 1, 2020*):

79 (a) (1) Notwithstanding any provision of the general statutes, any
80 person sentenced to a term of imprisonment for a crime committed on
81 or after October 1, 1994, and committed to the custody of the
82 Commissioner of Correction on or after said date, except a person

83 sentenced for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d,
84 53a-55, 53a-55a, 53a-70a, 53a-70c or 53a-100aa, or is a persistent
85 dangerous felony offender or persistent dangerous sexual offender
86 pursuant to section 53a-40, may be eligible to earn risk reduction credit
87 toward a reduction of such person's sentence, in an amount not to
88 exceed five days per month, at the discretion of the Commissioner of
89 Correction for conduct as provided in subsection (b) of this section
90 occurring on or after April 1, 2006.

91 (2) Notwithstanding any provision of the general statutes, any person
92 sentenced to a term of imprisonment for a crime committed on or after
93 October 1, 2020, and committed to the custody of the Commissioner of
94 Correction on or after said date, except a person sentenced for a
95 violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a,
96 53a-70a, 53a-70c or 53a-100aa, or is a persistent dangerous felony
97 offender or persistent dangerous sexual offender pursuant to section
98 53a-40, or is convicted of a family violence crime, as defined in section
99 46b-38a, may be eligible to earn risk reduction credit toward a reduction
100 of such person's sentence, in an amount not to exceed five days per
101 month, at the discretion of the Commissioner of Correction for conduct
102 as provided in subsection (b) of this section occurring on or after April
103 1, 2006.

104 (b) An inmate may earn risk reduction credit for adherence to the
105 inmate's offender accountability plan, for active participation in eligible
106 programs and activities, and for good conduct and obedience to
107 institutional rules as designated by the commissioner, provided (1) good
108 conduct and obedience to institutional rules alone shall not entitle an
109 inmate to such credit, and (2) the inmate fully adheres to the inmate's
110 offender accountability plan. The commissioner or the commissioner's
111 designee may, in his or her discretion, cause the loss of all or any portion
112 of such earned risk reduction credit for any act of misconduct or
113 insubordination or refusal to conform to recommended programs or
114 activities or institutional rules occurring at any time during the service
115 of the sentence or for other good cause. If an inmate has not earned
116 sufficient risk reduction credit at the time the commissioner or the

117 commissioner's designee orders the loss of all or a portion of earned
118 credit, such loss shall be deducted from any credit earned by such
119 inmate in the future.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	46b-127(a) and (b)
Sec. 2	<i>October 1, 2020</i>	18-98e(a) and (b)

Statement of Purpose:

To require automatic transfer to the regular criminal docket of a juvenile when the juvenile has at least four prior adjudications or convictions for a felony offense, to prohibit persons convicted of family violence crimes from earning risk reduction credits and to require inmates to adhere to their offender accountability plans and actively participate in eligible programming in order to earn risk reduction credits.

[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.]