
OLR Bill Analysis

sHB 6669

AN ACT CONCERNING JUVENILES AND MOTOR VEHICLE THEFT, INVESTIGATIONS OF CERTAIN PENDING JUVENILE MATTERS AND REPORTING OF REQUESTS TO DETAIN ARRESTED JUVENILES.

SUMMARY

This bill makes various changes to laws related to juvenile motor vehicle theft. Principally, it:

1. establishes the crime of “enticing a juvenile to commit a criminal act” and makes it a class D felony, which is punishable by up to a \$5,000 fine, up to five years in prison, or both (§ 1);
2. expands the circumstances under which the juvenile court may issue an order to detain a child to include when the child is charged with certain violent offenses (§ 2);
3. requires the court to order a child to be monitored by a GPS device if the child is (1) released into the custody of his or her parent or guardian and (2) charged with a repeat motor vehicle-related delinquency offense while the previous related charge is still pending (§ 3);
4. allows the court to order certain investigations in pending juvenile matters for juveniles charged with certain subsequent felonies (e.g., 2nd and 3rd degree larceny involving a motor vehicle) (§ 4); and
5. requires the Judicial Branch to compile and annually report to the Judiciary Committee, starting by January 15, 2022, on arresting officers’ requests for a court order to detain an arrested child (§ 5).

EFFECTIVE DATE: October 1, 2021, except the Judicial Branch

reporting requirement is effective upon passage.

§ 1 — ENTICE A JUVENILE TO COMMIT A CRIMINAL ACT

The bill establishes the crime of “enticing a juvenile to commit a criminal act” and makes a violation a class D felony, which is punishable by up to a \$5,000 fine, up to five years in prison, or both.

Under the bill, a person is guilty of this crime if he or she is at least age 18 and knowingly causes, encourages, solicits, recruits, intimidates, or coerces a person under age 18 to commit or participate in the commission of a criminal act.

§ 2 — RISK TO PUBLIC SAFETY

By law, the court may only order a child to be detained after he or she is arrested for an alleged crime on certain grounds, including probable cause to believe that the level of risk that the child poses to public safety if released to the community cannot be managed in a less restrictive setting.

The bill expands the circumstances under which the court may make such a determination for these purposes to include if the child is charged with (1) stealing a firearm; (2) committing a violent offense, including one committed with or involving the use of a deadly weapon; or (3) carjacking.

Under existing law, unchanged by the bill, a court may also make this determination if the child:

1. has previously been adjudicated delinquent for or convicted of, or pled guilty or nolo contendere to, two or more felony offenses;
2. has had two or more prior probation dispositions; and
3. is charged with committing 1st, 2nd, or 3rd degree larceny involving a motor vehicle.

As under existing law, in order to detain a child on this basis, the court must additionally find that there is probable cause to believe that

the child committed the alleged acts.

§ 3 — GPS MONITORING

The bill requires the court to order a child to be monitored by a GPS device if the child is:

1. released into the custody of his or her parent or guardian after being charged with a motor vehicle-related delinquency offense and
2. charged with a subsequent related delinquency offense while the previous related charge is still pending.

Under the bill, the electronic monitoring must continue until the disposal of each delinquency proceeding.

§ 4 — INVESTIGATIONS IN PENDING JUVENILE MATTERS

The bill allows the court to order an investigation in certain pending juvenile matters, in addition to pending family relations matters, as under current law. Specifically, the court may issue such an order for a juvenile previously adjudicated as delinquent for, convicted of, or who pled guilty or nolo contendere to, a felony offense and is charged with:

1. 1st, 2nd, or 3rd degree larceny involving a motor vehicle;
2. stealing a firearm;
3. a violent offense, including with or involving use of a deadly weapon; or
4. carjacking.

As under existing law for pending family relations matters, the court may order an investigation on any circumstance of the matter that may be helpful, material, or relevant to properly dispose of the case. The investigation may include:

1. examining a child's parentage, surroundings, age, habits, and history;

2. inquiring into the home conditions, habits, and character of the child's parents or guardians; and
3. evaluating the child's mental or physical condition.

§ 5 — JUDICIAL BRANCH REPORTING DATA POINTS

Under the bill, the Judicial Branch must (1) compile data concerning arresting officers' requests for a court order to detain an arrested child, (2) sort the data by judicial district, and (3) categorize the data based on how many requests were received and denied and the reasons for the denials. Starting by January 15, 2022, the Judicial Branch must annually report to the Judiciary Committee on the previous calendar year's data.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 21 Nay 17 (04/08/2021)