



House of Representatives

General Assembly

File No. 600

January Session, 2021

Substitute House Bill No. 6669

House of Representatives, April 26, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) For purposes of this
2 section, "criminal act" means criminal act, as defined in section 53a-224
3 of the general statutes.

4 (b) A person is guilty of enticing a juvenile to commit a criminal act
5 if such person is eighteen years of age or older and knowingly causes,
6 encourages, solicits, recruits, intimidates or coerces a person under
7 eighteen years of age to commit or participate in the commission of a
8 criminal act.

9 (c) Enticing a juvenile to commit a criminal act is a class D felony.

10 Sec. 2. Subsection (k) of section 46b-133 of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective October*
12 *1, 2021*):

13 (k) For purposes of subsections (c) and (e) of this section, a child may
14 be determined to pose a risk to public safety if such child (1) has
15 previously been adjudicated as delinquent for or convicted of or pled
16 guilty or nolo contendere to two or more felony offenses, (2) has had
17 two or more prior dispositions of probation and is charged with
18 commission of a larceny under subdivision (3) of subsection (a) of
19 section 53a-122 or subdivision (1) of subsection (a) of section 53a-123 or
20 subdivision (1) of subsection (a) of section 53a-124, or (3) is charged with
21 stealing a firearm under section 53a-212, the commission of a violent
22 offense, including any offense committed with or involving the use of a
23 deadly weapon, as defined in section 53a-3, or a violation of section 53a-
24 136a.

25 Sec. 3. (NEW) (*Effective October 1, 2021*) The court shall order any
26 child, as defined in section 46b-120 of the general statutes, who is
27 released into the custody of his or her parent or guardian after being
28 charged with a delinquency offense involving a motor vehicle, as
29 defined in section 46b-133j of the general statutes, for which such child
30 is not yet adjudicated as delinquent, who, during the pendency of a
31 delinquency proceeding, is charged with a subsequent delinquency
32 offense involving a motor vehicle, to be electronically monitored by
33 using a global positioning system device until each such delinquency
34 proceeding is disposed of.

35 Sec. 4. Section 46b-6 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2021*):

37 In any pending family relations matter or juvenile matter under
38 chapter 815t in which the juvenile has previously been adjudicated as
39 delinquent for or convicted of or pled guilty or nolo contendere to a
40 felony offense and is charged with (1) commission of a larceny under
41 subdivision (3) of subsection (a) of section 53a-122, subdivision (1) of
42 subsection (a) of section 53a-123 or subdivision (1) of subsection (a) of
43 section 53a-124, (2) stealing a firearm under section 53a-212, or (3) the
44 commission of a violent offense, including any offense committed with
45 or involving the use of a deadly weapon, as defined in section 53a-3, or

46 a violation of section 53a-136a, the court or any judge may cause an
 47 investigation to be made with respect to any circumstance of the matter
 48 which may be helpful or material or relevant to a proper disposition of
 49 the case. Such investigation may include an examination of the
 50 parentage and surroundings of any child, his age, habits and history,
 51 inquiry into the home conditions, habits and character of his parents or
 52 guardians and evaluation of his mental or physical condition. In any
 53 action for dissolution of marriage, legal separation or annulment of
 54 marriage such investigation may include an examination into the age,
 55 habits and history of the parties, the causes of marital discord and the
 56 financial ability of the parties to furnish support to either spouse or any
 57 dependent child.

58 Sec. 5. (NEW) (*Effective from passage*) (a) The Judicial Branch shall
 59 compile data concerning requests by an arresting police officer of a child
 60 to detain such child pursuant to subdivision (3) of subsection (c) of
 61 section 46b-133 of the general statutes. The Judicial Branch shall sort
 62 such data by judicial district and categorize such data based on (1) how
 63 many such requests were made, (2) how many such requests were
 64 denied, and (3) the reasons for denying any such request. Any such data
 65 shall be anonymized.

66 (b) Not later than January 15, 2022, and January fifteenth annually
 67 thereafter, the Judicial Branch shall, in accordance with the provisions
 68 of section 11-4a of the general statutes, report such sorted and
 69 categorized data from the previous calendar year to the joint standing
 70 committee of the General Assembly having cognizance of matters
 71 relating to the judiciary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section
Sec. 2	October 1, 2021	46b-133(k)
Sec. 3	October 1, 2021	New section
Sec. 4	October 1, 2021	46b-6
Sec. 5	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 3, occurrences of "such case" were changed to "delinquency proceeding" for clarity.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Judicial Dept.	GF - Cost	1,037,236- 1,234,045	1,060,853- 1,263,566
State Comptroller - Fringe Benefits ¹	GF - Cost	325,128- 406,411	334,882- 418,603

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Judicial Department to monitor by GPS device juveniles charged with a motor vehicle related offense and juveniles charged with a subsequent related delinquency offense while the previous related charge is still pending and results in a cost of \$1,362,364 to \$1,640,456 annually.

The Judicial Department does not currently use GPS monitoring on juveniles. Based on FY 20 data, there are approximately 225 juveniles who would require monitoring based on the requirements of the bill. The agency would need to hire an additional 12-15 juvenile probation officers at an annual cost of \$787,236 to \$984,045. An additional cost of \$325,1285 to \$406,410 would be incurred by the State Comptroller for fringe benefits.

The bill results in an additional cost of approximately \$250,000 annually for the cost of GPS monitoring. This cost will differ depending

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

on how many individuals require GPS monitoring.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and caseload.

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)