

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6667

AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE

**Title:** JUSTICE POLICY AND OVERSIGHT COMMITTEE.

**Vote Date:** 4/8/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/31/2021

**File No.:** 599

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## **SPONSORS OF BILL:**

The Judiciary Committee

Rep. Travis Simms, 140th Dist.,

Rep. Anthony L. Nolan, 39th Dist.

## **REASONS FOR BILL:**

This bill is the collaborative effort of the Judiciary Committee and the Juvenile Justice Policy and Oversight Committee to implement the recommendations of the latter committee for the State of Connecticut to more effectively deter juvenile re-offenses and adult criminal behavior. The proposed legislation would increase the minimum age of arrest from age 7 to 12, require a report from the Judicial Branch on the number of 911 and 211 calls in relation to minors, seek to phase out the practice of suspensions and expulsions, ban the use of chemical agents in juvenile correctional facilities, and automatically expunge juvenile criminal records when an individual turns 18 for most offenses.

## **SUBSTITUTE LANGUAGE:**

The substitute language deletes Sec. 2: 46b-121n JJPOC; Sec. 6: 10-253; Sec. 10: 10-233c(g); Sec. 12: 46b-127; Sec. 14: Providing voice communication services; Sec. 17: 54-1m adding traffic & pedestrian stops; and Sec. 18 regarding a collaborative study of pedestrian stops. Substitute language was in response to stakeholder testimony provided during the public hearing.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

State of Connecticut Commission on Human Rights and Opportunities supports this bill and states that it will take steps to address the racial and economic disparity in juvenile justice system. It is further stated that section 11, which would phase out suspensions and

expulsions, will have a positive impact since these measures have a significant disparity among students based on their race, sex, and disability statuses.

The Connecticut Division of Criminal Justice takes no position on this bill as a whole but states opposition to section 12. Division suggests amendments to sections 19-21. In sec. 19, amendment offered that if the infraction is removed from the delinquency category, it should be placed in another category, such as neglected or requiring treatment through the juvenile review boards (JRB). Sec. 20, juveniles under the age of sixteen should be referred to a JRB if found to be in possession of marijuana paraphernalia on multiple occurrences. Sec. 21, the Division recommends adding to the membership of the implementation team to include a DCJ representative as well as a representative from the Office of the Chief Public Defender. They would have invaluable experience in determining who should be deemed low-risk, what diversion plans work best and at what point diversion can be best accomplished. The automatic prearrest diversion for Tier 1 and Tier 2 youth should require trainings for local law enforcement agencies.

The State of Connecticut Department of Children and Families, Commissioner, Vanessa Dorantes; DCF stands ready to work with the Judiciary Committee and the JJPOC to ensure that youth in juvenile justice facilities are afforded a quality education and provided with the tools to be successful in life after their release.

State of Connecticut Office of the Chief Public Defender, Director of Delinquency Defense and Child Protection Susan I. Hamilton supports the intent of this bill and states support for raising the minimum age that a juvenile can be arrested from 7 to 12. It is further stated that the Office supports sections 2 and 4 but offers clarifying amendments to the language. Sections 5-10, which contain the educational components of the bill, are supported as well, as is section 11 which discontinues the use of suspensions and expulsions. The Office further supports section 12 as it would work to limit the number of juveniles who enter the adult criminal justice system. The office further supports sections 13, 16, which would provide criminal record erasure for crimes committed as a juvenile and ban the use of chemical agents on juveniles. Sections 17, 18, and 22 are also supported. Regarding sections 19-21, the Office respects the intentions of the bill but does not believe that the language as written will accomplish the goal since it would move all offenses regarding drug paraphernalia to adult criminal court if the offender is between 16 and 17, where now the cases for those 16 and 17 years old are handled in juvenile court automatically.

State of Connecticut Office of the Child Advocate, Acting Child Advocate, Sarah Healy Eagan supports this bill and states the Office's support for the following provisions: section 1, which would raise the age of juvenile court jurisdictions to 12; section 2, which calls for analysis of how different areas utilize the 911 emergency phone line as well as calling for the Juvenile Justice Policy and Oversight Committee to study the data regarding incarcerated youth under the age of 20; section 10, which would eliminate school suspensions for those ages 3-7 and includes a plan to eliminate exclusionary discipline for all students; section 14, which would provide free phone calls for incarcerated youth; and section 16, which would ban the use of chemical agents towards minors from state criminal justice agencies.

The Connecticut Judicial Branch does not offer support nor opposition but does offer comments on the recommended implementation time for sections 12 and 13. The Branch requests changing the effective date of section 12 to January 2022 to allow for computer

system implementation changes. When a child has served 50% of their sentence, a hearing would have to be held and the branch requests time to update their computer system to flag the 50% date. Sec. 13 requires the Court to automatically erase all police and court records however the Branch does not have the authority to erase police records. The Branch requests an effective date change to October 1, 2022 for the significant computer changes and coordination with other agencies. Additionally, consideration should be given to removing references to Family With Service Needs (FWSN) proceedings, as FWSN proceedings were eliminated on July 1, 2020. Finally, they request the definition of "court records" exclude a record or transcript of the proceedings made or prepared by an Official Court Reporter or Court Recording Monitor, consistent with 54-142a(h).

State of Connecticut Office of Policy Management, Undersecretary for Criminal Justice Policy and Planning, Marc Pelka offers comments on various sections of the bill, including sections 12, 13, 17, and 19-21. Regarding section 12, concern is stated regarding the proposed change in transfer law and it is stated that maintaining current transfer law which provides space for judicial discretion will help Connecticut juvenile justice reform continue to make progress. Regarding section 13, it's recommended that the provision in this bill is brought in line with other proposals regarding the erasure of criminal records with other legislation being heard in the Judiciary Committee (SBs 1019 and 888). Substitute language is offered for section 17 that would extend the date until implementation as well as giving OPM and the advisory board the authority to define "traffic stop" and "pedestrian stop" for the purposes of the report requested. Regarding sections 19-21, it's asked that a representative from the Division of Criminal Justice be added to the implementation team.

State of Connecticut Office of the Victim Advocate, State Victim Advocate, Natasha M. Pierre opposes section 12 of this bill and proposes an amendment to section 21. It is stated regarding section 12 that the removal of the automatic transfer from juvenile to adult criminal court triggered by a class B felony charge will take rights away from victims of these crimes and that the proposal does not provide a mechanism for victim notification of the review for a sentence to be reduced. Regarding section 21, it is stated that language should be added that will increase victim involvement in the criminal justice process.

Connecticut Department of Correction, Commissioner, Angel Quiros opposes section 16 of this bill and states that the use of chemical agents such as pepper spray in juvenile correction is utilized as a last resort and is necessary in certain situations.

The Connecticut Department of Education, Acting Commissioner, Charlene Russell-Tucker offers comments on sections 4, 8, and 10 of this bill. It is stated regarding section 4 that the Department is ready to work with the implementation board to fulfill the requirements outlined for the Department in this section. It is further stated regarding section 8 that due to the local nature of graduation requirements that they would wish to seek input from local and regional boards of education. Regarding section 10, the Department supports the concept of phasing out suspensions and expulsions but wishes for extra implementation time as well resources to be properly allocated so that an alternative method can be developed.

#### **NATURE AND SOURCES OF SUPPORT:**

Connecticut General Assembly, 8<sup>th</sup> Senate District, Sen. Kevin Witkos does not express support or opposition to the measures of this bill but states a commitment to deterring car

thefts while maintaining support of programs that will support youths to prevent future offenses.

Middletown, CT, Resident, Jeanette Blackwell supports this bill and states support for raising the minimum age in which a child can be arrested.

Connecticut Justice Alliance, Justice Advisor, Tenille Bonilla; Justice Advisor, Sage Grady; Justice Advisor, Ronnie Henderson; Justice Advisor, Gemini Rorie; Justice Advisor, Alona Scott; Justice Advisor, Fernicia Smith; Community Connections Associate, Jordyn Wilson; Policy Director, Iliana Pujols; Executive Director, Christina Quaranta support this bill and states support for the automatic erasure of juvenile justice records without petitioning. It is further stated that needing to erase an old record is a difficult process and that automatically erasing it will prevent a juvenile's mistakes from impact them as adults.

CT Youth Services Organization, Juvenile Justice Liaison and Juvenile Justice Policy and Oversight Committee Board Member, Erica Bromley supports this bill but requests changes to section 21, stating that the JJPO recommended that tier one offenses would be decriminalized entirely to avoid arrests and that change is not reflected in the bill. It is further stated that the changes put forth in this bill would increase the amount of work required by the juvenile justice system and recommends an increase in funds to enable the juvenile justice system to handle this extra burden.

Norwalk, CT, Resident, Claudette Carino supports this bill and states that the minimum age for arrest should be raised to reflect child maturity levels.

Center for Children's Advocacy, Director of TeamChild Youth Justice Project, Marisa Halm J.D.; and Executive Director, Martha Stone, J.D.; Staff Attorney for the Homeless Youth Advocacy Project, Adam Yaqaloff support this bill and states support for raising the minimum age a juvenile can be arrested from 7 to 12, educational programs designed to create a more thorough education for children in the juvenile justice system, and the automatic erasure of juvenile criminal records when the juvenile becomes an adult.

East Lyme, CT, Resident and Teacher, Kara Donnelly supports this bill and states support for raising the minimum age a juvenile can be arrested, the phasing out of suspensions and expulsions, and the discontinuation of use of chemical agents towards juveniles.

West Haven, CT, Resident, Barbara Fair supports this bill and states support for raising the minimum age a juvenile can be arrested from age 7 to 12.

Special Education Equity for Kids in Connecticut supports this bill and states support for section 11, which seeks to phase out the practice of suspensions and expulsions. It is further stated that this will allow for students to remain in their educational environment and will allow for the student to learn and grow.

Center for Children's Advocacy, Youth Organizer, Lourdes Fonseca supports this bill and states support for the provisions that would provide cost-free phone calls to juveniles, erase their criminal record when juveniles turn 18, and stop the use of chemical agents on juveniles.

ACLU CT, Interim Public Policy and Advocacy Director, Claudine Fox supports this bill and states support for raising the minimum age a juvenile can be arrested from 7 to 12. Support is further stated for the provision that would end the practice of declaring a juvenile a delinquent for offenses that does not rise to the level of a misdemeanor as well as the quick erasure of criminal records when a juvenile reaches the age of 18.

Hartford Foundation of Public Giving supports this bill and states that the language proposed will work to keep children out of the juvenile and criminal justice systems and states that by diverting youth to other programs that the state can mitigate the potential long-term impact of juveniles entering the criminal justice system.

Deep River CT, Resident, Stefanie Hill supports this bill and states that it's harmful to children to incarcerate and enter them into the criminal justice system and thus supports increasing the age that a juvenile can be arrested from 7 to 12.

Connecticut Bar Association, Child Welfare and Juvenile Law Section, Chris Oakley supports section 16 of this bill and states that correctional facilities should find alternatives to chemical agents such as pepper spray to use as a de-escalation tactic.

University of New Haven, Tow Youth Justice Institute, Staff Member, Kelly Orts; Director of Research, Danielle Tolson Cooper Ph.D, CPP supports the provision of this bill that would increase the minimum age that a juvenile can be arrested from 7 to 12.

Hamden, CT, Resident, Laura Perkins Davidson supports this bill and states that children should not be treated as adults in the criminal justice system and supports language that would increase the minimum age of arrest for juveniles to 12.

Greater Hartford Legal Aide, Connecticut Legal Services, and New Haven Legal Assistance Association support this bill and offer an amendment to section 4. The three organizations support raising the minimum age a juvenile can be arrested from 7 to 12 (section 1), the JJPOC membership section (section 2), the phasing out of suspensions and expulsions (sections 11-12), and the erasure of criminal records for juveniles when they reach the age of 18.

CT Voices for Children, Research and Policy Director, Lauren Ruth supports this bill and states support for language that would increase the minimum age of arrest for a juvenile from 7 to 12. Support is further stated for a study analyzing 911 and 211 calls regarding incidents involving juveniles, the erasure of criminal court records for juveniles once they reach the age of 18, and providing free phone calls to incarcerated minors.

African Caribbean American Parents of Children with Disabilities, Executive Director, Ann R. Smith J.D., MBA supports this bill and states support for the language regarding education and community expertise.

Youth S.P.E.A.K.S., Member, Jaqueline Swaggerty supports this bill and states that it will improve the lives of children who need support.

CT, Resident and Student, Yarivette Velazquez supports this bill and states support for language that would automatically expunge the records of juveniles who committed certain

offenses when they turn 18. It is stated that this will prevent a juvenile mistake affecting a person's entire adulthood.

The following members of the public expressed support for HB 6667. Due to the timing of the public hearing schedule, it seems that many people accidentally grouped this bill and HB 6669, which are bills with different scope and intent, therefore this support may have not been intentional.

CT, Resident, Fran Adinolfi  
Windsor, CT, Resident, Dr. Linda S. Alexander  
Trumbull, CT, Resident, Gary R. Anderson  
CT, Resident, Robert Anderson  
CT, Resident, Paul Andrews  
Avon, CT, Resident, Thomas Armstrong  
CT, Residents, Art and Karen  
CT, Resident, Iris Castro  
Willington, CT, Resident, Richard E. Claus  
CT, Resident, Diane Dalton  
New York, NY, Resident, Peter F. Farinella  
CT, Resident, John J. Ferrante  
CT, Resident, Robert A. Fiore  
Weatogue, CT Resident Melanie Finn-Schofield  
Farmington, CT, Resident, James Foote  
Stamford, CT, Resident, Joe Frattaroli  
Suffield, CT, Resident, Regina Graziani  
Wethersfield, CT, Resident, Christopher Healy  
Fairfield, CT, Resident, Kimberly Heyn  
Vernon, CT, Resident, Keith Hodson  
Barbara Kaminsky  
CT, Resident, Laura Klett  
CT, Resident, Marilyn Koback

Barkhamsted, CT, John Kornegay  
Seymour, CT, Resident, Susan Liscinsky  
Middletown, CT Resident, Joan Liska  
Oakville, CT, Resident, Kenneth Lukowski  
Oakdale, CT Resident, Gary Lussier  
Hartland, CT, Resident, Edward Marshall  
Southington, CT Resident, Laurene Y. McCrann  
Bill Mikulewicz  
Toni-Lynn Miles  
Chester, CT, Resident, Bill Myers  
Willington, CT, Resident, Elaine Newcomb  
CT, Resident, Joseph Oraziotti  
CT, Resident, Barbara Pasha  
Jacob R. Raitt  
CT, Resident, Mary Ann Raph  
Orange, CT, Resident, Irma Rappaport  
CT, Resident, Jim Reilly  
CT, Resident, Jennifer Rottkamp  
New Fairfield, CT, Resident, Eric Schonenberg  
CT, Resident, Joseph Valbona  
Ashford CT Resident, Kurt van Heiningen  
Granby, CT, Resident, Kenneth Verdecchia  
CT, Resident, Scott Zinkerman  
CT, Resident, Joan Zurolo

#### **NATURE AND SOURCES OF OPPOSITION:**

Town of Southington, Town Council Resolution Express strong opposition through a "Resolution of the Southington Town Council Urging Governor Lamont & the General Assembly to Address Juvenile Justice Insufficiencies, Escalating Crime and Public Safety." The resolution proclaims inaction has resulted in serious consequences for the citizens & town of Southington and its law enforcement, along with a corresponding lack of consequences to those perpetuating criminal activity. The Southington Town Council is unwilling to wait until someone gets hurt or a significant incident occurs to seek accountability for the problems within the juvenile justice system and other criminal justice reforms that are creating havoc in their town.

CT Police Chiefs Association; The Connecticut Police Chiefs Association believes that Section 45 of this bill adding “pedestrian stops” is not currently feasible. The Racial Profiling Prohibition Project is currently in discussions & the CPCA believes this is not ready to be made into law. There is also the concern that not all police departments have a program that will allow them to record pedestrian stop data.

Southington Resident, Kristen Curley; states opposition as she is certain the increase in criminal activity is directly related to the lack of consequences. As a 20 year veteran teacher at CT’s youth prison, she had the experience of getting to know the population suspected and caught in these crimes. They have expressed a lack of respect for people’s property and have no value for human life. They have repeatedly shared that if they can get away with stealing and violating others, they will. In Ms. Curley’s professional opinion, solving the origin of the youth crime problem starts when kids are very young. The immediate problem and solution lie with the crime-prosecution-consequence process as current laws protect suspects more than property owners. As a taxpayer and constituent, she requests the legislature make changes for the hundreds of thousands of families who have been impacted by the increase in crime.

Cheshire Resident, Jim Flood; opposes this bill stating in the last month, the Republican controlled town council in Southington refused a request from Democrat councilors to hire two additional police officers at a cost of \$200,000 to reduce car thefts. Their reason for denying the request is simple. Why would they spend \$200,000 for police officers who can only stand and watch car thieves drive away without giving chase as prohibited by State law? Whoever passed such an insane law should step down from office. Give police officers the tools they require to stop auto thefts.

Curtiss-Ryan Honda, President Richard Foehrenbach Opposes this requesting law enforcement and the courts be given the tools they need to stop juvenile car thefts. As an Automobile Dealer in Shelton, he has seen firsthand the problem automotive theft has had on his dealership. Curtiss-Ryan Honda has had numerous vehicle wheels and tires stolen and even a break in resulting in the theft of a vehicle only to find out that the Juveniles who were caught and released came back to break in to the Dealership next to them weeks later. The end result is they had to hire a Security Guard to patrol the lots at night at the cost of over \$5000 per month. Testimony explains the problem has worsened over the recent years and needs to be addressed by giving our law enforcement and courts the power they need to mitigate this problem.

Bristol, CT Resident Robert Gabor Opposes this bill. As a former Highschool teacher, experience taught him children will live up to expectations and children need to know there are consequences for their actions. He states this is exactly why juvenile car thefts are currently spiking. Police and the courts must have the tools at their disposal to turn this dangerous scourge around before the price paid isn’t only by insurance companies replacing wrecked vehicles but by human lives.

Canton Republican Town Committee, Chairman Arnold L. Goldman Opposes any bill that doesn’t support proposals to give law enforcement and the courts the tools they need to stop juvenile car thefts. He states If juveniles commit acts that would otherwise be criminal if committed by adults, there should be repercussions to these juveniles sufficient that they, their peers and others that follow are discouraged from future law breaking. It is immoral not

to teach the young right and wrong, and proper rules of behavior. Not punishing misbehavior is also immoral and does a disservice to the youth themselves, as well to their families and society. Please act morally and ensure that lawbreakers learn that misbehavior will not go unpunished.

Stamford CT, Resident, Michelle Abt does not express support nor opposition to this bill but states opposition to juveniles being treated as adults in the criminal justice system.

Avon CT, Resident, Frances Argay opposes this bill and states that it will not sufficiently address juvenile crime and that moving repeat juvenile offenders into regular criminal court should be the focus.

The Connecticut Association of Boards of Education does not offer support nor opposition on this bill as a whole but states that CABA as well as the Connecticut Association of Schools should have representation on the committee outlined in section 11.

Connecticut Education Association, President, Jeff Leake does not offer support nor opposition to this bill but states that increased funding towards schools is needed in order for the components of section, which seek to phase out exclusionary punishment such as suspensions, to be implemented.

Council 4 AFSCME, Corrections Officer, Aaron Lichwalla on behalf of Corrections Locals 387, 1565, 391, and Council 4 opposes section 16 of this bill and states that while the use of chemical agents is not preferred by correctional officers that it is sometimes necessary to maintain the safety of all those involved.

CT, Resident, Lori Macgowan opposes this bill and states that it does not do enough to deter car thefts.

Weatogue, CT, Resident, Barry Rahmy does not offer support nor opposition to this bill but states that it may not do very much to address car theft.

Avon, CT, Resident, Kathleen Randall does not believe that this bill would sufficiently address car thefts.

Violent Crime Survivors, Co-Founder, Michelle Voigt opposes this bill and states specific opposition to sections 12 & 21. Crime victims maintain significant rights throughout the criminal justice process and a limited number of rights in the juvenile justice process. VCS strongly opposes any efforts to limit or circumvent crime victims' rights.

Avon, CT, Resident, Lillian Weigel opposes this bill and states opposition to classifying individuals ages 16-21 as children or juveniles.

The following individuals oppose this bill:

<u>Daniel Bailey</u>	<u>Cheryl Dziubina</u>
<u>Farmington Resident James Foote</u>	<u>Berlin Resident, John Flynn</u>
<u>Watertown Resident, Ted Galucci,</u>	<u>John Gawlak CPRP Director Parks &amp; Recreation Cheshire</u>
<u>Killingworth Resident, Rita Gould,</u>	<u>Mark Grader, Groton</u>

<u>Avon Resident, Laura Guzallis</u>	<u>Prospect Resident, Al Havican</u>
<u>Mike Hornish</u>	<u>Shelton Resident, Marianne Kalotai</u>
<u>Sarah Faulkner</u>	<u>Elaine Gadowsky</u>
<u>Peter Goletz</u>	<u>Peter Greenwood</u>
<u>Richard Hines</u>	<u>Wallingford Resident, Richard Krombel</u>
<u>Avon Resident, Debra Krauss</u>	<u>Gary J. Lafferty</u>
<u>Ray Lecours</u>	<u>Simsbury Resident, Nicole Lightner</u>
<u>Linda</u>	<u>Willington Resident, Joshlyn Lucas-Nash</u>
<u>James D. Mansell</u>	<u>Shelton Resident, Paul Manzione</u>
<u>Anonymous Portland Resident</u>	<u>Mark B.</u>
<u>Middletown Resident, Jim Mazzei</u>	<u>Plantsville Resident, Richard W. Maynew</u>
<u>A.T. McGeary</u>	<u>Philip Milano</u>
<u>Marty Moran</u>	<u>Dennis Moriaty</u>
<u>Fran Murack</u>	<u>Trumbull Resident, Dan Nichols</u>
<u>North Haven Resident, Lynne Nielsen</u>	<u>Cheshire Resident, Dick Novia</u>
<u>Coventry Resident, Daniel Pace</u>	<u>John Palmieri</u>
<u>Marilyn Petrini</u>	<u>Ashford Resident, John Phillips</u>
<u>North Haven Resident, Frank Podgwaite</u>	<u>Old Saybrook Resident Steven pope</u>
<u>Peter &amp; Pamela Puhlick</u>	<u>Mary Rawson</u>
<u>Anonymous 2</u>	<u>Nora Robbins</u>
<u>Susan Roberts</u>	<u>South Windsor Resident, Bill Rotavera</u>
<u>William D. Sangster</u>	<u>Kathleen Schubert</u>
<u>Southbury Resident, Ken Schutte</u>	<u>Frank Sessa</u>
<u>Bonnie Shultz</u>	<u>Paul E. Simpson</u>
<u>Dominika Smaga</u>	<u>New Hartford Resident, Isabella Squicciarini, Esq.</u>
<u>Paul Standish</u>	<u>Norwich Resident, Klaus Stankiewicz</u>
<u>Jon Stelma</u>	<u>Shelton Resident, Elicia A. Sullivan</u>
<u>Wallingford Residents, Dave &amp; Jackie Taglianetti</u>	<u>Guy Tirendi</u>
<u>Tracey</u>	<u>Southbury Resident, John Tucker</u>
<u>Dante Vasi</u>	<u>Claudette Volage</u>
<u>Beacon Falls Resident Ann Walsh</u>	<u>Shelton Resident Janet Wheeler</u>
<u>Vernon Resident Forrest Wilks</u>	<u>Simsbury Resident Jennifer Wood</u>
<u>Elizabeth G. Zietz</u>	

Reported by: Justin Kaiser

Date: 5/10/2021