



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

**REGARDING:**

**H.B. No. 6667 (RAISED) AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.**

JOINT COMMITTEE ON JUDICIARY

March 31, 2021

The Division of Criminal Justice takes no position on the majority of H.B. 6667, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee. However, the Division opposes the revisions contained within Section 12 of the bill and, to the extent the bill is reported out of Committee, strongly recommends its removal. In addition, the Division would recommend amended language for Sections 19 through 21 if reported out.

**Section 12** seeks to dramatically change how older, serious juvenile offenders are handled in our court system. Currently, the court automatically transfers juveniles charged with Class A felonies, and certain Class B felonies, to adult court in subsection (a) (1). An example of a Class B felony that currently is automatically transferred is an Assault in the 1<sup>st</sup> degree. A typical example of this charge is when an offender shoots someone, but does not kill them. Subsection (a) (2) then provides for State's Attorneys to request juveniles charged with Class B felonies and transferred to adult court be transferred back to the juvenile court. Subsection (a) (3) allows for State's Attorneys to motion to transfer the otherwise excluded Class B felonies to adult court after a meeting identified burdens. Finally, subsection (b) currently allows Class C, D, and E felonies committed by juveniles to be transferred to adult court, at the court's discretion, if the State meets certain burdens.

The proposed revisions to these subsections would remove the automatic transfer of serious Class B felonies, and wholly prohibit any transfer of Class C, D, or E felonies, to the adult court docket. Examples of Class C and D felonies that would no longer be eligible for transfer are DUI related homicides, including manslaughter 2<sup>nd</sup> degree with a motor vehicle; manslaughter 2<sup>nd</sup> degree with a firearm; strangulation; and burglary and larceny in the 2<sup>nd</sup> and 3<sup>rd</sup> degree, including with a firearm. The Division does not believe that all juveniles who commit these offenses should be transferred to the adult court. However, the option should remain, particularly for juveniles with a history of committing such felonies.

The new subsection (h) created under this bill also is problematic. Subsection (h) would require courts to review the sentences of juveniles convicted in adult court once the juvenile turns eighteen, or has served fifty percent of their sentence – whichever is first. This means that a seventeen year old who was convicted of a Class A felony automatically would be reviewed for a sentence modification after less than a year of incarceration. Perhaps a more concerning issue, however, is how this subsection interacts with the statutory requirement that offenders serve at least eighty-five percent of sentences for certain convictions.

**Section 19** seeks to revise § 46b-120, which defines how a youth can be deemed delinquent. Subsection (B) currently states that a juvenile could not be deemed delinquent for an infraction with the one exception being an infraction for possession of marijuana paraphernalia. Section 19 removes this exception. The Division believes that once this infraction is removed from the delinquency category of subsection (B), it should be placed in another category, such as neglected or requiring treatment through the juvenile review boards (JRB). This is particularly concerning since there is no limitation on how many times a juvenile may be found with such paraphernalia and not have any consequences. While there is a push in Connecticut to legalize marijuana, the movement to legalize explicitly has not applied to our youth. Section 19 sends an inconsistent message. If a child is found in possession of paraphernalia for ingesting marijuana, a state agency should be involved to provide that child treatment to avoid the negative impacts of marijuana use on a developing brain. The CDC has prepared a fact sheet on this very topic that can be found here: <https://www.cdc.gov/marijuana/factsheets/teens.htm>

This concern could be abated by an amendment to require a juvenile found to be in possession of marijuana paraphernalia on at least two occasions be referred to a JRB.

**Section 20** seeks to make the same changes to the definition of “delinquent act” as Section 19 does for the definition of “delinquent.” The Division’s comments to Section 19 are even more applicable to this section, as pertains to juveniles *under the age of sixteen*, who certainly should be referred to a JRB if found to be in possession of marijuana paraphernalia on multiple occurrences.

**Section 21** seeks to create an implementation team to develop a plan for automatic prearrest diversion for juveniles who commit certain offenses. The Division strongly recommends that this section be amended to include a representative from the Division, as well as representative from the Office of the Chief Public Defender. These two representatives 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 will, and should, require trainings for the local law enforcement agencies, with which the Division could assist. Moreover, the Division should be a part of the implementation team for continuity of the plans, data tracking, and consistency in purpose after the team sunsets but the work continues.

Finally, the creation of the prearrest diversion program, which may resemble the Division’s current Early Screening and Intervention Program, could be based upon the utilization of JRBs. A JRB is a group of community members with a dedication to serving low level, at risk youth in their community. Generally, in communities where JRBs exist, a referral is made of a youth who is

engaging in low level offenses such as truancy, larceny, and nuisance-based behavior. The JRB, many using a restorative justice model, will intervene with the child and attempt to identify and address the issue while placing the child back on a path to success. Often, strategies will encompass therapy sessions focused on behavior modification techniques, community service, and family needs-based assistance. The goal is to determine what the underlying issue is and fix it so that the child can move forward. JRBs are an excellent concept, however, in Connecticut there is no consistency to the JRBs, which vary based on location. A small investment into developing a foundation for JRBs would go a long way in ensuring their success in the areas they serve, and ensuring successful outcomes for the youth they serve. With that being said, it is important to recognize that JRBs still need the ability to be flexible to best fit the community that they serve. For example, Hartford could have several neighborhood based JRBs that are chaired by elders of the particular neighborhood, while smaller towns, such as West Haven, may be able to have one JRB for the community. Nonetheless, basic guidelines for developing a successful JRB would provide for a better JRB system overall in Connecticut.

The goals sought in Section 21 appear to greatly align with the goals and purpose of JRBs. As such, JRBs should be expanded to every district and the implementation team should identify the guidelines governing JRBs so that there is consistency across the state.

In conclusion, the Division of Criminal Justice opposes Section 12 of H.B. 6667 and respectfully recommends the Committee remove it if this bill were to be reported out of Committee. In addition, the Divisions recommends Section 19-21 be amended as described herein. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.