



General Assembly

Amendment

January Session, 2021

LCO No. 10251



Offered by:

REP. CANDELORA, 86th Dist.

REP. PERILLO, 113th Dist.

REP. O'DEA, 125th Dist.

REP. DEVLIN, 134th Dist.

REP. REBIMBAS, 70th Dist.

REP. ZUPKUS, 89th Dist.

To: Subst. Senate Bill No. 1059

File No. 616

Cal. No. 601

(As Amended)

"AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, THE USE OF ISOLATED CONFINEMENT, SECLUSION AND RESTRAINTS, SOCIAL CONTACTS FOR INCARCERATED PERSONS AND TRAINING AND WORKERS' COMPENSATION BENEFITS FOR CORRECTION OFFICERS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (k) of section 46b-133 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective October*
5 *1, 2021*):

6 (k) For purposes of subsections (c) and (e) of this section, a child may
7 be determined to pose a risk to public safety if such child (1) has
8 previously been adjudicated as delinquent for or convicted of or pled
9 guilty or nolo contendere to two or more felony offenses, (2) has had

10 [two] one or more prior dispositions of probation and is charged with
11 commission of a larceny under subdivision (3) of subsection (a) of
12 section 53a-122 or subdivision (1) of subsection (a) of section 53a-123 or
13 subdivision (1) of subsection (a) of section 53a-124, or (3) is charged with
14 stealing a firearm under section 53a-212, the commission of a violent
15 offense, including any offense committed with or involving the use of a
16 deadly weapon, as defined in section 53a-3, or a violation of section 53a-
17 136a.

18 Sec. 502. (NEW) (*Effective October 1, 2021*) (a) The court shall order any
19 child, as defined in section 46b-120 of the general statutes, who is
20 charged with a delinquency offense involving a motor vehicle, as
21 defined in section 46b-133j of the general statutes, for which such child
22 is not yet adjudicated as delinquent, who, during the pendency of a
23 delinquency proceeding, is charged with a subsequent delinquency
24 offense involving a motor vehicle, to be released to the custody of the
25 child's parent or parents, guardian or some other suitable person subject
26 to the condition that the child not leave such parent, guardian or suitable
27 person's residence unless otherwise authorized by the court until each
28 such delinquency proceeding is disposed of.

29 (b) If any such child who is released to the custody of such child's
30 parent or parents or guardian pursuant to the provisions of subsection
31 (a) of this section is charged with any violation of such child's conditions
32 of release, the court shall find such child to pose a risk to public safety
33 and shall issue an order to detain the child in a detention center
34 pursuant to subsection (i) of section 46b-133 of the general statutes until
35 each delinquency proceeding for any such violation described in this
36 section is disposed of.

37 Sec. 503. Section 46b-6 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2021*):

39 In any pending family relations matter or juvenile matter under
40 chapter 815t in which the juvenile has previously been adjudicated as
41 delinquent for or convicted of or pled guilty or nolo contendere to a

42 felony offense and is charged with (1) commission of a larceny under
43 subdivision (3) of subsection (a) of section 53a-122, subdivision (1) of
44 subsection (a) of section 53a-123 or subdivision (1) of subsection (a) of
45 section 53a-124, (2) stealing a firearm under section 53a-212, or (3) the
46 commission of a violent offense, including any offense committed with
47 or involving the use of a deadly weapon, as defined in section 53a-3, or
48 a violation of section 53a-136a, the court or any judge may cause an
49 investigation to be made with respect to any circumstance of the matter
50 which may be helpful or material or relevant to a proper disposition of
51 the case. Such investigation may include an examination of the
52 parentage and surroundings of any child, his age, habits and history,
53 inquiry into the home conditions, habits and character of his parents or
54 guardians and evaluation of his mental or physical condition. In any
55 action for dissolution of marriage, legal separation or annulment of
56 marriage such investigation may include an examination into the age,
57 habits and history of the parties, the causes of marital discord and the
58 financial ability of the parties to furnish support to either spouse or any
59 dependent child.

60 Sec. 504. Subsections (a) and (b) of section 46b-127 of the general
61 statutes are repealed and the following is substituted in lieu thereof
62 (*Effective October 1, 2021*):

63 (a) (1) The court shall automatically transfer from the docket for
64 juvenile matters to the regular criminal docket of the Superior Court the
65 case of any child charged with the commission of (A) a capital felony
66 under the provisions of section 53a-54b in effect prior to April 25, 2012,
67 a class A felony, [or] (B) a class B felony, except as provided in
68 subparagraph (C) of this subdivision or subdivision (3) of this
69 subsection, or a violation of section 53a-54d, or (C) a felony when such
70 child is a serious juvenile repeat offender, as defined in subdivision (10)
71 of section 46b-120, provided such offense was committed after such
72 child attained the age of fifteen years and counsel has been appointed
73 for such child if such child is indigent. Such counsel may appear with
74 the child but shall not be permitted to make any argument or file any
75 motion in opposition to the transfer. The child shall be arraigned in the

76 regular criminal docket of the Superior Court at the next court date
77 following such transfer, provided any proceedings held prior to the
78 finalization of such transfer shall be private and shall be conducted in
79 such parts of the courthouse or the building in which the court is located
80 that are separate and apart from the other parts of the court which are
81 then being used for proceedings pertaining to adults charged with
82 crimes.

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

88 (3) No case of any child charged with the commission of a violation
89 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection
90 (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b, subdivision
91 (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-
92 196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred
93 from the docket for juvenile matters to the regular criminal docket of the
94 Superior Court, except as provided in this subdivision or subparagraph
95 (C) of subdivision (1) of this subsection. Upon motion of a prosecutorial
96 official, the superior court for juvenile matters shall conduct a hearing
97 to determine whether the case of any child charged with the commission
98 of any such offense shall be transferred from the docket for juvenile
99 matters to the regular criminal docket of the Superior Court. The court
100 shall not order that the case be transferred under this subdivision unless
101 the court finds that (A) such offense was committed after such child
102 attained the age of fifteen years, (B) there is probable cause to believe
103 the child has committed the act for which the child is charged, and (C)
104 after considering the best interests of the child, [and] the best interests
105 of the public will not be served by maintaining the case in the superior
106 court for juvenile matters. In making such findings, the court shall
107 consider (i) any prior criminal or juvenile offenses committed by the
108 child, (ii) the seriousness of such offenses, (iii) any evidence that the
109 child has intellectual disability or mental illness, and (iv) the availability

110 of services in the docket for juvenile matters that can serve the child's
111 needs. Any motion under this subdivision shall be made, and any
112 hearing under this subdivision shall be held, not later than thirty days
113 after the child is arraigned in the superior court for juvenile matters.

114 (b) [Upon] Except as provided in subsection (a) of this section, upon
115 motion of a prosecutorial official, the superior court for juvenile matters
116 shall conduct a hearing to determine whether the case of any child
117 charged with the commission of a class C, D or E felony or an
118 unclassified felony shall be transferred from the docket for juvenile
119 matters to the regular criminal docket of the Superior Court. The court
120 shall not order that the case be transferred under this subdivision unless
121 the court finds that (1) such offense was committed after such child
122 attained the age of fifteen years, (2) there is probable cause to believe the
123 child has committed the act for which the child is charged, and (3) after
124 considering the best interests of the child, [and] the best interests of the
125 public will not be served by maintaining the case in the superior court
126 for juvenile matters. In making such findings, the court shall consider
127 (A) any prior criminal or juvenile offenses committed by the child, (B)
128 the seriousness of such offenses, (C) any evidence that the child has
129 intellectual disability or mental illness, and (D) the availability of
130 services in the docket for juvenile matters that can serve the child's
131 needs. Any motion under this subdivision shall be made, and any
132 hearing under this subdivision shall be held, not later than thirty days
133 after the child is arraigned in the superior court for juvenile matters.

134 Sec. 505. Subsection (a) of section 54-76b of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective October*
136 *1, 2021*):

137 (a) For the purposes of sections 54-76b to 54-76n, inclusive:

138 (1) "Youth" means (A) a minor who has reached the age of sixteen
139 years but has not reached the age of eighteen years at the time of the
140 alleged offense, or (B) a child who has been transferred to the regular
141 criminal docket of the Superior Court pursuant to section 46b-127, as

142 amended by this act; and

143 (2) "Youthful offender" means a youth who (A) is charged with the
 144 commission of a crime which is not a class A felony or a violation of
 145 section 53a-70b of the general statutes, revision of 1958, revised to
 146 January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of
 147 subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m,
 148 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2)
 149 of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-
 150 72a or 53a-72b, except a violation involving consensual sexual
 151 intercourse or sexual contact between the youth and another person
 152 who is thirteen years of age or older but under sixteen years of age, and
 153 (B) has not previously been convicted of a felony in the regular criminal
 154 docket of the Superior Court or been previously adjudged a serious
 155 juvenile offender, [or serious juvenile repeat offender, as defined in
 156 section 46b-120.]"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2021	46b-133(k)
Sec. 502	October 1, 2021	New section
Sec. 503	October 1, 2021	46b-6
Sec. 504	October 1, 2021	46b-127(a) and (b)
Sec. 505	October 1, 2021	54-76b(a)