

Serious Juvenile Offenses

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Issue

This report describes “serious juvenile offenses” (SJOs) and how the court handles cases in which a child is charged with such an offense. It updates OLR Report [2016-R-0283](#).

Summary

In Connecticut, juvenile courts have jurisdiction over children under age 18 (i.e., minors). These courts adjudicate delinquency cases, in which minors are charged with violating state or federal laws.

The law designates approximately 50 felonies as SJOs, including murder and various degrees of assault and burglary. It also deems it an SJO if, without just cause, a child absconds, escapes, or runs away from a secure residential facility in which the court placed the child as a delinquent. Cases involving minors age 15 or older charged with these offenses are either (1) automatically transferred to adult criminal court or (2) may be transferred to adult court at the prosecutor’s discretion and under certain circumstances. (For more information on these adjudications, see OLR Report [2021-R-0182](#).)

Once a case is transferred to adult criminal court, the court must determine if the minor qualifies as a “youthful offender.”

The sentencing options for youthful offenders differ from those for delinquent adjudications, but they are generally more lenient than those imposed for adult criminal convictions. If the minor is

Other Serious Offender Designations

Under certain circumstances, a prosecutor may request that a court designate a proceeding against a child in juvenile court as either a serious juvenile repeat offender prosecution or a serious sexual offender prosecution. Children convicted under such proceedings generally face stricter sentences than would be imposed in a serious juvenile offender proceeding.

not granted youthful offender status and his or her case remains in criminal court, he or she is tried and sentenced as an adult. (For more information about youthful offender status, see OLR Report [2021-R-0181](#).)

The law requires the juvenile court system to treat SJO cases that remain under its jurisdiction differently than non-SJO cases, including stricter detention protocols and a prohibition against non-judicial handling (handling outside of the courtroom). Minors convicted of SJOs in juvenile court face harsher penalties than those associated with other non-SJO convictions. They must also wait longer to have their criminal records expunged than minors convicted of lesser offenses.

Detention and Non-judicial Handling

Generally, a minor arrested and brought to detention for a non-SJO may be released to his or her parents or guardian before he or she is arraigned. A minor charged with an SJO may not be released from detention without a court order ([CGS § 46b-133\(e\)](#)).

Additionally, certain juvenile delinquency cases may be handled non-judicially if the minor does not have any previous delinquency convictions and has admitted to the allegations. Generally, such cases are disposed of after a successful probationary period of up to six months. According to the Connecticut Practice Book, SJO cases may not be handled in this manner ([CGS § 46b-128](#) & [CPB § 27-4A](#)).

By law, a child charged with an SJO is also ineligible to have his or her delinquency proceedings suspended for certain offenses when it involves alcohol or drug dependent individuals or certain actions involving fire starting or motor vehicles ([CGS §§ 46b-133b](#), [-133i](#) & [-133j](#)).

Penalties and Record Erasure

If a minor whose SJO case was transferred to adult court does not qualify for youthful offender status and is convicted, he or she generally may be sentenced to the same prison terms and fines as an adult (see Table 1 below).

When a minor who was adjudicated delinquent turns 18, he or she or his or her parent or guardian may petition the court to have the associated police and court records erased. The court generally must grant the petition if at least two years have passed since he or she was discharged from court supervision or DCF custody and there have been no subsequent delinquency or adult criminal proceedings or convictions. However, if the minor was adjudicated for an SJO, the waiting period is four years instead of two ([CGS § 46b-146](#), as amended by [PA 21-174](#), § 9).

It is a (1) class C felony with a mandatory minimum two-year prison sentence and \$5,000 fine for a person convicted as delinquent for an SJO to possess a firearm, pistol, revolver, ammunition, or electronic defense weapon (e.g., a Taser) and (2) class A misdemeanor, punishable by up to a year in prison, a \$2,000 fine, or both, for such a person to possess body armor ([CGS §§ 53a-217, -217c & -217d](#)).

Tables

Table 1 shows the law’s authorized penalties for adults convicted of various felonies. With the exception of “murder with special circumstances,” these penalties also apply to juveniles convicted as adults in criminal court. By law, an individual may not be charged with murder with special circumstances if he or she was under age 18 when the alleged offense occurred; thus, this felony classification does not apply to juveniles ([CGS § 53a-54b](#)).

Table 1: Felony Penalties for Adult Convictions

Classification	Imprisonment	Maximum Fine
Class A felony (murder with special circumstances)	Life, without release	\$20,000
Class A felony (murder)	25 to 60 years	20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	20,000
Class A felony	10 to 25 years	20,000
Class B felony (1st degree manslaughter with a firearm)	5 to 40 years	15,000
Class B felony	1 to 20 years	15,000
Class C felony	1 to 10 years	10,000
Class D felony	Up to 5 years	5,000

Table 2 lists the crimes categorized as SJOs and whether transfer to adult court for prosecution is mandatory or discretionary ([CGS § 46b-120\(8\)](#)). The law requires the juvenile court to automatically transfer a child aged 15 through 17 to adult criminal court if he or she is charged with a capital felony committed prior to April 25, 2012; a class A felony; most class B felonies; or arson murder ([CGS § 46b-127](#)). For children charged with felonies not subject to automatic transfer, the prosecutor has discretion to request a transfer to adult court. (For more information on automatic transfers, see OLR Report [2021-R-0166](#).)

Table 2: Crimes Designated as SJOs

CGS §	Subject	Penalty	Transfer
21a-277	Illegally manufacturing, distributing, selling, prescribing, or dispensing drugs	Penalties vary depending on the violation, but all are unclassified felonies	Discretionary
21a-278	Illegally manufacturing, distributing, selling, prescribing, or dispensing drugs by a non-drug-dependent person	Penalties vary depending on the violation, but all are unclassified felonies	Discretionary
29-33	Violating pistol and revolver sale, delivery, or transfer laws	B felony with three-year mandatory minimum or C felony with two-year mandatory minimum	Mandatory if B felony; Discretionary if C felony
29-34	Making a false statement in connection with selling or transferring a pistol or revolver or selling or transferring a pistol or revolver to someone under age 21	C felony with two-year mandatory minimum	Discretionary
29-35	Carrying a pistol or revolver without a permit	Depending on the violation, penalties range from an infraction (up to a \$35 fine) to a D felony with one-year mandatory minimum (The mandatory minimum only applies if there are no mitigating circumstances, see CGS § 29-37)	Discretionary unless infraction, which may not be transferred
53-21(a)(2),(3)	Risk of injury to a minor involving contact with intimate parts or transferring the legal or physical custody of a child to another person for money	Depending on the violation: C felony or B felony with possible five-year mandatory minimum	Mandatory if B felony; Discretionary if C felony
53-80a	Manufacturing bombs	B felony	Mandatory

Table 2 (continued)

CGS §	Subject	Penalty	Transfer
53-202b	Selling or transferring an assault weapon	C felony with two-year mandatory minimum (six-year mandatory minimum if the weapon recipient is under age 18)	Discretionary
53-202c	Possessing an assault weapon	Depending on the violation: A misdemeanor or D felony with one-year mandatory minimum	Discretionary
53-390 to -392	Extortionate extension of credit and related offenses	Depending on the violation: B felony or up to 20-year sentence and various fines apply	Mandatory
53a-54a to -54e	Murder, felony murder, arson murder	Murder if under age 18 is a class A felony with a 25- to 60-year prison sentence	Mandatory
53a-55 to -56b	Manslaughter: 1st degree, 1st degree with a firearm, 2nd degree, 2nd degree with a firearm, 2nd degree with a motor vehicle	Depending on the violation: B or C felony and a mandatory minimum may apply	Discretionary, except mandatory if 1st degree with a firearm
53a-57	Misconduct with a motor vehicle	D felony	Discretionary
53a-59 to -59b	Assault: 1st degree; 1st degree assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability; 1st degree assault of a Department of Corrections (DOC) employee	B felony, mandatory minimums may apply depending on the violation	Discretionary for 1st degree assault of a DOC employee; all others mandatory
53a-59c	Assault of a pregnant woman resulting in the pregnancy's termination	A felony	Mandatory

Table 2 (continued)

CGS §	Subject	Penalty	Transfer
53a-60 to -60c	2nd degree assault; 2nd degree assault with a firearm; 2nd degree assault (with or without a firearm) of an elderly, blind, disabled, or pregnant person or a person with intellectual disability	D felony, mandatory minimums may apply depending on the violation or C felony	Discretionary
53a-64aa to -64bb	1st and 2nd degree strangulation	Depending on the violation: C or D felony	Discretionary
53a-70 to -71	Sexual assault: 1st degree, aggravated 1st degree, aggravated of a minor, 2nd degree	Depending on the violation: A, B, or C felony, with various mandatory minimums	Discretionary if 2nd degree sexual assault; all others mandatory
53a-72b	3rd degree sexual assault with a firearm	Depending on the violation: C felony or B felony, with two-year mandatory minimum	Mandatory if B felony
53a-86	1st degree promoting prostitution	B felony, mandatory minimum may apply	Mandatory
53a-92 to -94a	Kidnapping: 1st degree, 1st degree with a firearm, 2nd degree, 2nd degree with a firearm	Depending on the violation: A felony or B felony with three-year mandatory minimum	Discretionary if 2nd degree kidnapping without a firearm, otherwise mandatory
53a-95	1st degree unlawful restraint	D felony	Discretionary
53a-100aa	Home invasion	A felony, 10-year mandatory minimum	Mandatory
53a-101	1st degree burglary	B felony and five-year mandatory minimum may apply	Depends on the circumstances
53a-102a	2nd degree burglary with a firearm	C felony with one-year mandatory minimum	Discretionary
53a-103a	3rd degree burglary with a firearm	D felony with one-year mandatory minimum	Discretionary
53a-111 to -113	1st, 2nd, and 3rd degree arson	Depending on the violation: A, B, or C felony	Mandatory if A felony; otherwise discretionary

Table 2 (continued)

CGS §	Subject	Penalty	Transfer
53a-122(a)(1)	1st degree larceny involving extortion	B felony	Discretionary
53a-123(a)(3)	2nd degree larceny involving property taken from another's person	C felony	Discretionary
53a-134, -135, -136a	Robbery: 1st degree, 2nd degree, involving occupied motor vehicle	Depending on the violation: B or C felony and mandatory minimums may apply	Mandatory if 1st degree robbery committed while armed with a deadly weapon, otherwise discretionary
53a-167c	Assault of public safety, emergency medical, public transit, or health care personnel	C felony	Discretionary
53a-174(a)	Conveying unauthorized items into a prison or institution	D felony	Discretionary
53a-196a	Employing a minor in an obscene performance	A felony, 10-year mandatory minimum	Mandatory
53a-211	Possessing a sawed-off shotgun or silencer	D felony	Discretionary
53a-212	Stealing a firearm	C felony, two-year mandatory minimum	Discretionary
53a-216	Criminal use of a firearm or electronic defense weapon	D felony, five-year mandatory minimum	Discretionary
53a-217b	Possessing a weapon on school grounds	D felony	Discretionary

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