
OLR Bill Analysis

sHB 5373

AN ACT ESTABLISHING CONCURRENT JURISDICTION WITH THE UNITED STATES OVER OFFENSES COMMITTED BY MINORS ON FEDERAL MILITARY INSTALLATIONS IN THIS STATE.

SUMMARY

This bill requires the state to exercise concurrent jurisdiction with the United States in matters where (1) a minor has violated federal law while on a U.S. Department of Defense (DOD) military installation, (2) the installation is located on land that the state previously ceded exclusive jurisdiction over to the federal government, and (3) the U.S. Attorney or U.S. District Court for the state waives exclusive jurisdiction over that matter.

Existing law allows the governor to accept back, on behalf of the state, concurrent or exclusive jurisdiction over these and other areas where the state has ceded exclusive jurisdiction to the federal government.

EFFECTIVE DATE: October 1, 2022

BACKGROUND

Exclusive and Concurrent Jurisdiction

When the federal government has exclusive jurisdiction over land, it means the laws and statutes governing those areas are those of the federal government, not the states.

Concurrent jurisdiction is where both the state and the federal government have the independent authority to apply and enforce their laws, so long as there is no interference with the federal government's use of federal land.

Federal Authority to Establish Concurrent Jurisdiction Over Military Installations

DOD cannot prosecute individuals who are not subject to the Uniform

Code of Military Justice (UCMJ), such as minors. As a result, any prosecutions of minors for crimes they commit on installations over which the federal government has exclusive jurisdiction generally must occur under federal law.

Federal law authorizes the secretaries of the military departments (Army, Navy, and Air Force) to relinquish to a state full or partial jurisdiction over lands or interests under the secretary's control in that state. They may do so (1) by filing a notice of relinquishment with the governor, which takes effect upon the governor's acceptance of it, or (2) as the state's laws provide (10 U.S.C. § 2683).

In a June 4, 2019 letter, the DOD deputy undersecretary directed the military department secretaries to seek, under this federal law, to establish concurrent jurisdiction with states over all offenses committed on military installations by minors who are not subject to the UCMJ. When concurrent jurisdiction is established, states' juvenile courts can hear and decide on juvenile offenses that occur on these military installations.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 16 Nay 0 (03/15/2022)