



House of Representatives

General Assembly

File No. 207

February Session, 2022

Substitute House Bill No. 5373

House of Representatives, March 30, 2022

The Committee on Veterans' Affairs reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 48-1 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) The consent of the state of Connecticut is given, in accordance with
4 the seventeenth clause, eighth section, of the first article of the
5 Constitution of the United States, to the acquisition by the United States,
6 by purchase, condemnation or otherwise, of any land in this state
7 required for customhouses, courthouses, post offices, arsenals or other
8 public buildings or for any other purposes of the government. Exclusive
9 jurisdiction in and over any land so acquired by the United States is
10 ceded to the United States for all purposes except the service of all civil
11 and criminal process of the courts of this state and as provided in
12 subsection (b) of this section; but the jurisdiction so ceded shall continue
13 no longer than the United States owns such land. The jurisdiction ceded

14 shall not vest until the United States has acquired the title to such lands
 15 by purchase, condemnation or otherwise; and, so long as such lands
 16 remain the property of the United States when acquired as aforesaid, the
 17 same shall be exempt from all state, county and municipal taxation,
 18 assessment or other charges.

19 (b) (1) The Governor may accept, on behalf of this state, from the
 20 appropriate federal authority [on behalf of the state] retrocession of full
 21 or partial jurisdiction over any land provided for in subsection (a) of this
 22 section. Documents concerning such retrocession shall be filed in the
 23 office of the Secretary of the State and recorded in a like manner as the
 24 original land acquisition by the United States.

25 (2) If the United States Attorney, or the United States District Court,
 26 for the district of Connecticut waives exclusive jurisdiction in any matter
 27 relating to a violation by a minor, as defined in section 1-1d, of federal
 28 law within the boundaries of any military installation of the United
 29 States Department of Defense located on any land provided for in
 30 subsection (a) of this section, the state shall exercise concurrent
 31 jurisdiction with the United States over such military installation in such
 32 matter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	48-1

Statement of Legislative Commissioners:

Subsec. (b)(2) was rewritten for clarity.

VA *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes a procedural change regarding jurisdiction of crimes committed by minors on federal military installations and does not result in a fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

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)