



House of Representatives

General Assembly

File No. 525

February Session, 2022

Substitute House Bill No. 5417

House of Representatives, April 19, 2022

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING JUVENILE JUSTICE AND SERVICES,
FIREARMS BACKGROUND CHECKS, AND LARCENY OF A MOTOR
VEHICLE.***

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

1 Section 1. Subsections (a) to (e), inclusive, of section 46b-133 of the
2 2022 supplement to the general statutes are repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2022*):

4 (a) Nothing in this part shall be construed as preventing the arrest of
5 a child, with or without a warrant, as may be provided by law, or as
6 preventing the issuance of warrants by judges in the manner provided
7 by section 54-2a, except that no child shall be taken into custody on such
8 process except on apprehension in the act, or on speedy information, or
9 in other cases when the use of such process appears imperative.
10 Whenever a child is arrested and charged with a delinquent act, such
11 child (1) shall be brought before a judge of the Superior Court not later
12 than the fifth business day after such arrest, unless required sooner
13 pursuant to subsection (e) of this section, and (2) may be required to

14 submit to the taking of his photograph, physical description and
15 fingerprints. Notwithstanding the provisions of section 46b-124, as
16 amended by this act, the name, photograph and custody status of any
17 child arrested for the commission of a capital felony under the
18 provisions of section 53a-54b in effect prior to April 25, 2012, or class A
19 felony may be disclosed to the public.

20 (b) Whenever a child is brought before a judge of the Superior Court,
21 which court shall be the court that has jurisdiction over juvenile matters
22 where the child resides if the residence of such child can be determined,
23 such judge shall immediately have the case proceeded upon as a
24 juvenile matter. Such judge may admit the child to bail or release the
25 child in the custody of the child's parent or parents, the child's guardian
26 or some other suitable person to appear before the Superior Court when
27 ordered. If there is probable cause to believe that the child has
28 committed the acts alleged, the court may consider if the child should
29 be assessed for services. Such assessment shall be held not later than two
30 weeks after the child is arraigned and such child shall have the right to
31 counsel at such assessment. If detention becomes necessary, such
32 detention shall be in the manner prescribed by this chapter, provided
33 the child shall be placed in the least restrictive environment possible in
34 a manner consistent with public safety.

35 (c) (1) Upon the arrest of any child by an officer, such officer may [(1)]
36 (A) release the child to the custody of the child's parent or parents,
37 guardian or some other suitable person or agency, [(2)] (B) at the
38 discretion of the officer, release the child to the child's own custody, or
39 [(3)] (C) seek a court order to detain the child in a juvenile residential
40 center. No child may be placed in a juvenile residential center unless a
41 judge of the Superior Court determines, based on the available facts, that
42 [(A)] (i) there is probable cause to believe that the child has committed
43 the acts alleged, [(B) there is no appropriate less restrictive alternative
44 available] (ii) detention of the child is more reasonable than an
45 appropriate less restrictive alternative, and [(C)] (iii) there is [(i)] (1)
46 probable cause to believe that the level of risk that the child poses to
47 public safety if released to the community prior to the court hearing or

48 disposition cannot be managed in a less restrictive setting, [(ii)] (II) a
49 need to hold the child in order to ensure the child's appearance before
50 the court or compliance with court process, as demonstrated by the
51 child's previous failure to respond to the court process, or [(iii)] (III) a
52 need to hold the child for another jurisdiction. No child shall be held in
53 any juvenile residential center unless an order to detain is issued by a
54 judge of the Superior Court. If any such judge declines to detain a child,
55 such judge shall, not later than forty-eight hours after such declination,
56 articulate the reasons in writing for not holding the child in a juvenile
57 residential center.

58 (2) A judge of the Superior Court may order any child who is released
59 into the custody of his or her parent or guardian or some other suitable
60 person or agency after being charged with a second or subsequent
61 delinquency offense involving a motor vehicle, as defined in section
62 46b-133j, as amended by this act, or property theft, to be electronically
63 monitored by using a global positioning system device until such child's
64 case is disposed of. Any failure by the child to adhere to the judge's
65 order concerning electronic monitoring shall result in immediate
66 detention of such child.

67 (d) When a child is arrested for the commission of a delinquent act
68 and the child is not placed in a juvenile residential center or referred to
69 a diversionary program, an officer shall serve a written complaint and
70 summons on the child and the child's parent, guardian or some other
71 suitable person or agency. If such child is released to the child's own
72 custody, the officer shall make reasonable efforts to notify, and to
73 provide a copy of a written complaint and summons to, the parent or
74 guardian or some other suitable person or agency prior to the court date
75 on the summons. If any person so summoned wilfully fails to appear in
76 court at the time and place so specified, the court may issue a warrant
77 for the child's arrest or a capias to assure the appearance in court of such
78 parent, guardian or other person. If a child wilfully fails to appear in
79 response to such a summons, the court may order such child taken into
80 custody and such child may be charged with the delinquent act of wilful
81 failure to appear under section 46b-120, as amended by this act. The

82 court may punish for contempt, as provided in section 46b-121, any
83 parent, guardian or other person so summoned who wilfully fails to
84 appear in court at the time and place so specified.

85 (e) When a child is arrested for the commission of a delinquent act
86 and is placed in a juvenile residential center pursuant to subsection (c)
87 of this section, such child may be detained pending a hearing which
88 shall be held on the business day next following the child's arrest. No
89 child may be detained after such hearing unless the court determines,
90 based on the available facts, that (1) there is probable cause to believe
91 that the child has committed the acts alleged, (2) there is no less
92 restrictive alternative available, and (3) through the use of the detention
93 risk screening instrument developed pursuant to section 46b-133g, that
94 there is (A) probable cause to believe that the level of risk the child poses
95 to public safety if released to the community prior to the court hearing
96 or disposition cannot be managed in a less restrictive setting, [;] (B) a
97 need to hold the child in order to ensure the child's appearance before
98 the court or compliance with court process, as demonstrated by the
99 child's previous failure to respond to the court process, or (C) a need to
100 hold the child for another jurisdiction. Such probable cause may be
101 shown by sworn affidavit in lieu of testimony. No child shall be released
102 from a juvenile residential center who is alleged to have committed a
103 serious juvenile offense except by order of a judge of the Superior Court.
104 The court may, in its discretion, consider as an alternative to detention
105 a suspended detention order with graduated sanctions to be imposed
106 based on the detention risk screening for such child, using the
107 instrument developed pursuant to section 46b-133g. Any child confined
108 in a community correctional center or lockup shall be held in an area
109 separate and apart from any adult detainee, except in the case of a
110 nursing infant, and no child shall at any time be held in solitary
111 confinement. [or] No such child may be held for a period that exceeds
112 six hours, except such child may be held for a period that does not
113 exceed eight hours in a case where an officer has submitted an
114 application for an order of detention and the judge has not yet ruled on
115 such application, or if such officer has been unable to contact such
116 child's parent or guardian. When a female child is held in custody, she

117 shall, as far as possible, be in the charge of a woman attendant.

118 Sec. 2. Section 46b-133d of the general statutes is repealed and the
119 following is substituted in lieu thereof (*Effective October 1, 2022*):

120 (a) For the purposes of this section, "special juvenile probation"
121 means a period of probation imposed by the superior court for juvenile
122 matters upon a child in a proceeding designated as a serious homicide,
123 firearm or sexual offender prosecution during which the child is
124 supervised by a juvenile probation officer prior to such child attaining
125 eighteen years of age and by an adult probation officer after such child
126 attains eighteen years of age.

127 (b) Whenever a child is referred for (1) the commission of any crime
128 of (A) murder or manslaughter in the first degree, (B) a violation of
129 section 53a-56a, 53a-60a, 53a-60c, 53a-92a, 53a-94a, 53a-102a, 53a-103a or
130 53a-212, or (C) a violation of section 53a-59, 53a-101 or 53a-136a if such
131 violation involved the use of a firearm, or (2) the commission of any
132 crime of a sexual nature, and such case is not transferred to the regular
133 criminal docket pursuant to section 46b-127, the prosecutorial official
134 may request the court to designate the proceeding as a serious homicide,
135 firearm or sexual offender prosecution.

136 (c) If a prosecutorial official requests that a proceeding be designated
137 as a serious homicide, firearm or sexual offender prosecution, the court
138 shall hold a hearing not later than thirty days after the filing of such
139 request unless good cause is shown by the prosecutorial official or by
140 the child as to why the hearing should not be held within such period.
141 If good cause is shown, the hearing shall be held not later than ninety
142 days after the filing of such request. The court shall decide whether to
143 designate the proceeding as a serious homicide, firearm or sexual
144 offender prosecution not later than thirty days after the completion of
145 such hearing. The court shall grant the request to designate the
146 proceeding as a serious homicide, firearm or sexual offender
147 prosecution if the court finds probable cause to believe the child has
148 committed the felony act charged and the prosecutorial official shows
149 by [a preponderance of the] clear and convincing evidence that such

150 designation will serve the public safety. The decision to designate the
151 proceeding as a serious homicide, firearm or sexual offender
152 prosecution shall not be a final judgment for purposes of appeal.

153 (d) A proceeding designated as a serious homicide, firearm or sexual
154 offender prosecution pursuant to subsection (c) of this section shall be
155 held before the court without a jury provided the child has waived the
156 right to a trial by jury. If a child is convicted of or pleads guilty or nolo
157 contendere to a charge in a proceeding that has been designated as a
158 serious homicide, firearm or sexual offender prosecution, the court
159 shall: (1) Sentence the child in accordance with section 46b-140,
160 provided such sentence may be extended for a period not to exceed sixty
161 months, (2) sentence the child to a period of special juvenile probation
162 of at least five years, to commence upon the release of the child from the
163 institution, agency or program in whose care the child had been placed,
164 and (3) sentence the child in accordance with section 53a-28 with the
165 execution of such sentence stayed on the condition that the child not
166 violate the conditions of the sentence imposed pursuant to subdivisions
167 (1) and (2) of this subsection or commit a subsequent crime.

168 (e) Whenever [it appears] there is probable cause to believe that a
169 child who has been sentenced pursuant to subsection (d) of this section
170 has violated the conditions of the sentence imposed pursuant to
171 subdivision (2) of said subsection or has committed a subsequent crime,
172 the court may [, without notice, order that the child be immediately]
173 issue a warrant for the arrest of the child for a violation of the conditions
174 of the sentence imposed pursuant to subsection (d) of this section and
175 may order that the child be taken into custody in accordance with the
176 provisions of sections 46b-125 and 53a-32. If such violation of probation
177 or subsequent crime occurs prior to the person attaining eighteen years
178 of age, the matter shall be handled by the superior court for juvenile
179 matters. If such violation of probation or subsequent crime occurs after
180 the person has attained eighteen years of age, the matter shall be
181 handled by the regular criminal docket of the Superior Court. Whenever
182 such matter is handled by the superior court for juvenile matters, the
183 court shall notify the child and such child's parent or guardian and the

184 attorney of record, if any, in writing of the reasons alleged to exist for
185 the lifting of the stay of execution of the sentence imposed pursuant to
186 subdivision (3) of subsection (d) of this section. If the child challenges
187 such reasons, the court shall hold a hearing at which the child shall be
188 entitled to be heard and be represented by counsel. After such hearing,
189 if the court finds that (1) the child has violated the conditions of the
190 sentence imposed pursuant to subdivision (2) of subsection (d) of this
191 section, [or] (2) committed a subsequent crime, or (3) by clear and
192 convincing evidence that the best interest of the community cannot be
193 served by continued supervision by the superior court for juvenile
194 matters or in the community, it shall order the child to serve a sentence
195 not to exceed that imposed pursuant to subdivision (3) of subsection (d)
196 of this section unless it determines there are mitigating circumstances
197 that justify continuing the stay of execution and specifically states such
198 mitigating circumstances in writing for the record. The child shall
199 receive credit against any sentence imposed pursuant to subdivision (3)
200 of subsection (d) of this section for time served in a juvenile facility
201 pursuant to the sentence imposed pursuant to subdivision (1) of said
202 subsection.

203 (f) When a proceeding has been designated as a serious homicide,
204 firearm or sexual offender prosecution pursuant to subsection (c) of this
205 section and the child does not waive the right to a trial by jury, the court
206 shall transfer the case from the docket for juvenile matters to the regular
207 criminal docket of the Superior Court. Upon transfer, such child shall
208 stand trial and be sentenced, if convicted, as if such child were eighteen
209 years of age, subject to the provisions of section 54-91g, except that no
210 such child shall be placed in a correctional facility but shall be
211 maintained in a facility for children and youths until such child attains
212 eighteen years of age or until such child is sentenced, whichever occurs
213 first. Such child shall receive credit against any sentence imposed for
214 time served in a juvenile facility prior to the effectuation of the transfer.
215 A child who has been transferred may enter a guilty plea to a lesser
216 offense if the court finds that such plea is made knowingly and
217 voluntarily. Any child transferred to the regular criminal docket who
218 pleads guilty to a lesser offense shall not resume such child's status as a

219 juvenile regarding such offense. If the action is dismissed or nolloed or if
220 such child is found not guilty of the charge for which such child was
221 transferred, the child shall resume such child's status as a juvenile until
222 such child attains eighteen years of age.

223 Sec. 3. Subsection (c) of section 29-33 of the general statutes is
224 repealed and the following is substituted in lieu thereof (*Effective October*
225 *1, 2022*):

226 (c) No person, firm or corporation shall sell, deliver or otherwise
227 transfer any pistol or revolver except upon written application on a form
228 prescribed and furnished by the Commissioner of Emergency Services
229 and Public Protection. Such person, firm or corporation shall ensure that
230 all questions on the application are answered properly prior to releasing
231 the pistol or revolver and shall retain the application, which shall be
232 attached to the federal sale or transfer document, for at least twenty
233 years or until such vendor goes out of business. Such application shall
234 be available for inspection during normal business hours by law
235 enforcement officials. No sale, delivery or other transfer of any pistol or
236 revolver shall be made unless the person making the purchase or to
237 whom the same is delivered or transferred is personally known to the
238 person selling such pistol or revolver or making delivery or transfer
239 thereof or provides evidence of his identity in the form of a motor
240 vehicle operator's license, identity card issued pursuant to section 1-1h
241 or valid passport. No sale, delivery or other transfer of any pistol or
242 revolver shall be made until the person, firm or corporation making
243 such transfer obtains an authorization number from the Commissioner
244 of Emergency Services and Public Protection. Said commissioner shall
245 perform the national instant criminal background check and make a
246 reasonable effort to determine whether there is any reason that would
247 prohibit such applicant from possessing a pistol or revolver as provided
248 in section 53a-217c. If the commissioner determines the existence of such
249 a reason, the commissioner shall (1) deny the sale and no pistol or
250 revolver shall be sold, delivered or otherwise transferred by such
251 person, firm or corporation to such applicant, and (2) inform the chief of
252 police of the town in which the applicant resides, or, where there is no

253 chief of police, the warden of the borough or the first selectman of the
254 town, as the case may be, that there exists a reason that would prohibit
255 such applicant from possessing a pistol or revolver.

256 Sec. 4. Subsection (d) of section 29-37a of the general statutes is
257 repealed and the following is substituted in lieu thereof (*Effective October*
258 *1, 2022*):

259 (d) No person, firm or corporation may sell, deliver or otherwise
260 transfer, at retail, any long gun to any person unless such person makes
261 application on a form prescribed and furnished by the Commissioner of
262 Emergency Services and Public Protection, which shall be attached by
263 the transferor to the federal sale or transfer document and filed and
264 retained by the transferor for at least twenty years or until such
265 transferor goes out of business. Such application shall be available for
266 inspection during normal business hours by law enforcement officials.
267 No such sale, delivery or other transfer of any long gun shall be made
268 until the person, firm or corporation making such sale, delivery or
269 transfer has ensured that such application has been completed properly
270 and has obtained an authorization number from the Commissioner of
271 Emergency Services and Public Protection for such sale, delivery or
272 transfer. The Department of Emergency Services and Public Protection
273 shall make every effort, including performing the national instant
274 criminal background check, to determine if the applicant is eligible to
275 receive such long gun. If it is determined that the applicant is ineligible
276 to receive such long gun, the Commissioner of Emergency Services and
277 Public Protection shall immediately notify the (1) person, firm or
278 corporation to whom such application was made and no such long gun
279 shall be sold, delivered or otherwise transferred to such applicant by
280 such person, firm or corporation, and (2) chief of police of the town in
281 which the applicant resides, or, where there is no chief of police, the
282 warden of the borough or the first selectman of the town, as the case
283 may be, that the applicant is not eligible to receive a long gun. When any
284 long gun is delivered in connection with any sale or purchase, such long
285 gun shall be enclosed in a package, the paper or wrapping of which shall
286 be securely fastened, and no such long gun when delivered on any sale

287 or purchase shall be loaded or contain any gunpowder or other
288 explosive or any bullet, ball or shell. Upon the sale, delivery or other
289 transfer of the long gun, the transferee shall sign in triplicate a receipt
290 for such long gun, which shall contain the name, address and date and
291 place of birth of such transferee, the date of such sale, delivery or
292 transfer and the caliber, make, model and manufacturer's number and a
293 general description thereof. Not later than twenty-four hours after such
294 sale, delivery or transfer, the transferor shall send by first class mail or
295 electronically transfer one receipt to the Commissioner of Emergency
296 Services and Public Protection and one receipt to the chief of police or,
297 where there is no chief of police, the warden of the borough or the first
298 selectman, of the town in which the transferee resides, and shall retain
299 one receipt, together with the original application, for at least five years.

300 Sec. 5. Subsection (d) of section 46b-124 of the 2022 supplement to the
301 general statutes is repealed and the following is substituted in lieu
302 thereof (*Effective April 1, 2023*):

303 (d) Records of cases of juvenile matters involving delinquency
304 proceedings shall be available to (1) Judicial Branch employees who, in
305 the performance of their duties, require access to such records, (2) judges
306 and employees of the Probate Court who, in the performance of their
307 duties, require access to such records, and (3) employees and authorized
308 agents of municipal, state or federal agencies involved in (A) the
309 delinquency proceedings, (B) the provision of services directly to the
310 child, or (C) the delivery of court diversionary programs. Such
311 employees and authorized agents include, but are not limited to, law
312 enforcement officials, community-based youth service bureau officials,
313 state and federal prosecutorial officials, school officials in accordance
314 with section 10-233h, court officials including officials of both the
315 regular criminal docket and the docket for juvenile matters and officials
316 of the Division of Criminal Justice, the Division of Public Defender
317 Services, the Department of Children and Families, if the child is
318 committed pursuant to section 46b-129, provided such disclosure shall
319 be limited to (i) information that identifies the child as the subject of the
320 delinquency petition, or (ii) the records of the delinquency proceedings,

321 when the juvenile court orders the department to provide services to
322 said child, the Court Support Services Division and agencies under
323 contract with the Judicial Branch. Such records shall also be available to
324 (I) the attorney representing the child, including the Division of Public
325 Defender Services, in any proceeding in which such records are
326 relevant, (II) the parents or guardian of the child, until such time as the
327 subject of the record reaches the age of majority, (III) the subject of the
328 record, upon submission of satisfactory proof of the subject's identity,
329 pursuant to guidelines prescribed by the Office of the Chief Court
330 Administrator, provided the subject has reached the age of majority,
331 (IV) law enforcement officials and prosecutorial officials conducting
332 legitimate criminal investigations, (V) a state or federal agency
333 providing services related to the collection of moneys due or funding to
334 support the service needs of eligible juveniles, provided such disclosure
335 shall be limited to that information necessary for the collection of and
336 application for such moneys, (VI) members and employees of the Board
337 of Pardons and Paroles and employees of the Department of Correction
338 who, in the performance of their duties, require access to such records,
339 provided the subject of the record has been convicted of a crime in the
340 regular criminal docket of the Superior Court and such records are
341 relevant to the performance of a risk and needs assessment of such
342 person while such person is incarcerated, the determination of such
343 person's suitability for release from incarceration or for a pardon, or the
344 determination of the supervision and treatment needs of such person
345 while on parole or other supervised release, and (VII) members and
346 employees of the Judicial Review Council who, in the performance of
347 their duties related to said council, require access to such records.
348 Records disclosed pursuant to this subsection shall not be further
349 disclosed, except that information contained in such records may be
350 disclosed in connection with bail or sentencing reports in open court
351 during criminal proceedings involving the subject of such information,
352 or as otherwise provided by law. Records of cases of juvenile matters
353 involving delinquency proceedings, including arrest records, in the past
354 ninety days shall be available via direct electronic means to state and
355 municipal law enforcement officials conducting criminal investigations.

356 Sec. 6. (NEW) (*Effective October 1, 2022*) (a) The Chief State's Attorney
357 shall develop, implement and update, as necessary, a training program
358 on a uniform process for applying for and seeking the issuance of a
359 detention order pursuant to section 46b-133 of the general statutes, as
360 amended by this act. The Chief State's Attorney shall administer such
361 program and any updated program to those persons required to
362 complete such program pursuant to subsection (b) of this section in a
363 manner and frequency determined by said administrator.

364 (b) Each prosecutorial official and peace officer, as defined in section
365 53a-3 of the general statutes, except any judicial marshal, shall complete
366 the training program pursuant to subsection (a) of this section and as
367 directed by the Chief State's Attorney.

368 Sec. 7. Section 46b-133p of the 2022 supplement to the general statutes
369 is repealed and the following is substituted in lieu thereof (*Effective*
370 *October 1, 2022*):

371 (a) Any law enforcement officer or prosecutorial official who sought
372 a court order to detain a child pursuant to subparagraph (C) of
373 subdivision [(3)] (1) of subsection (c) of section 46b-133, as amended by
374 this act, shall attach, along with the summons, a copy of the completed
375 form to detain that is prescribed by Office of the Chief Court
376 Administrator.

377 (b) The Judicial Branch, the Division of Criminal Justice, the Division
378 of State Police within the Department of Emergency Services and Public
379 Protection and each municipal police department shall compile data
380 concerning requests by a law enforcement officer to detain a child
381 pursuant to subdivision (3) of subsection (c) of section 46b-133, as
382 amended by this act. The Judicial Branch shall sort such data by judicial
383 district and categorize such data based on (1) how many such requests
384 were made, and (2) how many such requests were denied. Not later than
385 January 15, 2023, and annually thereafter, the Judicial Branch shall, in
386 accordance with the provisions of section 11-4a, report such data from
387 the previous calendar year to the joint standing committee of the
388 General Assembly having cognizance of matters relating to the

389 judiciary.

390 Sec. 8. Section 53a-122 of the general statutes is repealed and the
391 following is substituted in lieu thereof (*Effective October 1, 2022*):

392 (a) A person is guilty of larceny in the first degree when [he] such
393 person commits larceny, as defined in section 53a-119, and: (1) The
394 property or service, regardless of its nature and value, is obtained by
395 extortion, (2) the value of the property or service exceeds twenty
396 thousand dollars, [(3) the property consists of a motor vehicle, the value
397 of which exceeds twenty thousand dollars, or (4)] or (3) the property is
398 obtained by defrauding a public community, and the value of such
399 property exceeds two thousand dollars.

400 [(b) For purposes of this section, "motor vehicle" means any motor
401 vehicle, construction equipment, agricultural tractor or farm implement
402 or major component part of any of the above. In any prosecution under
403 subdivision (3) of subsection (a) of this section, evidence of (1) forcible
404 entry, (2) forcible removal of ignition, or (3) alteration, mutilation or
405 removal of a vehicle identification number shall be prima facie evidence
406 (A) that the person in control or possession of such motor vehicle knows
407 or should have known that such motor vehicle is stolen, and (B) that
408 such person possesses such motor vehicle with larcenous intent.]

409 [(c)] (b) Larceny in the first degree is a class B felony.

410 Sec. 9. Section 53a-123 of the general statutes is repealed and the
411 following is substituted in lieu thereof (*Effective October 1, 2022*):

412 (a) A person is guilty of larceny in the second degree when [he] such
413 person commits larceny, as defined in section 53a-119, and: (1) The
414 [property consists of a motor vehicle, the value of which exceeds ten
415 thousand dollars, (2) the] value of the property or service exceeds ten
416 thousand dollars, [(3)] (2) the property, regardless of its nature or value,
417 is taken from the person of another, [(4)] (3) the property is obtained by
418 defrauding a public community, and the value of such property is two
419 thousand dollars or less, [(5)] (4) the property, regardless of its nature or

420 value, is obtained by embezzlement, false pretenses or false promise and
421 the victim of such larceny is sixty years of age or older, or is a conserved
422 person, as defined in section 45a-644, or is blind or physically disabled,
423 as defined in section 1-1f, or [(6)] (5) the property, regardless of its value,
424 consists of wire, cable or other equipment used in the provision of
425 telecommunications service and the taking of such property causes an
426 interruption in the provision of emergency telecommunications service.

427 [(b) For purposes of this section, "motor vehicle" means any motor
428 vehicle, construction equipment, agricultural tractor or farm implement
429 or major component part of any of the above. In any prosecution under
430 subdivision (1) of subsection (a) of this section, evidence of (1) forcible
431 entry, (2) forcible removal of ignition, or (3) alteration, mutilation or
432 removal of a vehicle identification number shall be prima facie evidence
433 (A) that the person in control or possession of such motor vehicle knows
434 or should have known that such motor vehicle is stolen, and (B) that
435 such person possesses such motor vehicle with larcenous intent.]

436 [(c)] (b) Larceny in the second degree is a class C felony.

437 Sec. 10. Section 53a-124 of the general statutes is repealed and the
438 following is substituted in lieu thereof (*Effective October 1, 2022*):

439 (a) A person is guilty of larceny in the third degree when [he] such
440 person commits larceny, as defined in section 53a-119, and: (1) The
441 [property consists of a motor vehicle, the value of which is ten thousand
442 dollars or less; (2) the] value of the property or service exceeds two
443 thousand dollars; [(3)] (2) the property consists of a public record,
444 writing or instrument kept, held or deposited according to law with or
445 in the keeping of any public office or public servant; or [(4)] (3) the
446 property consists of a sample, culture, microorganism, specimen,
447 record, recording, document, drawing or any other article, material,
448 device or substance which constitutes, represents, evidences, reflects or
449 records a secret scientific or technical process, invention or formula or
450 any phase or part thereof. A process, invention or formula is "secret"
451 when it is not, and is not intended to be, available to anyone other than
452 the owner thereof or selected persons having access thereto for limited

453 purposes with his consent, and when it accords or may accord the owner
454 an advantage over competitors or other persons who do not have
455 knowledge or the benefit thereof.

456 [(b) For purposes of this section, "motor vehicle" means any motor
457 vehicle, construction equipment, agricultural tractor or farm implement
458 or major component part of any of the above. In any prosecution under
459 subdivision (1) of subsection (a) of this section, evidence of (1) forcible
460 entry, (2) forcible removal of ignition, or (3) alteration, mutilation or
461 removal of a vehicle identification number shall be prima facie evidence
462 (A) that the person in control or possession of such motor vehicle knows
463 or should have known that such motor vehicle is stolen, and (B) that
464 such person possesses such motor vehicle with larcenous intent.]

465 [(c)] (b) Larceny in the third degree is a class D felony.

466 Sec. 11. (*Effective from passage*) (a) The Commissioner of Children and
467 Families and the executive director of the Court Support Services
468 Division of the Judicial Branch shall identify each juvenile delinquency
469 or justice service provided to children by the Department of Children
470 and Families at the time of the passage of public act 18-31. Said
471 commissioner and executive director shall determine how such services
472 were transferred from the department to the Court Support Services
473 Division and identify any services that were merged into other services,
474 eliminated or otherwise not transferred.

475 (b) Said commissioner and executive director shall report, not later
476 than December 31, 2022, in accordance with the provisions of section 11-
477 4a of the general statutes, their findings pursuant to the provisions of
478 subsection (a) of this section, to the joint standing committee of the
479 General Assembly having cognizance of matters relating to the
480 judiciary.

481 Sec. 12. (*Effective from passage*) (a) Not later than thirty days after the
482 effective date of this section, the executive director of the Court Support
483 Services Division of the Judicial Branch shall review the (1) staffing
484 levels of juvenile probation officers, (2) name, number and location of

485 juvenile pretrial and diversionary programs, the content of such
486 programs and their efficacy at reducing recidivism, and (3) availability
487 and efficiency of juvenile job training programs and juvenile drug
488 treatment programs.

489 (b) Not later than December 31, 2022, the executive director of the
490 Court Support Services Division of the Judicial Branch shall report, in
491 accordance with the provisions of section 11-4a of the general statutes,
492 on the review conducted pursuant to subsection (a) of this section and
493 any resulting recommendations for legislation to the joint standing
494 committee of the General Assembly having cognizance of matters
495 relating to the judiciary.

496 Sec. 13. (NEW) (*Effective October 1, 2022*) (a) A person is guilty of
497 larceny of a motor vehicle when such person commits larceny, as
498 defined in section 53a-119 of the general statutes, and the property
499 consists of a motor vehicle.

500 (b) For purposes of this section, "motor vehicle" means any motor
501 vehicle, construction equipment, agricultural tractor or farm implement
502 or major component part of any of the above. In any prosecution under
503 subsection (a) of this section, evidence of (1) forcible entry, (2) forcible
504 removal of ignition, or (3) alteration, mutilation or removal of a vehicle
505 identification number shall be prima facie evidence that (A) the person
506 in control or possession of such motor vehicle knows or should have
507 known that such motor vehicle is stolen, and (B) such person possesses
508 such motor vehicle with larcenous intent.

509 (c) Larceny of a motor vehicle is (1) a class A misdemeanor for a first
510 offense, (2) a class C felony for a second offense, and (3) a class B felony
511 for any subsequent offense.

512 Sec. 14. Subsection (j) of section 14-112 of the general statutes is
513 repealed and the following is substituted in lieu thereof (*Effective October*
514 *1, 2022*):

515 (j) To entitle any person to receive or retain a motor vehicle operator's

516 license or a certificate of registration of any motor vehicle when, in the
517 opinion of the commissioner, such person has committed larceny of a
518 motor vehicle, the value of which exceeds ten thousand dollars, or
519 violated any of the provisions of the following-named sections and
520 subsections: Section 14-44, section 14-80h or 14-80i, sections 14-110, 14-
521 147, 14-217, 14-219, sections 14-228, 14-275 to 14-281, inclusive, or
522 [subdivision (1) of subsection (a) of section 53a-123 or] any similar
523 provision of the laws of any other state or any territory, or who has been
524 convicted of, or has forfeited any bond taken for appearance for, or has
525 received a suspended judgment or sentence for, a violation of any of
526 said provisions, or a violation of any of the provisions of sections 14-230
527 to 14-247, inclusive, and 38a-371, within a twelve-month period
528 following a violation of any of said sections, the commissioner may
529 require from such person proof of financial responsibility to satisfy any
530 claim for damages by reason of personal injury to, or the death of, any
531 one person, of twenty-five thousand dollars, or by reason of personal
532 injury to, or the death of, more than one person on account of any
533 accident, of at least fifty thousand dollars, and for damage to property
534 of at least twenty-five thousand dollars. When the commissioner
535 requires proof of financial responsibility from an operator or owner of
536 any motor vehicle, he may require proof in the amounts herein specified
537 for each vehicle operated or owned by such person. If any person fails
538 to furnish such proof, the commissioner shall, until such proof is
539 furnished, suspend or revoke the license of such person to operate a
540 motor vehicle or refuse to return any license which has been suspended
541 or revoked in accordance with the provisions of section 14-111 or
542 suspend or revoke the registration of any such motor vehicle or vehicles
543 or refuse thereafter to register any motor vehicle owned by such person
544 or refuse to register any motor vehicle transferred by such person if it
545 does not appear to the commissioner's satisfaction that such transfer is
546 a bona fide sale, or, if such person is not a resident of this state, withdraw
547 from such person the privilege of operating any motor vehicle in this
548 state and the privilege of operation within this state of any motor vehicle
549 owned by such person. Prior to such suspension, revocation or
550 withdrawal, notice thereof shall be given by the commissioner by a

551 notice forwarded by bulk certified mail to the address of such person as
552 shown by the records of the commissioner. No appeal taken from the
553 judgment of any court shall act as a stay to any action of the
554 commissioner authorized by the provisions of this section.

555 Sec. 15. Subdivision (8) of section 46b-120 of the 2022 supplement to
556 the general statutes is repealed and the following is substituted in lieu
557 thereof (*Effective October 1, 2022*):

558 (8) "Serious juvenile offense" means (A) the violation of, including
559 attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, as
560 amended by this act, 29-34, 29-35, subdivision (2) or (3) of subsection (a)
561 of section 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive,
562 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-
563 64bb, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a,
564 inclusive, 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to
565 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, as
566 amended by this act, subdivision [(3)] (2) of subsection (a) of section 53a-
567 123, as amended by this act, section 53a-134, 53a-135, 53a-136a or 53a-
568 167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-
569 212, 53a-216 or 53a-217b, or (B) absconding, escaping or running away,
570 without just cause, from any secure residential facility in which the child
571 has been placed by the court as a delinquent child;

572 Sec. 16. Subsection (k) of section 46b-133 of the 2022 supplement to
573 the general statutes is repealed and the following is substituted in lieu
574 thereof (*Effective October 1, 2022*):

575 (k) For purposes of subsections (c) and (e) of this section, a child may
576 be determined to pose a risk to public safety if such child has previously
577 been adjudicated as delinquent for or convicted of or pled guilty or nolo
578 contendere to two or more felony offenses, has had two or more prior
579 dispositions of probation and is charged with commission of a larceny
580 under [subdivision (3) of subsection (a) of section 53a-122 or subdivision
581 (1) of subsection (a) of section 53a-123 or subdivision (1) of subsection
582 (a) of section 53a-124] section 13 of this act.

583 Sec. 17. Subsection (a) of section 46b-133j of the general statutes is
584 repealed and the following is substituted in lieu thereof (*Effective October*
585 *1, 2022*):

586 (a) For purposes of this section: (1) "Delinquency offense involving a
587 motor vehicle" means any offense under (A) subdivision (1) of
588 subsection (a) of section 53a-119b, (B) section 53a-126a, (C) section 53a-
589 126b, when the property consists of a motor vehicle, or (D) [subdivision
590 (3) of subsection (a) of section 53a-122, (E) subdivision (1) of subsection
591 (a) of section 53a-123, or (F) subdivision (1) of subsection (a) of section
592 53a-124] section 13 of this act; and (2) "child" means child, as defined in
593 section 46b-120, as amended by this act.

594 Sec. 18. Subsection (c) of section 54-56e of the 2022 supplement to the
595 general statutes is repealed and the following is substituted in lieu
596 thereof (*Effective October 1, 2022*):

597 (c) This section shall not be applicable: (1) To any person charged
598 with (A) a class A felony, (B) a class B felony, except a violation of
599 subdivision (1) [,] or (2) [(3)] of subsection (a) of section 53a-122, as
600 amended by this act, that does not involve the use, attempted use or
601 threatened use of physical force against another person, or a violation
602 of subdivision [(4)] (3) of subsection (a) of section 53a-122, as amended
603 by this act, that does not involve the use, attempted use or threatened
604 use of physical force against another person and does not involve a
605 violation by a person who is a public official, as defined in section 1-110,
606 or a state or municipal employee, as defined in section 1-110, or (C) a
607 violation of section 53a-70b of the general statutes, revision of 1958,
608 revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1)
609 or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection
610 (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-71,
611 except as provided in subdivision (5) of this subsection, 53a-72a, 53a-
612 72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a
613 crime or motor vehicle violation who, as a result of the commission of
614 such crime or motor vehicle violation, causes the death of another
615 person, (3) to any person accused of a family violence crime as defined

616 in section 46b-38a who (A) is eligible for the pretrial family violence
617 education program established under section 46b-38c, or (B) has
618 previously had the pretrial family violence education program invoked
619 in such person's behalf, (4) to any person charged with a violation of
620 section 21a-267, 21a-279 or 21a-279a, who (A) is eligible for the pretrial
621 drug education and community service program established under
622 section 54-56i or the pretrial drug intervention and community service
623 program established under section 54-56q, or (B) has previously had (i)
624 the pretrial drug education program (ii) the pretrial drug education and
625 community service program established under the provisions of section
626 54-56i, or (iii) the pretrial drug intervention and community service
627 program established under section 54-56q, invoked on such person's
628 behalf, (5) unless good cause is shown, to (A) any person charged with
629 a class C felony, or (B) any person charged with committing a violation
630 of subdivision (1) of subsection (a) of section 53a-71 while such person
631 was less than four years older than the other person, (6) to any person
632 charged with a violation of section 9-359 or 9-359a, (7) to any person
633 charged with a motor vehicle violation (A) while operating a
634 commercial motor vehicle, as defined in section 14-1, or (B) who holds a
635 commercial driver's license or commercial driver's instruction permit at
636 the time of the violation, (8) to any person charged with a violation of
637 subdivision (6) of subsection (a) of section 53a-60, or (9) to a health care
638 provider or vendor participating in the state's Medicaid program
639 charged with a violation of section 53a-122, as amended by this act, or
640 subdivision [(4)] (3) of subsection (a) of section 53a-123, as amended by
641 this act.

642 Sec. 19. (*Effective July 1, 2022*) The sum of one million two hundred
643 fifty thousand dollars is appropriated to the Judicial Department from
644 the General Fund, for the fiscal year ending June 30, 2023, for Juvenile
645 Justice Outreach Services for the purpose of expanding REGIONS.

646 Sec. 20. (*Effective July 1, 2022*) The sum of seven hundred fifty
647 thousand dollars is appropriated to the Judicial Department from the
648 General Fund, for the fiscal year ending June 30, 2023, for Juvenile
649 Alternative Incarceration.

650 Sec. 21. (Effective July 1, 2022) The sum of one million dollars is
 651 appropriated to the Department of Emergency Services and Public
 652 Protection from the General Fund, for the fiscal year ending June 30,
 653 2023, for regional crime reduction strategies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	46b-133(a) to (e)
Sec. 2	October 1, 2022	46b-133d
Sec. 3	October 1, 2022	29-33(c)
Sec. 4	October 1, 2022	29-37a(d)
Sec. 5	April 1, 2023	46b-124(d)
Sec. 6	October 1, 2022	New section
Sec. 7	October 1, 2022	46b-133p
Sec. 8	October 1, 2022	53a-122
Sec. 9	October 1, 2022	53a-123
Sec. 10	October 1, 2022	53a-124
Sec. 11	from passage	New section
Sec. 12	from passage	New section
Sec. 13	October 1, 2022	New section
Sec. 14	October 1, 2022	14-112(j)
Sec. 15	October 1, 2022	46b-120(8)
Sec. 16	October 1, 2022	46b-133(k)
Sec. 17	October 1, 2022	46b-133j(a)
Sec. 18	October 1, 2022	54-56e(c)
Sec. 19	July 1, 2022	New section
Sec. 20	July 1, 2022	New section
Sec. 21	July 1, 2022	New section

Statement of Legislative Commissioners:

In Section 2(d), redundant language was deleted and Sections 14 to 18 were added as conforming changes.

JUD Joint Favorable Subst.

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:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Judicial Dept.	GF - Cost	731,685-867,731	975,580-1,156,975
State Comptroller - Fringe Benefits ¹	GF - Cost	220,558-275,697	294,077-367,597
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Judicial Dept.	GF - Appropriation	2 million	None
Department of Emergency Services and Public Protection	GF - Appropriation	1 million	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows GPS monitoring of certain juveniles, establishes a new penalty structure for larceny of a motor vehicle, appropriates funds for specific purposes, and makes various other changes. The sections of the bill with a fiscal impact are described below.

Section 1 allows the Judicial Department to monitor by GPS device juveniles charged with a second or subsequent motor vehicle or property theft delinquency offense and is released into the custody of his or her parent or guardian and results in an annual cost of \$1,019,658

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

to \$1,524,572.

The Judicial Department does not currently use GPS monitoring on juveniles. Based on FY 21 data, there are approximately 250 juveniles who would require monitoring based on the requirements of the bill. The agency would need to hire an additional 12-15 juvenile probation officers at an annual cost of \$725,580 to \$906,975. An additional cost of \$294,077 to \$975,580 would be incurred by the State Comptroller for fringe benefits.

The bill results in an additional cost of approximately \$250,000 annually for the cost of GPS monitoring. This cost will differ depending on how many individuals require GPS monitoring.

Section 8 - 10 and 13 - 18 sets a new penalty structure for larceny of a motor vehicle and results in a potential cost and potential revenue from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500² while the average marginal cost for supervision in the community is less than \$800³ each year.

Sections 19 - 21 appropriate a total of \$3 million in FY 23 to the Judicial Department (\$1,250,000 for expanding REGIONS) and \$750,000 for the Juvenile Alternative Incarceration account) and Department of Emergency Services and Public Protection (\$1 million for regional crime reduction strategies). sHB 5037, the revised FY 23 budget bill, as favorably reported by the Appropriations Committee, is under the spending cap by \$4.6 million in FY 23. The appropriation contained in the bill would result in the budget being under the spending cap by \$1.6 million in FY 23.

² Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, caseloads, and violations.

OLR Bill Analysis**sHB 5417****AN ACT CONCERNING JUVENILE JUSTICE AND SERVICES,
FIREARMS BACKGROUND CHECKS, AND LARCENY OF A MOTOR
VEHICLE.**

TABLE OF CONTENTS:

[§ 1 — JUVENILE ARRESTS AND DELINQUENCY PROCEDURES](#)

Makes various changes to procedures when a juvenile is arrested following an alleged delinquent act, such as (1) generally requiring an arrested child to be brought before a judge within five business days after the arrest; (2) allowing the court to order electronic monitoring if a child was charged with a second or subsequent motor vehicle or property theft offense; and (3) in certain circumstances, increasing the maximum period, from six to eight hours, that a child may be held in a community correctional center or lockup without a judge's detention order

[§ 2 — SERIOUS HOMICIDE, FIREARM, OR SEXUAL OFFENDER
JUVENILE PROSECUTION](#)

Expands existing law on juvenile serious sexual offender prosecutions to also cover certain homicide and firearm crimes, and makes various changes affecting these cases, such as allowing the juvenile portion of the sentence to be extended for up to 60 months

[§§ 3 & 4 — NOTICE TO TOWN OF FAILED FIREARM BACKGROUND
CHECK](#)

Requires DESPP to notify the police chief (or if none, the town first selectman or borough warden) if a resident failed a background check when trying to purchase a firearm

[§ 5 — ACCESS TO JUVENILE DELINQUENCY RECORDS](#)

Gives municipal employees and agents access to juvenile records if they are involved in the proceeding or delivery of related services, and specifically requires that electronic records of recent delinquency proceedings be provided to law enforcement officials for criminal investigations

[§ 6 — TRAINING PROGRAM ON DETENTION ORDER PROCESS](#)

Requires the chief state's attorney to develop and implement a training program on the juvenile detention application process for prosecutors and most peace officers

§ 7 — DETENTION REQUEST FORMS AND DATA

Requires prosecutors, not just the police, to attach the official court detention form to the summons when requesting a detention order for a child; requires prosecutors and the police, not just the judicial branch, to compile data on detention order requests

§§ 8-10 & 13-18 — LARCENY OF A MOTOR VEHICLE

Establishes a new penalty structure for larceny of a motor vehicle, with graduated penalties based on whether it is a first or subsequent offense, rather than based on the vehicle's value as under current law

§ 11 — DCF AND CSSD REPORT ON TRANSFER OF JUVENILE SERVICES

Requires DCF and CSSD to report on the transfer of juvenile delinquency services from DCF to the judicial branch under PA 18-31

§ 12 — CSSD REPORT ON JUVENILE JUSTICE ISSUES

Requires CSSD to review certain juvenile justice issues, such as the effectiveness of pretrial diversionary programs, and report on its review to the Judiciary Committee by December 31, 2022

§§ 19-21 — APPROPRIATIONS TO JUDICIAL DEPARTMENT AND DESPP

Makes three General Fund appropriations in FY 23, including two to the Judicial Department (\$2 million total) and one to DESPP (\$1 million) for specified juvenile justice-related purposes

SUMMARY

This bill makes various changes to juvenile justice-related laws, such as (1) changing various procedures when a child is arrested for an alleged delinquent act, (2) expanding an existing law on juvenile serious sexual offender prosecutions to also cover certain homicide and firearm crimes, and (3) appropriating \$3 million in FY 23 for specified juvenile justice-related purposes.

The bill also (1) establishes a new penalty structure for larceny of a motor vehicle and (2) requires the Department of Emergency Services

and Public Protection (DESPP) to notify the municipality if a resident failed a background check when trying to purchase a firearm.

EFFECTIVE DATE: October 1, 2022, except upon passage for the Department of Children and Families (DCF)/Court Support Services Division (CSSD) and CSSD reports (§§ 11 & 12); July 1, 2022, for the FY 23 appropriations (§§ 19-21); and April 1, 2023, for the provisions on access to juvenile delinquency records (§ 5).

§ 1 — JUVENILE ARRESTS AND DELINQUENCY PROCEDURES

Makes various changes to procedures when a juvenile is arrested following an alleged delinquent act, such as (1) generally requiring an arrested child to be brought before a judge within five business days after the arrest; (2) allowing the court to order electronic monitoring if a child was charged with a second or subsequent motor vehicle or property theft offense; and (3) in certain circumstances, increasing the maximum period, from six to eight hours, that a child may be held in a community correctional center or lockup without a judge's detention order

Initial Court Appearance Following Arrest (§ 1(a))

The bill requires a child arrested for a delinquent act to be brought before a Superior Court judge within five business days after the arrest, unless required sooner under existing law.

As described below, if a child is detained in a juvenile residential center after an arrest, existing law requires a court hearing on the next business day to determine whether to continue the detention.

Assessment for Service Needs (§ 1(b))

Under the bill, if there is probable cause to believe that an arrested child committed the acts alleged, the court may consider if the child should be assessed for services. If so, the (1) assessment must occur within two weeks after the child's arraignment and (2) child has the right to counsel during the assessment.

GPS Monitoring (§ 1(c))

The bill allows judges to order electronic monitoring of an arrested child who is (1) charged with a second or subsequent motor vehicle or property theft delinquency offense and (2) released into the custody of his or her parent or guardian (or another suitable person or agency).

This monitoring, through a global positioning system (GPS) device, continues until the case concludes. If the child fails to comply with the monitoring order, he or she must be immediately detained.

For this purpose, a motor vehicle delinquency offense includes:

1. operating or using a vehicle, or causing the vehicle to be used or operated, without the owner's consent;
2. 1st or 2nd degree criminal trover (i.e., wrongful taking that results in damages) when it involves a motor vehicle; and
3. larceny of a motor vehicle.

Juvenile Detention Decision Before Hearing (§ 1(c))

Existing law sets conditions under which a judge, upon application of the arresting officer, may order an arrested child to be placed in a juvenile residential center. The bill eliminates the current condition that the judge determine that there is no appropriate less restrictive alternative available. Instead, the judge must determine that detention is more reasonable than an appropriate less restrictive alternative.

The bill also requires a judge who declines to order detention to articulate the reasons why, within 48 hours of that decision.

By law, if the judge issues a detention order, there must be a hearing on the next business day following the child's arrest to determine whether the detention should continue. One condition for this continued detention is that there is no less restrictive alternative available. If the detention order is upheld, the child must receive another hearing at least every seven days to determine whether to continue the detention (CGS § 46b-133(j)).

Maximum Hold Period Pending a Detention Order (§ 1(e))

Under some circumstances, the bill increases, from six to eight hours, the maximum period that a child may be held in a community correctional center or lockup without a judge's detention order. This longer period applies if the officer has (1) applied for a detention order

but the judge has not yet ruled on it or (2) been unable to contact the child's parent or guardian.

§ 2 — SERIOUS HOMICIDE, FIREARM, OR SEXUAL OFFENDER JUVENILE PROSECUTION

Expands existing law on juvenile serious sexual offender prosecutions to also cover certain homicide and firearm crimes, and makes various changes affecting these cases, such as allowing the juvenile portion of the sentence to be extended for up to 60 months

Existing law allows a prosecutor to ask the court to designate a proceeding as a "serious sexual offender prosecution" when a juvenile is referred for a sexually related crime and the case is not transferred to adult court. The sentencing for juveniles convicted under this designation must include certain components beyond standard sentencing, including at least five years of "special juvenile probation" consisting of supervision by a juvenile probation officer until age 18 and an adult probation officer after that. If the juvenile does not waive the right to a jury trial, the case must be transferred to adult court where he or she must stand trial as an adult.

The bill expands this law to include certain homicide or firearm related crimes and renames the designation as a "serious homicide, firearm, or sexual offender prosecution." The bill makes various other changes affecting these cases, such as (1) allowing the juvenile portion of the sentence to be extended for up to 60 months and (2) raising the evidence threshold for the prosecutor to show that this designation serves the public safety.

Scope (§ 2(b))

Under existing law, a prosecutor can request this case designation for any crimes of a sexual nature that are adjudicated in juvenile court. The bill allows prosecutors to also request this designation for the following crimes adjudicated in juvenile court:

1. murder;
2. 1st degree manslaughter;
3. 2nd degree manslaughter with a firearm;

4. 1st degree assault, if the violation involved a firearm;
5. 2nd degree assault with a firearm;
6. 2nd degree assault with a firearm of an elderly, blind, disabled, or pregnant person or person with intellectual disability;
7. 1st or 2nd degree kidnapping with a firearm;
8. 1st degree burglary, if the violation involved a firearm;
9. 2nd or 3rd degree burglary with a firearm;
10. robbery of an occupied motor vehicle, if the violation involved a firearm; or
11. stealing a firearm.

Court Hearing on Designation Request (§ 2(c))

Under existing law, after a prosecutor requests this case designation, the court must hold a hearing to decide whether to grant the request.

Current law requires the court to grant the request if the prosecutor shows by a preponderance of the evidence that this designation will serve public safety. The bill (1) raises this evidence threshold to “clear and convincing” and (2) also requires a court finding of probable cause that the child committed the crime.

Under existing law, the court’s decision is not immediately appealable.

Sentencing (§ 2(d))

Under current law, if the juvenile is convicted or pleads guilty, the court must sentence him or her (1) under the standard juvenile sentencing provisions, (2) to at least five years of special juvenile probation beginning on his or her release from placement, and (3) under the standard adult sentencing provisions with the sentence stayed as long as the juvenile does not violate the sentencing conditions imposed or commit another crime. The bill also allows the sentence under the

standard juvenile sentencing provisions to be extended for up to 60 months.

Sentencing Condition Violations or Subsequent Crimes (§ 2(e))

In these cases, current law authorizes the court, without notice, to order a juvenile to be taken into custody whenever it appears that he or she violated the conditions of the sentence or committed a new crime. The bill instead requires probable cause of this violation or crime before the juvenile may be taken into custody. It also requires the court, if deciding to order the child into custody, to do so by issuing an arrest warrant.

Under existing law, if this violation or crime occurred while the person is still under age 18, it is handled by the juvenile court; otherwise it is handled by the adult criminal court. If handled by the juvenile court, that court must notify the child, parent or guardian, and attorney, if any, of the alleged reasons for lifting the stay on the adult sentence. The juvenile has the right to a hearing to challenge those reasons.

After the hearing, if the court finds that the juvenile violated the conditions or committed a new crime, existing law requires the court to order the juvenile to serve a sentence not exceeding the adult sentence, unless it finds mitigating circumstances to continue the stay. The bill also requires the court to order this, unless there are mitigating circumstances, if it finds by clear and convincing evidence that the community's best interest cannot be served by the juvenile's continued court supervision or supervision in the community.

Under existing law, the juvenile must receive credit for any time served in a juvenile facility.

§§ 3 & 4 — NOTICE TO TOWN OF FAILED FIREARM BACKGROUND CHECK

Requires DESPP to notify the police chief (or if none, the town first selectman or borough warden) if a resident failed a background check when trying to purchase a firearm

By law, before a handgun sale or transfer, the buyer or transferee generally must complete a DESPP-prescribed application. As part of this

process, DESPP must conduct a national instant criminal background check and make a reasonable effort to determine whether there is any reason to disqualify the person from possessing a handgun. Similar requirements apply for long gun sales or transfers (for long guns, the law requires DESPP to make every effort, including conducting the background check, to assess the person's eligibility to receive the gun).

Under the bill, if DESPP denies the transaction, the commissioner must notify the municipality that (1) there is a reason that prohibits the person from possessing a handgun or (2) the person is not eligible to receive a long gun, as applicable. Specifically, DESPP must notify the police chief where the person lives, or if none, the town first selectman or borough warden.

§ 5 — ACCESS TO JUVENILE DELINQUENCY RECORDS

Gives municipal employees and agents access to juvenile records if they are involved in the proceeding or delivery of related services, and specifically requires that electronic records of recent delinquency proceedings be provided to law enforcement officials for criminal investigations

The bill gives municipal agency employees, and their authorized agents, the same access to juvenile delinquency case records as already applies to state or federal employees or agents. This access extends to employees or agents involved in the (1) delinquency proceedings, (2) direct provision of services to the child, or (3) delivery of court diversionary programs.

By law, certain municipal employees already have access to these records, such as law enforcement officials for legitimate criminal investigations.

The bill also requires that case records (including arrest records) for juvenile delinquency proceedings for the past 90 days be available electronically to state and municipal law enforcement officials conducting criminal investigations.

§ 6 — TRAINING PROGRAM ON DETENTION ORDER PROCESS

Requires the chief state's attorney to develop and implement a training program on the juvenile detention application process for prosecutors and most peace officers

The bill requires the chief state's attorney to develop and implement a training program on a uniform process to apply for detention orders for arrested juveniles.

It requires all prosecutorial officials and peace officers, except for judicial marshals, to complete the training program as directed by the chief state's attorney. The chief state's attorney must (1) administer the program to these people, (2) set the manner and frequency for them to complete the program, and (3) update the program as necessary.

§ 7 — DETENTION REQUEST FORMS AND DATA

Requires prosecutors, not just the police, to attach the official court detention form to the summons when requesting a detention order for a child; requires prosecutors and the police, not just the judicial branch, to compile data on detention order requests

Existing law requires law enforcement officers who request a detention order for an arrested child to attach, along with the summons, a copy of the completed form to detain prescribed by the Office of the Chief Court Administrator. The bill extends this requirement to prosecutorial officials who seek these orders.

Existing law requires the judicial branch to compile data on law enforcement officers' requests for these court orders. The bill also requires the Division of Criminal Justice, State Police, and municipal police departments to compile this data.

By law, the judicial branch must (1) sort the data by judicial district, (2) categorize it based on how many requests were made and denied, and (3) annually report it to the Judiciary Committee.

§§ 8-10 & 13-18 — LARCENY OF A MOTOR VEHICLE

Establishes a new penalty structure for larceny of a motor vehicle, with graduated penalties based on whether it is a first or subsequent offense, rather than based on the vehicle's value as under current law

The bill sets a new penalty structure for larceny of a motor vehicle. It provides for graduated penalties based on whether the person has prior convictions for this crime, rather than based on the value of the vehicle as under current law. These changes result in a lower penalty for a first offense than under current law; the penalty for subsequent offenses may

differ from current law, depending on the vehicle's value.

The bill does so by creating a separate crime of larceny of a motor vehicle, punishable as follows:

1. a first offense is a class A misdemeanor, punishable by up to 364 days in prison, a fine of up to \$2,000, or both;
2. a second offense is a class C felony, punishable by up to 10 years in prison, a fine of up to \$10,000, or both; and
3. a subsequent offense is a class B felony, punishable by up to 20 years in prison, a fine of up to \$15,000, or both.

Under current law, larceny of a motor vehicle is classified as follows based on the vehicle's value:

1. over \$20,000: 1st degree larceny, a class B felony;
2. over \$10,000 to \$20,000: 2nd degree larceny, a class C felony; and
3. \$10,000 or less: 3rd degree larceny, a class D felony, punishable by up to five years in prison, a fine of up to \$5,000, or both.

By law, if a person commits robbery of an occupied motor vehicle knowing that it is occupied, there is a three-year mandatory prison sentence in addition to the sentence for the underlying crime (CGS § 53a-136a).

The bill also makes related technical and conforming changes.

§ 11 — DCF AND CSSD REPORT ON TRANSFER OF JUVENILE SERVICES

Requires DCF and CSSD to report on the transfer of juvenile delinquency services from DCF to the judicial branch under PA 18-31

PA 18-31 transferred, from DCF to the judicial branch, legal authority over any child who was committed to DCF as delinquent pursuant to a juvenile court order entered before July 1, 2018.

The bill requires the DCF commissioner and the CSSD executive

director to identify each juvenile delinquency or juvenile justice service that DCF provided to children at the time of PA 18-31's passage. They must determine how DCF transferred these services to CSSD and identify any services that were merged with other services, eliminated, or otherwise not transferred.

Under the bill, the commissioner and executive director must report their findings to the Judiciary Committee by December 31, 2022.

§ 12 — CSSD REPORT ON JUVENILE JUSTICE ISSUES

Requires CSSD to review certain juvenile justice issues, such as the effectiveness of pretrial diversionary programs, and report on its review to the Judiciary Committee by December 31, 2022

The bill requires the CSSD executive director, within 30 days after the bill's passage, to review the following:

1. juvenile probation officer staffing levels;
2. the name, number, location, and content of juvenile pretrial and diversionary programs and how effectively they reduce recidivism; and
3. the availability and efficiency of juvenile job training programs and juvenile drug treatment programs.

By December 31, 2022, the executive director must report to the Judiciary Committee on this review and any resulting legislative recommendations.

§§ 19-21 — APPROPRIATIONS TO JUDICIAL DEPARTMENT AND DESPP

Makes three General Fund appropriations in FY 23, including two to the Judicial Department (\$2 million total) and one to DESPP (\$1 million) for specified juvenile justice-related purposes

The bill makes three General Fund appropriations in FY 23, as follows:

1. \$1.25 million to the Judicial Department, for Juvenile Justice Outreach Services, for the purpose of expanding REGIONS (a

program providing residential treatment for boys who are involved in the juvenile court process);

2. \$750,000 to the Judicial Department, for Juvenile Alternative Incarceration; and
3. \$1 million to DESPP, for regional crime reduction strategies.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 4 (03/29/2022)