

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-5417

AN ACT CONCERNING JUVENILE JUSTICE AND SERVICES, FIREARMS

Title: BACKGROUND CHECKS, AND LARCENY OF A MOTOR VEHICLE.

Vote Date: 3/29/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/14/2022

File No.: 525

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

This bill will provide better conditions for juveniles involved in or surrounded by crime. It will ultimately reduce crime by providing more services and programs to juveniles who need extra support and will impose particular and more specialized services and probation in cases with juvenile offenders convicted of murder or first-degree manslaughter, differentiating the discipline minors face in such cases versus what discipline adults face for the same crimes. This bill will protect juveniles whose circumstances brought them to make bad decisions while simultaneously attempting to intervene and assist before juveniles partake in such dire mistakes. Additionally, this bill requires for the notification of the appropriate town officials when an individual fails a background check, and they should not be allowed to possess a gun permit. This aspect of the bill serves to create a sense of transparency in a community, promoting the safety of town residents.

SUBSTITUTE LANGUAGE:

The substitute language indicates that when a child is arrested and charged with a delinquent act, they must be brought before a judge within 5 business days of arrest, as an effort to mandate efficiency and ensure that a child is not waiting for an indefinite amount of time to be heard. A child who is arraigned for criminal action will be assessed for services needed to improve quality of life. This is to determine whether the state can provide resources that would prevent further criminal activities. The substitute language describes the specific instances in which the detention of the child is more reasonable than a less restrictive alternative, to encourage release back to their family or caregiver. If a judge decides not to detain a child, they must provide, in writing, the reasons why they are not holding the child. If

a judge releases a child who was charged with property theft or a crime involving a motor vehicle, the child may be electronically monitored through GPS, to dissuade further property theft or motor vehicle incident. A child may be detained for up to 8 hours if the officer applies for an order of detention, the judge has not ruled on it yet, and the officer has been unable to contact the child's parent or guardian. Other than this specific exception, children cannot be detained for more than 6 hours. If the crime committed involved murder, manslaughter, or the use of a firearm, the prosecutorial officer could request the court to change the proceedings as a serious homicide or firearm prosecution. This addition allows for more severe cases to be treated as such. Records of cases of juvenile matters must be kept for 90 days and should be accessible and available through electronic means. The substitute language describes the funding to be made available to accomplish the tasks of this legislation.

RESPONSE FROM ADMINISTRATION/AGENCY:

Child Advocate of the Office of the Child Advocate, Sarah Healy Eagan, supports the bill, especially following the uptick in crime seen in CT in 2020. The pandemic led to unprecedented and abrupt changes in children's lives and services and was particularly harmful for children and families already struggling to meet basic needs. Focusing on restoration and enhancement of community-based services and residential services and investing in children and communities will be an essential component in repairing communities.

Director of Delinquency Defense and Child Protection of the Division of Public Defender Services, Susan I. Hamilton, opposes certain sections of the bill. They oppose that an assessment would be required immediately upon arraignment. She states that the court already has the authority to issue electronic monitoring when a child is released and placed on suspended orders of detention. She opposes that children could be held longer than 6 hours. OCPD opposes that cases could be subject to blended sentences because there is no minimum age limit on when the designation can be used, which could result in children well under the age of 15 being transferred to the adult court.

State Victim Advocate Natasha M. Pierre, Esq., supports the bill. Juvenile justice reforms, including the prompt arraignment for certain serious juvenile offenders, the use of GPS monitoring for repeat criminal conduct and improving the sharing of information concerning juvenile cases by law enforcement, will enhance victim and public safety.

Division of Criminal Justice of the State of Connecticut supports the bill to ensure that repeat and violence offenders are held accountable while low-level offending juveniles are kept out of the court system and receive necessary services. They also appreciate taking preventative measures to address root causes so that juveniles avoid criminal behavior from the start.

External Affairs Division of the Judicial Branch takes no stance on the policies in the bill. They suggest a clarification be made in Section 2 (b) so line 122 would read: "the prosecutorial official may request the court to designate the proceeding as a serious homicide or sexual offender prosecution." This change would clarify that not all crimes are of serious sexual nature.

NATURE AND SOURCES OF SUPPORT:

State and Federal Relations Manager of Connecticut Conference of Municipalities, Mike Muszynski, supports the bill because CCM supports efforts that would provide law enforcement and judges greater access to information regarding juvenile offender records, along with providing greater tools available to judges that would expand eligibility and increase the vigor and funding of diversionary programs.

NATURE AND SOURCES OF OPPOSITION:

Justice Advisor with the Connecticut Justice Alliance, Tenille Bonilla, opposes this bill because most of the bill consists of ways to keep children in negative spaces longer than they need to be or find more immediate reasons to detain them. GPS monitoring is another instance of detainment that traumatizes children, and the children that find themselves in these harmful situations are receiving no services, schooling, or family connections that impact the mental health of the child.

Juvenile Justice Consultant for the Connecticut Youth Services Association, Erica Bromley, opposes the bill because it recommends rolling back well thought-out and successful reforms which is not in the best interest of our young people. Efforts need to be focused on earlier intervention and provision of services targeted to individual needs and root causes of behaviors.

Research and Policy Director of Connecticut Voices for Children, Lauren Ruth, Ph.D., opposes section 1 and 2 of the bill, stating that they contain provisions that can harm children and public safety. Young people thrive by providing our youth with mental health resources and substance use prevention and treatment ensures that they do not become involved with the criminal legal system in the first place.

Criminal Justice Advocacy Clinic of the Jerome N. Frank Legal Services Organization opposes the bill because the legislation punishes children harshly for behavior that arises from circumstances outside of their control which is unjust. Children do not choose the environments they are born into, nor do they get to choose the number or quality of resources available to them, their schools, or their families. The "tough on crime" approach does not enhance public safety but instead accelerates mass incarceration.

Director of a Youth Justice Project with Center for Children's Advocacy, Marisa M. Halm, opposes the bill because it requires additional immediate assessment upon arraignment that would potentially infringe upon a youth's right to a fair trial. Expectations to detain a child for longer is warranted in some very limited circumstances, there must be a reasonable cap in an instance of doing so.

Executive Director of African Caribbean American Parents of Children with Disabilities, Inc., Ann R. Smith, opposes the bill because the juvenile justice system produces disparate outcomes for children of color and children with special needs.

Executive Director of One Standard of Justice, Cindy Prizio, opposes the bill because children should not be treated like adults because neurological research states impulse control and decision making in the brain doesn't mature until age 25, and can increase to 30

years old with early life trauma. Instead of asking young people "what they did" we should instead ask "what happened to you".

Resident of North Branford, George Heath, opposes the gun law portion of this bill and offers no comment on the other aspect, stating that these laws only effect the law-abiding citizens in Connecticut. The real issue is the lack of enforcement of the laws already on the books. Our state already has some of the strictest gun laws in the country, and citizens need to be able to defend themselves.

Resident of West Haven, Barbara Fair, opposes the bill because she believes it will improve the quality of life of young people. Since children do not engage in crime or violence for fun or without provocation, it is important to recognize that it is driven by poverty. This bill will support marginalized communities and won't punish children by incarcerating them for longer since more time is ineffective in behavior modification.

Resident of Hartford, Parish Smith, opposes the bill because implementing new GPS tracking equipment and training will cost taxpayers millions of dollars. They also disagree with doubling the maximum incarceration time for youths who plead guilty to rape and murder. Longer individual confinement has severe effects on mental health. Instead, communities should focus on providing resources and services.

Rev. Larissa Forsythe opposes the bill because it is our responsibility as a society to care especially for those who have been pushed to the margins and made vulnerable by oppressive systems. She believes that section one will unfairly impact undocumented kids because their support system does not have time to mobilize within 5 days of the arrest and could result in deportation. She is concerned that the change from 30 months maximum sentence to 60 months is not rehabilitative and solves nothing.

Resident of New Haven, Timothy Gabriele, opposes the bill because it is designed to make punishment crueler, push for less police accountability when detaining children, increase surveillance on overly policed communities, and try 13- and 14-year-old children as adults even though their brains are underdeveloped. These underprivileged children who are most vulnerable are given charges that follow them for the rest of their lives.

Resident of New Haven, Kelsey Lloyd, opposes this bill because it does not properly support children during the most critical developmental stages in their youth. Based on data and research, it clear that early intervention and proper community-based support will have a more positive impact on their future well-being while involved with the juvenile system.

Organizing Manager for CT Students for a Dream, Eric Cruz Lopez, opposes the bill primarily because of the use of GPS monitoring. As an immigrant's rights organization, they have seen GPS monitoring used in ways who criminalize those who have the monitor but also those around them. It also puts immigrant families at risk of being criminalized and their legal status being put in jeopardy. More supervision leads to more criminalization, not less.

Melody Massaquoi opposes the bill because they are opposed to any legislation that increases the electronic monitoring or GPS surveillance of youth, and especially Black and Brown youth or adults in their communities.

Resident of West Hartford, Nancy L. Urban, opposes the bill because we do not need more detentions that become a pathway to prisons. We need programs that have proven to be effective with troubled youth.

Kim Libera opposes the bill because she believes cases should be heard on a case-by-case basis. She rejects starting out easy on crime and then tightening the rules. She also feels as though gun violence is not going to be reduced by enforcing stricter gun laws because the guns used in those crimes are purchased illegally on the streets.

The following individuals oppose the bill because they believe there are detrimental policy proposals that would do harm to the youth and set the state back. They believe that Connecticut already has the best practices regarding reducing the number of children in the juvenile system. They believe that this bill will make the state unsafe for Black and Brown children, who deserve to walk in any neighborhood without fear of being harassed and traumatized. All youth, no matter race or demographic, deserve an equal opportunity to succeed in life. This bill is rooted in misinformation and lacks sound analysis that will ultimately lead to more of the youth being trapped by the system:

Director of Franciscan Center for Urban Ministry, Michael Johnson; Richard J. Gruber; Dr. Miela Gruber; Christine Altman; Lora Andrada; Edward Pawlak; Heidi Barker; Carina Bandhauer; Cherell Banks; Melissa Becce; Angela Bellas; Marie Bravo; Linda Bronstein; Stephanie Carter; Audrey Castell-Watts; Rhona Cohen; Brian Donahue; Daphne Donahue; Karen Dworski; Nancy Earls; President of Congregation P'nai Or Mark Feldman; Rabbi Andi Fliegel; Jason Fredlund; Rev. Jocelyn B. Gardner Spencer; Executive Director of RACCE Robert M. Goodrich; Marilyn Greenberg; Taran Gruber; Asia Hamilton; Maureen Hamilton; Rev. George Harris; Peter Harrison; Jessica Hickey; Emily Hofstatter; Eleta A. Jones, Ph.D.; Marie Juergens; Laurel LaPorte-Grimes; Dave Lathrop; Dr. Kristen Lathrop; Lisa Lettieri; Judy Levy; Betsy Lindsay; Ted Loewenthal; William Marut; Cynthia Meyers; Rich Meyers; Maybeth Morales-Davis; Lynn Ofori; Erin Ortega; Ann Percival; John Daniel Pray; Marina Pujols; Executive Director of the Connecticut Justice Alliance, Christina Quaranta; Mary Quaranta; Elizabeth Rose; Jane Roth; Linda Scacco; Constanza Segovia; Katherine Salk; Carolyn Stockman; Mike Stockman; Jean Fonseca Tapia; Valerie Triblets; Rev. Darrell B. Urban; Amber Vlangas; Jamila Washington; Jason Wasserman; Andrew Wicks; Scott K. Wilderman; Susan B. Wilson; Youth Organizer with RACCE, Ty Fernandes Wrenn; Doran R. Wright; Jane Zande; Adlyn Loewenthal; and Jennifer Tegegne

Reported by: Molly Lukiwsky

Date: 4/14/2022