



General Assembly

February Session, 2022

**Raised Bill No. 5417**

LCO No. 3065



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING JUVENILE JUSTICE AND SERVICES AND  
FIREARMS BACKGROUND CHECKS.***

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2 2022 supplement to the general statutes are repealed and the following  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 no later  
12 than the fifth business day after such arrest, unless required sooner  
13 pursuant to subsection (e) of this section, (2) shall be immediately  
14 assessed for and provided any services such assessment deems  
15 appropriate, and (3) may be required to submit to the taking of his

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

21 (b) Whenever a child is brought before a judge of the Superior Court,  
22 which court shall be the court that has jurisdiction over juvenile matters  
23 where the child resides if the residence of such child can be determined,  
24 such judge shall immediately have the case proceeded upon as a  
25 juvenile matter. Such judge may admit the child to bail or release the  
26 child in the custody of the child's parent or parents, the child's guardian  
27 or some other suitable person to appear before the Superior Court when  
28 ordered. If detention becomes necessary, such detention shall be in the  
29 manner prescribed by this chapter, provided the child shall be placed in  
30 the least restrictive environment possible in a manner consistent with  
31 public safety.

32 (c) ~~(1)~~ Upon the arrest of any child by an officer, such officer may ~~[(1)]~~  
33 ~~(A)~~ release the child to the custody of the child's parent or parents,  
34 guardian or some other suitable person or agency, ~~[(2)] (B)~~ at the  
35 discretion of the officer, release the child to the child's own custody, or  
36 ~~[(3)] (C)~~ seek a court order to detain the child in a juvenile residential  
37 center. No child may be placed in a juvenile residential center unless a  
38 judge of the Superior Court determines, based on the available facts, that  
39 ~~[(A)] (i)~~ there is probable cause to believe that the child has committed  
40 the acts alleged, ~~[(B)] (ii)~~ there is no appropriate less restrictive  
41 alternative available, and ~~[(C)] (iii)~~ there is ~~[(i)] (I)~~ probable cause to  
42 believe that the level of risk that the child poses to public safety if  
43 released to the community prior to the court hearing or disposition  
44 cannot be managed in a less restrictive setting, ~~[(ii)] (II)~~ a need to hold  
45 the child in order to ensure the child's appearance before the court or  
46 compliance with court process, as demonstrated by the child's previous  
47 failure to respond to the court process, or ~~[(iii)] (III)~~ a need to hold the  
48 child for another jurisdiction. No child shall be held in any juvenile  
49 residential center unless an order to detain is issued by a judge of the

50 Superior Court.

51 (2) A judge of the Superior Court may order any child who is released  
52 into the custody of his or her parent or guardian or some other suitable  
53 person or agency after being charged with a second or subsequent  
54 delinquency offense involving a motor vehicle, as defined in section  
55 46b-133j, or property theft, to be electronically monitored by using a  
56 global positioning system device until such child's case is disposed of.  
57 Any failure by the child to adhere to the judge's order concerning  
58 electronic monitoring shall result in immediate detention of such child.

59 (d) When a child is arrested for the commission of a delinquent act  
60 and the child is not placed in a juvenile residential center or referred to  
61 a diversionary program, an officer shall serve a written complaint and  
62 summons on the child and the child's parent, guardian or some other  
63 suitable person or agency. If such child is released to the child's own  
64 custody, the officer shall make reasonable efforts to notify, and to  
65 provide a copy of a written complaint and summons to, the parent or  
66 guardian or some other suitable person or agency prior to the court date  
67 on the summons. If any person so summoned wilfully fails to appear in  
68 court at the time and place so specified, the court may issue a warrant  
69 for the child's arrest or a *ca-pias* to assure the appearance in court of such  
70 parent, guardian or other person. If a child wilfully fails to appear in  
71 response to such a summons, the court may order such child taken into  
72 custody and such child may be charged with the delinquent act of wilful  
73 failure to appear under section 46b-120. The court may punish for  
74 contempt, as provided in section 46b-121, any parent, guardian or other  
75 person so summoned who wilfully fails to appear in court at the time  
76 and place so specified.

77 (e) When a child is arrested for the commission of a delinquent act  
78 and is placed in a juvenile residential center pursuant to subsection (c)  
79 of this section, such child may be detained pending a hearing which  
80 shall be held on the business day next following the child's arrest. No  
81 child may be detained after such hearing unless the court determines,  
82 based on the available facts, that (1) there is probable cause to believe

83 that the child has committed the acts alleged, (2) there is no less  
84 restrictive alternative available, and (3) through the use of the detention  
85 risk screening instrument developed pursuant to section 46b-133g, that  
86 there is (A) probable cause to believe that the level of risk the child poses  
87 to public safety if released to the community prior to the court hearing  
88 or disposition cannot be managed in a less restrictive setting, (B) a need  
89 to hold the child in order to ensure the child's appearance before the  
90 court or compliance with court process, as demonstrated by the child's  
91 previous failure to respond to the court process [;] , or (C) a need to hold  
92 the child for another jurisdiction. Such probable cause may be shown by  
93 sworn affidavit in lieu of testimony. No child shall be released from a  
94 juvenile residential center who is alleged to have committed a serious  
95 juvenile offense except by order of a judge of the Superior Court. The  
96 court may, in its discretion, consider as an alternative to detention a  
97 suspended detention order with graduated sanctions to be imposed  
98 based on the detention risk screening for such child, using the  
99 instrument developed pursuant to section 46b-133g. Any child confined  
100 in a community correctional center or lockup shall be held in an area  
101 separate and apart from any adult detainee, except in the case of a  
102 nursing infant, and no child shall at any time be held in solitary  
103 confinement. [or] No such child may be held for a period that exceeds  
104 six hours, except in a case where an arresting police officer of a child is  
105 in the process of seeking a detention order for such child about whom  
106 the officer has a good faith belief that the child poses a risk to public  
107 safety. When a female child is held in custody, she shall, as far as  
108 possible, be in the charge of a woman attendant.

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

111       (a) For the purposes of this section, "special juvenile probation"  
112 means a period of probation imposed by the superior court for juvenile  
113 matters upon a child in a proceeding designated as a serious homicide  
114 or sexual offender prosecution during which the child is supervised by  
115 a juvenile probation officer prior to such child attaining eighteen years  
116 of age and by an adult probation officer after such child attains eighteen

117 years of age.

118 (b) Whenever a child is referred for the commission of any crime of  
119 murder, manslaughter in the first degree, or a sexual nature, and such  
120 case is not transferred to the regular criminal docket pursuant to section  
121 46b-127, the prosecutorial official may request the court to designate the  
122 proceeding as a serious sexual offender prosecution.

123 (c) If a prosecutorial official requests that a proceeding be designated  
124 as a serious homicide or sexual offender prosecution, the court shall  
125 hold a hearing not later than thirty days after the filing of such request  
126 unless good cause is shown by the prosecutorial official or by the child  
127 as to why the hearing should not be held within such period. If good  
128 cause is shown, the hearing shall be held not later than ninety days after  
129 the filing of such request. The court shall decide whether to designate  
130 the proceeding as a serious homicide or sexual offender prosecution not  
131 later than thirty days after the completion of such hearing. The court  
132 shall grant the request to designate the proceeding as a serious homicide  
133 or sexual offender prosecution if the court finds probable cause to  
134 believe the child has committed the felony act charged and the  
135 prosecutorial official shows by a preponderance of the evidence that  
136 such designation will serve the best interest of the child and public  
137 safety. The decision to designate the proceeding as a serious homicide  
138 or sexual offender prosecution shall not be a final judgment for  
139 purposes of appeal.

140 (d) A proceeding designated as a serious homicide or sexual offender  
141 prosecution pursuant to subsection (c) of this section shall be held before  
142 the court without a jury provided the child has waived the right to a trial  
143 by jury. If a child is convicted of or pleads guilty or nolo contendere to  
144 a charge in a proceeding that has been designated as a serious homicide  
145 or sexual offender prosecution, the court shall: (1) Sentence the child in  
146 accordance with section 46b-140, provided in the case of a conviction or  
147 guilty plea in a proceeding that has been designated as a serious  
148 homicide or sexual offender prosecution, such sentence may be  
149 extended for a period not to exceed sixty months, (2) sentence the child

150 to a period of special juvenile probation of at least five years, to  
151 commence upon the release of the child from the institution, agency or  
152 program in whose care the child had been placed, and (3) sentence the  
153 child in accordance with section 53a-28 with the execution of such  
154 sentence stayed on the condition that the child not violate the conditions  
155 of the sentence imposed pursuant to subdivisions (1) and (2) of this  
156 subsection or commit a subsequent crime.

157 (e) Whenever [it appears] there is probable cause to believe that a  
158 child who has been sentenced pursuant to subsection (d) of this section  
159 has violated the conditions of the sentence imposed pursuant to  
160 subdivision (2) of said subsection or has committed a subsequent crime,  
161 the court may [, without notice, order that the child be immediately]  
162 issue a warrant for the arrest of the child for a violation of the conditions  
163 of the sentence imposed pursuant to subsection (d) of this section and  
164 may order that the child be taken into custody in accordance with the  
165 provisions of sections 46b-125 and 53a-32. If such violation of probation  
166 or subsequent crime occurs prior to the person attaining eighteen years  
167 of age, the matter shall be handled by the superior court for juvenile  
168 matters. If such violation of probation or subsequent crime occurs after  
169 the person has attained eighteen years of age, the matter shall be  
170 handled by the regular criminal docket of the Superior Court. Whenever  
171 such matter is handled by the superior court for juvenile matters, the  
172 court shall notify the child and such child's parent or guardian and the  
173 attorney of record, if any, in writing of the reasons alleged to exist for  
174 the lifting of the stay of execution of the sentence imposed pursuant to  
175 subdivision (3) of subsection (d) of this section. If the child challenges  
176 such reasons, the court shall hold a hearing at which the child shall be  
177 entitled to be heard and be represented by counsel. After such hearing,  
178 if the court finds that (1) the child has violated the conditions of the  
179 sentence imposed pursuant to subdivision (2) of subsection (d) of this  
180 section, [or] (2) committed a subsequent crime, or (3) the best interest of  
181 the child and the community cannot be served by continued supervision  
182 by the juvenile court or in the community, it shall order the child to serve  
183 a sentence not to exceed that imposed pursuant to subdivision (3) of

184 subsection (d) of this section unless it determines there are mitigating  
185 circumstances that justify continuing the stay of execution and  
186 specifically states such mitigating circumstances in writing for the  
187 record. The child shall receive credit against any sentence imposed  
188 pursuant to subdivision (3) of subsection (d) of this section for time  
189 served in a juvenile facility pursuant to the sentence imposed pursuant  
190 to subdivision (1) of said subsection.

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

211 Sec. 3. Subsection (c) of section 29-33 of the general statutes is  
212 repealed and the following is substituted in lieu thereof (*Effective October*  
213 *1, 2022*):

214 (c) No person, firm or corporation shall sell, deliver or otherwise  
215 transfer any pistol or revolver except upon written application on a form  
216 prescribed and furnished by the Commissioner of Emergency Services

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

244 Sec. 4. Subsection (d) of section 29-37a of the general statutes is  
245 repealed and the following is substituted in lieu thereof (*Effective October*  
246 *1, 2022*):

247 (d) No person, firm or corporation may sell, deliver or otherwise  
248 transfer, at retail, any long gun to any person unless such person makes  
249 application on a form prescribed and furnished by the Commissioner of  
250 Emergency Services and Public Protection, which shall be attached by

251 the transferor to the federal sale or transfer document and filed and  
252 retained by the transferor for at least twenty years or until such  
253 transferor goes out of business. Such application shall be available for  
254 inspection during normal business hours by law enforcement officials.  
255 No such sale, delivery or other transfer of any long gun shall be made  
256 until the person, firm or corporation making such sale, delivery or  
257 transfer has ensured that such application has been completed properly  
258 and has obtained an authorization number from the Commissioner of  
259 Emergency Services and Public Protection for such sale, delivery or  
260 transfer. The Department of Emergency Services and Public Protection  
261 shall make every effort, including performing the national instant  
262 criminal background check, to determine if the applicant is eligible to  
263 receive such long gun. If it is determined that the applicant is ineligible  
264 to receive such long gun, the Commissioner of Emergency Services and  
265 Public Protection shall immediately notify the (1) person, firm or  
266 corporation to whom such application was made and no such long gun  
267 shall be sold, delivered or otherwise transferred to such applicant by  
268 such person, firm or corporation, and (2) chief of police of the town in  
269 which the applicant resides, or, where there is no chief of police, the  
270 warden of the borough or the first selectman of the town, as the case  
271 may be, that the applicant is not eligible to receive a long gun. When any  
272 long gun is delivered in connection with any sale or purchase, such long  
273 gun shall be enclosed in a package, the paper or wrapping of which shall  
274 be securely fastened, and no such long gun when delivered on any sale  
275 or purchase shall be loaded or contain any gunpowder or other  
276 explosive or any bullet, ball or shell. Upon the sale, delivery or other  
277 transfer of the long gun, the transferee shall sign in triplicate a receipt  
278 for such long gun, which shall contain the name, address and date and  
279 place of birth of such transferee, the date of such sale, delivery or  
280 transfer and the caliber, make, model and manufacturer's number and a  
281 general description thereof. Not later than twenty-four hours after such  
282 sale, delivery or transfer, the transferor shall send by first class mail or  
283 electronically transfer one receipt to the Commissioner of Emergency  
284 Services and Public Protection and one receipt to the chief of police or,  
285 where there is no chief of police, the warden of the borough or the first

286 selectman, of the town in which the transferee resides, and shall retain  
287 one receipt, together with the original application, for at least five years.

288       Sec. 5. (*Effective July 1, 2022*) The sum of one million two hundred fifty  
289 thousand dollars is appropriated to the Judicial Department from the  
290 General Fund, for the fiscal year ending June 30, 2023, for Juvenile  
291 Justice Outreach Services for the purpose of expanding REGIONS.

292       Sec. 6. (*Effective July 1, 2022*) The sum of seven hundred fifty thousand  
293 dollars is appropriated to the Judicial Department from the General  
294 Fund, for the fiscal year ending June 30, 2023, for Juvenile Alternative  
295 Incarceration.

296       Sec. 7. (*Effective July 1, 2022*) The sum of one million dollars is  
297 appropriated to the Department of Emergency Services and Public  
298 Protection from the General Fund, for the fiscal year ending June 30,  
299 2023, for regional crime reduction strategies.

|   |                        |                   |
|---|------------------------|-------------------|
| This act shall take effect as follows and shall amend the following sections: |                        |                   |
| Section 1   | <i>October 1, 2022</i> | 46b-133(a) to (e) |
| Sec. 2  | <i>October 1, 2022</i> | 46b-133d          |
| Sec. 3  | <i>October 1, 2022</i> | 29-33(c)          |
| Sec. 4  | <i>October 1, 2022</i> | 29-37a(d)         |
| Sec. 5  | <i>July 1, 2022</i>    | New section       |
| Sec. 6  | <i>July 1, 2022</i>    | New section       |
| Sec. 7  | <i>July 1, 2022</i>    | New section       |

**Statement of Purpose:**

To (1) provide for (A) more immediate arraignment and services for juvenile offenders, (B) electronic monitoring in certain circumstances, (C) expansion of provisions imposing upon a child special juvenile probation in the case of murder or first degree manslaughter, and (D) expansion of programs serving juveniles and reducing crime, and (2) require the Commissioner of Emergency Services and Public Protection to inform the Chief of Police or other appropriate official of the town in which a firearms permit applicant resides if such applicant fails a background check.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*