



General Assembly

February Session, 2022

Raised Bill No. 387

LCO No. 2937



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE
JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.***

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

1 Section 1. Section 17a-3b of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2022*):

4 (a) The Commissioner of Children and Families shall [implement the
5 operational plan developed pursuant to section 2 of public act 21-174 to]
6 establish an [education] administrative unit within the Department of
7 Children and Families [,] to provide oversight for the education of any
8 child who resides in any juvenile justice facility and any incarcerated
9 child. The Commissioner of Children and Families shall administer,
10 coordinate and control the operations of the unit and be responsible for
11 the overall supervision and direction of all [courses and] activities of the
12 unit.

13 (b) The commissioner, or his or her designee, shall:

14 (1) Have the power to employ and dismiss staff [and, as a board of

15 education would in accordance with the applicable provisions of section
16 10-151, such teachers as are] for the administrative unit as necessary to
17 carry out the intent of this section and to pay their salaries; [, or to
18 contract with local or regional boards of education or educational
19 service providers for the purpose of providing educational services to
20 children being served by the unit;]

21 (2) Develop and review quarterly reports, which shall be available to
22 the Juvenile Justice Policy and Oversight Committee established
23 pursuant to section 46b-121n, as amended by this act, on academic
24 performance, school discipline, attendance and other similar issues
25 concerning students educated [by] under the oversight of the unit;

26 (3) Have the power to contract with providers of educational services
27 for compilation, at least semiannually, of performance data to ensure
28 that reporting measures are tailored to experiences of students in short
29 and long-term placements in juvenile justice facilities;

30 (4) Require providers of educational services to develop partnerships
31 and programs with local educational agencies, private educational
32 providers and local industries and businesses;

33 (5) Report student performance data, attendance and rates of
34 participation for all education programs and document transition
35 activities and outcomes and collaborations with community service
36 providers and parents to the Juvenile Justice Policy and Oversight
37 Committee established pursuant to section 46b-121n, as amended by
38 this act;

39 (6) (A) Ensure that students have access to earn credits toward high
40 school graduation and have access to arts and career and technical
41 education courses, state-wide and college preparatory testing, and (B)
42 provide alternative options for high school equivalency certificates for
43 students who are twenty years of age or older with insufficient credits
44 to meet graduation requirements pursuant to section 10-221a; and

45 (7) Enable students to have access to web-based content including

46 credit recovery programs to allow students to earn a credit for a course
47 he or she did not satisfactorily complete.

48 (c) The commissioner may employ within the unit transition
49 specialists whose primary responsibility is to facilitate the successful
50 transition of children from their communities to secure facilities and
51 then back to their local educational program upon release. Transition
52 specialists shall:

53 (1) Collaborate with local and regional boards of education,
54 governing councils of a state or local charter school, interdistrict magnet
55 school operators and agencies that serve the needs of children,
56 employers and other community supports for reentry to plan and
57 manage successful transitions between the unit, the student's previous
58 school and the school the student will enroll in upon leaving oversight
59 of the unit;

60 (2) Manage and track the educational credits of a student who is in
61 an out-of-home placement and document the success of a placement
62 following a student's reentry into his or her community; and

63 (3) Be responsible for communicating with the reentry coordinators
64 who appear on a list pursuant to section 10-253a, whose primary
65 responsibility is to support educational success in students returning to
66 the community from juvenile justice system custody and who shall
67 ensure all information regarding the education of a child under the
68 oversight of the unit is communicated to the school the student will
69 enroll in upon leaving juvenile justice system custody.

70 (d) The [education] administrative unit shall ensure that the school
71 the student will enroll in, after the unit's obligation to provide services
72 to the student ends, provides services and supports that maximize the
73 student's success.

74 (e) The [education] administrative unit shall employ a uniform
75 system of state-wide electronic record transfers for maintaining and
76 sharing educational records for any child who resides in a juvenile

77 justice facility and any incarcerated child in an educational program to
78 be overseen by a directory manager as designated by the commissioner.
79 Such system shall be aligned with recommendations by the
80 Individualized Education Program Advisory Council established
81 pursuant to section 10-76nn.

82 Sec. 2. Section 10-220h of the 2022 supplement to the general statutes,
83 as amended by section 7 of public act 21-174, is repealed and the
84 following is substituted in lieu thereof (*Effective October 1, 2022*):

85 (a) When a student enrolls in a school in a new school district or in a
86 new state charter school, the new school district or new state charter
87 school shall provide written notification of such enrollment to the school
88 district in which the student previously attended school or the state
89 charter school the student previously attended not later than two
90 business days after the student enrolls. The school district in which the
91 student previously attended school or the state charter school that the
92 student previously attended (1) shall transfer the student's education
93 records to the new school district or new state charter school no later
94 than ten days after receipt of such notification, and (2) if the student's
95 parent or guardian did not give written authorization for the transfer of
96 such records, shall send notification of the transfer to the parent or
97 guardian at the same time that it transfers the records.

98 (b) In the case of a student placed in any juvenile justice facility and
99 any incarcerated student being educated under the oversight of the
100 [education] administrative unit established pursuant to section 17a-3b,
101 as amended by this act, the Commissioner of Children and Families
102 shall immediately upon placement of such student in such facility or
103 under incarceration, inform the student's previous school of such
104 placement. The school district in which the student previously attended
105 school or the state charter school that the student previously attended
106 shall, not later than five days after notification of such placement or
107 incarceration, transfer the student's education records to the [education]
108 administrative unit.

109 (c) In the case of a student who transfers from Unified School District
110 #1, Unified School District #2 or the [education] administrative unit
111 established pursuant to section 17a-3b, as amended by this act, the new
112 school district or new state charter school shall provide written
113 notification of such enrollment to Unified School District #1, Unified
114 School District #2 or the [education] administrative unit established
115 pursuant to section 17a-3b, as amended by this act, immediately upon
116 the date of enrollment. The unified school district or the [education]
117 administrative unit established pursuant to section 17a-3b, as amended
118 by this act, shall, not later than five days after receipt of notification of
119 enrollment from the new school district or new state charter school,
120 transfer the records of the student to the new school district or new state
121 charter school.

122 (d) The new school district or new state charter school shall, not later
123 than thirty days after receiving the student's education records, credit
124 the student for all instruction received in Unified School District #1,
125 Unified School District #2 or the [education] administrative unit
126 established pursuant to section 17a-3b, as amended by this act.

127 Sec. 3. Subsections (a) to (e), inclusive, of section 46b-121n of the
128 general statutes are repealed and the following is substituted in lieu
129 thereof (*Effective October 1, 2022*):

130 (a) There is established a Juvenile Justice Policy and Oversight
131 Committee. The committee shall evaluate policies related to the juvenile
132 justice system and the expansion of juvenile jurisdiction to include
133 persons sixteen and seventeen years of age.

134 (b) The committee shall consist of the following members:

135 (1) Two members of the General Assembly, one of whom shall be
136 appointed by the speaker of the House of Representatives, and one of
137 whom shall be appointed by the president pro tempore of the Senate;

138 (2) The chairpersons and ranking members of the joint standing
139 committees of the General Assembly having cognizance of matters

140 relating to the judiciary, children, human services and appropriations,
141 or their designees;

142 (3) The Chief Court Administrator, or the Chief Court
143 Administrator's designee;

144 (4) A judge of the superior court for juvenile matters, appointed by
145 the Chief Justice;

146 (5) The executive director of the Court Support Services Division of
147 the Judicial Department, or the executive director's designee;

148 (6) The executive director of the Superior Court Operations Division,
149 or the executive director's designee;

150 (7) The Chief Public Defender, or the Chief Public Defender's
151 designee;

152 (8) The Chief State's Attorney, or the Chief State's Attorney's
153 designee;

154 (9) The Commissioner of Children and Families, or the
155 commissioner's designee;

156 (10) The Commissioner of Correction, or the commissioner's
157 designee;

158 (11) The Commissioner of Education, or the commissioner's designee;

159 (12) The Commissioner of Mental Health and Addiction Services, or
160 the commissioner's designee;

161 (13) The Labor Commissioner, or the commissioner's designee;

162 (14) The Commissioner of Social Services, or the commissioner's
163 designee;

164 (15) The Commissioner of Public Health, or the commissioner's
165 designee;

166 (16) The president of the Connecticut Police Chiefs Association, or the
167 president's designee;

168 (17) The chief of police of a municipality with a population in excess
169 of one hundred thousand, appointed by the president of the Connecticut
170 Police Chiefs Association;

171 (18) Two child or youth advocates, one of whom shall be appointed
172 by one chairperson of the Juvenile Justice Policy and Oversight
173 Committee, and one of whom shall be appointed by the other
174 chairperson of the Juvenile Justice Policy and Oversight Committee;

175 (19) Two parents or parent advocates, at least one of whom is the
176 parent of a child who has been involved with the juvenile justice system,
177 one of whom shall be appointed by the minority leader of the House of
178 Representatives, and one of whom shall be appointed by the minority
179 leader of the Senate;

180 (20) The Victim Advocate, or the Victim Advocate's designee;

181 (21) The Child Advocate, or the Child Advocate's designee; [and]

182 (22) The Secretary of the Office of Policy and Management, or the
183 secretary's designee; and

184 (23) Four persons appointed by the chairpersons of the Juvenile
185 Justice and Oversight Commission, who are able to provide a voice for
186 those living in communities of high juvenile arrest rates, including two
187 of whom are under twenty-six years of age and have been impacted by
188 the juvenile justice system.

189 (c) Any vacancy shall be filled by the appointing authority.

190 (d) The Secretary of the Office of Policy and Management, or the
191 secretary's designee, and a member of the General Assembly selected
192 jointly by the speaker of the House of Representatives and the president
193 pro tempore of the Senate from among the members serving pursuant
194 to subdivision (1) or (2) of subsection (b) of this section shall be

195 cochairpersons of the committee. Such cochairpersons shall schedule
196 the first meeting of the committee, which shall be held not later than
197 sixty days after June 13, 2014.

198 (e) Members of the committee shall serve without compensation,
199 except for necessary expenses incurred in the performance of their
200 duties. Additionally, members described in subdivision (23) of
201 subsection (b) of this section, shall be reimbursed for expenses incurred
202 in order to attend a meeting of the commission, including, but not
203 limited to, transportation and child care costs.

204 Sec. 4. Section 54-1l of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective from passage*):

206 (a) This section and section 54-1m, as amended by this act, shall be
207 known as the "Alvin W. Penn Racial Profiling Prohibition Act".

208 (b) For the purposes of this section, "racial profiling" means the
209 detention, interdiction or other disparate treatment of an individual
210 [solely on the basis of the racial or ethnic status of such individual] by a
211 police officer on the basis, in whole or in part, of the perceived racial or
212 ethnic status of such individual, except when such status is used in
213 combination with other identifying factors in an effort to find and
214 apprehend a specific suspect whose racial or ethnic status is part of the
215 description of the suspect.

216 (c) No member of the Division of State Police within the Department
217 of Emergency Services and Public Protection, a municipal police
218 department or any other law enforcement agency shall engage in racial
219 profiling. [The detention of an individual based on any noncriminal
220 factor or combination of noncriminal factors is inconsistent with this
221 policy.]

222 [(d) The race or ethnicity of an individual shall not be the sole factor
223 in determining the existence of probable cause to place in custody or
224 arrest an individual or in constituting a reasonable and articulable
225 suspicion that an offense has been or is being committed so as to justify

226 the detention of an individual or the investigatory stop of a motor
227 vehicle.]

228 Sec. 5. Section 54-1m of the 2022 supplement to the general statutes is
229 repealed and the following is substituted in lieu thereof (*Effective from*
230 *passage*):

231 (a) Each municipal police department, the Department of Emergency
232 Services and Public Protection and any other department with authority
233 to conduct a traffic or pedestrian stop shall adopt a written policy that
234 prohibits the stopping, detention, interdiction or search of any person
235 when such action is [solely] motivated, in whole or in part, by
236 considerations of race, color, ethnicity, age, gender or sexual orientation,
237 [and such action would constitute a violation of the civil rights of the
238 person] except when such status is used in combination with other
239 identifying factors in an effort to find and apprehend a specific suspect
240 whose race, color, ethnicity, age or gender is part of the description of
241 the suspect. For the purposes of this section: (1) "Department with
242 authority to conduct a traffic or pedestrian stop" means any department
243 that includes, or has oversight of, a police officer, and (2) "police officer"
244 means a police officer within a municipal police department or the
245 Department of Emergency Services and Public Protection or a person
246 with the same authority pursuant to any provision of the general
247 statutes to make arrests or issue citations for violation of any statute or
248 regulation relating to motor vehicles and to enforce said statutes and
249 regulations as policemen or state policemen have in their respective
250 jurisdictions, including, but not limited to: (A) Special policemen or state
251 policemen acting under the provisions of section 29-18, 17a-24 or 17a-
252 465; (B) policemen acting under the provisions of section 29-19; (C) the
253 Commissioner of Motor Vehicles, each deputy commissioner of the
254 Department of Motor Vehicles and any salaried inspector of motor
255 vehicles designated by the commissioner pursuant to section 14-8; (D)
256 State Capitol Police officers acting under the provisions of section 2-1f;
257 (E) special police forces acting under the provisions of section 10a-156b;
258 (F) state policemen acting under the provisions of section 27-107; and
259 (G) fire police officers acting under the provisions of section 7-313a.

260 (b) Not later than July 1, 2022, the Office of Policy and Management,
261 in consultation with the Racial Profiling Prohibition Project Advisory
262 Board established under section 54-1s, shall adopt regulations in
263 accordance with the provisions of chapter 54 concerning the collection
264 and reporting of data required under subsection (c) of this section.

265 ~~[(b)]~~ (c) Not later than ~~[July 1, 2013]~~ October 1, 2022, the Office of
266 Policy and Management, in consultation with the Racial Profiling
267 Prohibition Project Advisory Board, ~~[established in section 54-1s,]~~ and
268 the Criminal Justice Information System Governing Board shall, within
269 available resources, develop and implement a standardized method:

270 (1) To be used by police officers of municipal police departments, the
271 Department of Emergency Services and Public Protection and any other
272 department with authority to conduct a traffic or pedestrian stop to
273 record traffic or pedestrian stop information unless the police officer is
274 required to leave the location of the stop prior to completing such form
275 in order to respond to an emergency or due to some other exigent
276 circumstance within the scope of such police officer's duties. The
277 standardized method and any form developed and implemented
278 pursuant to such standardized method shall allow the following
279 information to be recorded: (A) The date and time of the stop; (B) the
280 specific geographic location of the stop; (C) the unique identifying
281 number of the police officer making the stop, or the name and title of
282 the person making the stop if such person does not have a unique
283 identifying number; (D) the race, color, ethnicity, age and gender of the
284 operator of the motor vehicle or pedestrian that is stopped, provided the
285 identification of such characteristics shall be based on the observation
286 and perception of the police officer responsible for reporting the stop;
287 (E) the nature of the alleged ~~[traffic violation or other]~~ violation that
288 caused the stop to be made and the statutory citation for such violation;
289 (F) the disposition of the stop including whether a warning, citation or
290 summons was issued, whether a search was conducted, the authority
291 for any search conducted, the result of any search conducted, the statute
292 or regulation citation for any warning, citation or summons issued and
293 whether a custodial arrest was made; and (G) any other information

294 deemed appropriate. The method shall also provide for (i) notice to be
295 given to the person stopped that if such person believes that such person
296 has been stopped, detained or subjected to a search [solely because of]
297 on the basis, in whole or in part, of such person's race, color, ethnicity,
298 age, gender, sexual orientation, religion or membership in any other
299 protected class, such person may file a complaint with the appropriate
300 law enforcement agency unless the police officer was required to leave
301 the location of the stop prior to providing such notice in order to
302 respond to an emergency or due to some other exigent circumstance
303 within the scope of such police officer's duties, and (ii) instructions to be
304 given to the person stopped on how to file such complaint unless the
305 police officer was required to leave the location of the stop prior to
306 providing such instructions in order to respond to an emergency or due
307 to some other exigent circumstance within the scope of such police
308 officer's duties;

309 (2) To be used to report complaints pursuant to this section by any
310 person who believes such person has been subjected to a motor vehicle
311 or pedestrian stop by a police officer [solely] on the basis, in whole or
312 in part, of race, color, ethnicity, age, gender, sexual orientation or
313 religion; and

314 (3) To be used by each municipal police department, the Department
315 of Emergency Services and Public Protection and any other department
316 with authority to conduct a traffic or pedestrian stop to report data to
317 the Office of Policy and Management pursuant to subsection [(h)] (i) of
318 this section.

319 [(c)] (d) Not later than [July 1, 2013] October 1, 2022, the Office of
320 Policy and Management, in consultation with the Racial Profiling
321 Prohibition Project Advisory Board, shall develop and implement
322 guidelines to be used by each municipal police department, the
323 Department of Emergency Services and Public Protection and any other
324 department with authority to conduct a traffic or pedestrian stop in (1)
325 training police officers of such agency in the completion of the form
326 developed and implemented pursuant to subdivision (1) of subsection

327 [(b)] (c) of this section, and (2) evaluating the information collected by
328 police officers of such municipal police department, the Department of
329 Emergency Services and Public Protection or other department with
330 authority to conduct a traffic or pedestrian stop pursuant to subsection
331 [(e)] (f) of this section for use in the counseling and training of such
332 police officers.

333 [(d)] (e) (1) Prior to the date a standardized method and form have
334 been developed and implemented pursuant to subdivision (1) of
335 subsection [(b)] (c) of this section, each municipal police department, the
336 Department of Emergency Services and Public Protection and any other
337 department with authority to conduct a traffic stop shall [, using the
338 form developed and promulgated pursuant to the provisions of
339 subsection (h) in effect on January 1, 2012, record and retain the
340 following information: (A) The number of persons stopped for traffic
341 violations; (B) characteristics of race, color, ethnicity, gender and age of
342 such persons, provided the identification of such characteristics shall be
343 based on the observation and perception of the police officer responsible
344 for reporting the stop and the information shall not be required to be
345 provided by the person stopped; (C) the nature of the alleged traffic
346 violation that resulted in the stop; (D) whether a warning or citation was
347 issued, an arrest made or a search conducted as a result of the stop; and
348 (E) any additional information that such municipal police department,
349 the Department of Emergency Services and Public Protection or any
350 other department with authority to conduct a traffic stop, as the case
351 may be, deems appropriate, provided such information shall not
352 include any other identifying information about any person stopped for
353 a traffic violation such as the person's operator's license number, name
354 or address] report data in accordance with the standardized method in
355 effect on October 1, 2013.

356 (2) On and after the date a standardized method and form have been
357 developed and implemented pursuant to subdivision (1) of subsection
358 [(b)] (c) of this section, each municipal police department, the
359 Department of Emergency Services and Public Protection and any other
360 department with authority to conduct a traffic or pedestrian stop shall

361 record and retain the information required to be recorded pursuant to
362 such standardized method and any additional information that such
363 municipal police department or the Department of Emergency Services
364 and Public Protection or other department with authority to conduct a
365 traffic or pedestrian stop, as the case may be, deems appropriate,
366 provided such information shall not include any other identifying
367 information about any person stopped for a traffic violation such as the
368 person's operator's license number, name or address.

369 [(e)] (f) Each municipal police department, the Department of
370 Emergency Services and Public Protection and any other department
371 with authority to conduct a traffic or pedestrian stop shall provide to the
372 Chief State's Attorney and the Office of Policy and Management (1) a
373 copy of each complaint received pursuant to this section, and (2) written
374 notification of the review and disposition of such complaint. No copy of
375 such complaint shall include any other identifying information about
376 the complainant such as the complainant's operator's license number,
377 name or address.

378 [(f)] (g) Any police officer who in good faith records traffic or
379 pedestrian stop information pursuant to the requirements of this section
380 shall not be held civilly liable for the act of recording such information
381 unless the officer's conduct was unreasonable or reckless.

382 [(g)] (h) If a municipal police department, the Department of
383 Emergency Services and Public Protection or any other department with
384 authority to conduct a traffic or pedestrian stop fails to comply with the
385 provisions of this section, the Office of Policy and Management shall
386 recommend and the Secretary of the Office of Policy and Management
387 may order an appropriate penalty in the form of the withholding of state
388 funds from such municipal police department, the Department of
389 Emergency Services and Public Protection or such other department
390 with authority to conduct a traffic or pedestrian stop.

391 [(h)] Not later than October 1, 2012, each municipal police department
392 and the Department of Emergency Services and Public Protection shall

393 provide to the Office of Policy and Management a summary report of
394 the information recorded pursuant to subsection (d) of this section.] (i)
395 On and after October 1, [2013] 2022, each municipal police department,
396 the Department of Emergency Services and Public Protection and any
397 other department with authority to conduct a traffic or pedestrian stop
398 shall provide to the Office of Policy and Management a monthly report
399 of the information recorded pursuant to subsection [(d)] (c) of this
400 section for each traffic or pedestrian stop conducted, in a format
401 prescribed by the Office of Policy and Management. On and after
402 [January 1, 2015] October 1, 2022, such information shall be submitted
403 in electronic form, and shall be submitted in electronic form prior to said
404 date to the extent practicable.

405 [(i)] (j) The Office of Policy and Management shall, within available
406 resources, review the prevalence and disposition of traffic and
407 pedestrian stops and complaints reported pursuant to this section,
408 including any traffic stops conducted on suspicion of a violation of
409 section 14-227a, 14-227g, 14-227m or 14-227n. Not later than July 1,
410 [2014] 2023, and annually thereafter, the office shall report the results of
411 any such review, including any recommendations, to the Governor, the
412 General Assembly and any other entity deemed appropriate. The Office
413 of Policy and Management shall make such report publicly available on
414 the office's Internet web site.

415 (k) For purposes of this section, "pedestrian stop" means a detention
416 of a pedestrian by a police officer, not associated with a call for service,
417 when the detention results in a citation, an arrest, a frisking or search of
418 the pedestrian's body or property, but does not include a detention for
419 routine searches performed at a point of entry or exit from a controlled
420 area or an arrest or search pursuant to a warrant issued by a judge of the
421 Superior Court.

422 Sec. 6. Section 46b-121s of the general statutes is repealed and the
423 following is substituted in lieu thereof (*Effective from passage*):

424 (a) There shall be a community-based diversion system developed,

425 and expanded, as necessary, pursuant to subsection (k) of section 46b-
 426 121n.

427 (b) On and after July 1, 2022, any police officer who encounters a child
 428 engaged in any behavior constituting a violation of section 53a-110a or
 429 53a-181a, shall, instead of arresting such child, refer such child to the
 430 community-based diversion system for a first or second offense.

431 (c) On and after July 1, 2023, any police officer who encounters a child
 432 engaged in any behavior constituting a violation of section 53a-110a,
 433 53a-125a, 53a-125b, 53a-181a or 53a-182, shall, instead of arresting such
 434 child, refer such child to the community-based diversion system for a
 435 first or second offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	17a-3b
Sec. 2	<i>October 1, 2022</i>	10-220h
Sec. 3	<i>October 1, 2022</i>	46b-121n(a) to (e)
Sec. 4	<i>from passage</i>	54-1l
Sec. 5	<i>from passage</i>	54-1m
Sec. 6	<i>from passage</i>	46b-121s

Statement of Purpose:

To enact the recommendations of the Juvenile Justice Policy and Oversight Committee.

[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.]