



General Assembly

January Session, 2019

**Raised Bill No. 7332**

LCO No. 5505



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING PUBLIC SAFETY AND THE WELFARE OF REPEAT JUVENILE OFFENDERS AND THEIR VICTIMS.***

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

1 Section 1. Subsections (a) and (b) of section 46b-127 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2019*):

4 (a) (1) The court shall automatically transfer from the docket for  
5 juvenile matters to the regular criminal docket of the Superior Court  
6 the case of any child (A) (i) charged with the commission of (I) a  
7 capital felony under the provisions of section 53a-54b in effect prior to  
8 April 25, 2012, (II) a class A felony, [or] (III) a class B felony, except as  
9 provided in subparagraph (A)(ii) of this subdivision or subdivision (3)  
10 of this subsection, or (IV) a violation of section 53a-54d, [provided] or  
11 (ii) previously adjudicated as delinquent for or convicted of or pled  
12 guilty or nolo contendere to two or more felony offenses, and charged  
13 with the commission of larceny under subdivision (3) of subsection (a)  
14 of section 53a-122, subdivision (1) of subsection (a) of section 53a-123  
15 or subdivision (1) of subsection (a) of section 53a-124, and (B) such

16 offense was committed after such child attained the age of fifteen years  
17 and counsel has been appointed for such child if such child is indigent.  
18 Such counsel may appear with the child but shall not be permitted to  
19 make any argument or file any motion in opposition to the transfer.  
20 The child shall be arraigned in the regular criminal docket of the  
21 Superior Court at the next court date following such transfer, provided  
22 any proceedings held prior to the finalization of such transfer shall be  
23 private and shall be conducted in such parts of the courthouse or the  
24 building in which the court is located that are separate and apart from  
25 the other parts of the court which are then being used for proceedings  
26 pertaining to adults charged with crimes.

27 (2) A state's attorney may, at any time after such arraignment, file a  
28 motion to transfer the case of any child charged with the commission  
29 of a class B felony, larceny under subdivision (1) of subsection (a) of  
30 section 53a-123 or subdivision (1) of subsection (a) of section 53a-124,  
31 or a violation of subdivision (2) of subsection (a) of section 53a-70, to  
32 the docket for juvenile matters for proceedings in accordance with the  
33 provisions of this chapter.

34 (3) No case of any child charged with the commission of a violation  
35 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of  
36 subsection (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b,  
37 subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section  
38 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall  
39 be transferred from the docket for juvenile matters to the regular  
40 criminal docket of the Superior Court, except as provided in this  
41 subdivision or subdivision (1) of this subsection. Upon motion of a  
42 prosecutorial official, the superior court for juvenile matters shall  
43 conduct a hearing to determine whether the case of any child charged  
44 with the commission of any such offense shall be transferred from the  
45 docket for juvenile matters to the regular criminal docket of the  
46 Superior Court. The court shall not order that the case be transferred  
47 under this subdivision unless the court finds that (A) such offense was  
48 committed after such child attained the age of fifteen years, (B) there is

49 probable cause to believe the child has committed the act for which the  
50 child is charged, and (C) after considering the best interests of the  
51 child, [and] the best interests of the public will not be served by  
52 maintaining the case in the superior court for juvenile matters. In  
53 making such findings, the court shall consider (i) any prior criminal or  
54 juvenile offenses committed by the child, (ii) the seriousness of such  
55 offenses, (iii) any evidence that the child has intellectual disability or  
56 mental illness, and (iv) the availability of services in the docket for  
57 juvenile matters that can serve the child's needs. Any motion under  
58 this subdivision shall be made, and any hearing under this subdivision  
59 shall be held, not later than thirty days after the child is arraigned in  
60 the superior court for juvenile matters.

61 (b) (1) [Upon] Except as provided in subsection (a) of this section  
62 with respect to larceny, upon motion of a prosecutorial official, the  
63 superior court for juvenile matters shall conduct a hearing to  
64 determine whether the case of any child charged with the commission  
65 of a class C, D or E felony or an unclassified felony shall be transferred  
66 from the docket for juvenile matters to the regular criminal docket of  
67 the Superior Court. The court shall not order that the case be  
68 transferred under this subdivision unless the court finds that (A) such  
69 offense was committed after such child attained the age of fifteen  
70 years, (B) there is probable cause to believe the child has committed  
71 the act for which the child is charged, and (C) after considering the  
72 best interests of the child, [and] the best interests of the public will not  
73 be served by maintaining the case in the superior court for juvenile  
74 matters. In making such findings, the court shall consider (i) any prior  
75 criminal or juvenile offenses committed by the child, (ii) the  
76 seriousness of such offenses, (iii) any evidence that the child has  
77 intellectual disability or mental illness, and (iv) the availability of  
78 services in the docket for juvenile matters that can serve the child's  
79 needs. Any motion under this subdivision shall be made, and any  
80 hearing under this subdivision shall be held, not later than thirty days  
81 after the child is arraigned in the superior court for juvenile matters.

82 (2) If a case is transferred to the regular criminal docket pursuant to  
83 subdivision (1) of this subsection or subdivision (3) of subsection (a) of  
84 this section, the court sitting for the regular criminal docket may return  
85 the case to the docket for juvenile matters at any time prior to a jury  
86 rendering a verdict or the entry of a guilty plea for good cause shown  
87 for proceedings in accordance with the provisions of this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	46b-127(a) and (b)

**PS**      *Joint Favorable*