



General Assembly

February Session, 2022

Raised Bill No. 365

LCO No. 2774



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING JUVENILE AND CRIMINAL JUSTICE REFORMS.

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) The Chief Court
2 Administrator shall develop, implement and update, as necessary, a
3 training program on a uniform process for applying for and the issuance
4 of a detention order pursuant to section 46b-133 of the general statutes,
5 as amended by this act. The Chief Court Administrator shall administer
6 such program and any updated program to those persons required to
7 complete such program pursuant to subsection (b) of this section in a
8 manner and frequency determined by said administrator.

9 (b) Each peace officer, as defined in section 53a-3 of the general
10 statutes, prosecutorial official and any judge who may preside over a
11 case from the docket for juvenile matters or the regular criminal docket
12 of the Superior Court shall complete the training program provided in
13 accordance with subsection (a) of this section.

14 Sec. 2. Section 46b-133p of the 2022 supplement to the general statutes
15 is repealed and the following is substituted in lieu thereof (*Effective*

16 October 1, 2022):

17 (a) Any law enforcement officer or prosecutorial official who sought
18 a court order to detain a child pursuant to subdivision (3) of subsection
19 (c) of section 46b-133, as amended by this act, shall attach, along with
20 the summons, a copy of the completed form to detain that is prescribed
21 by Office of the Chief Court Administrator.

22 (b) The Judicial Branch, the Division of Criminal Justice, the Division
23 of State Police within the Department of Emergency Services and Public
24 Protection and each municipal police department shall compile data
25 concerning requests by a law enforcement officer to detain a child
26 pursuant to subdivision (3) of subsection (c) of section 46b-133, as
27 amended by this act. The Judicial Branch shall sort such data by judicial
28 district and categorize such data based on (1) how many such requests
29 were made, and (2) how many such requests were denied. Not later than
30 January 15, 2023, and annually thereafter, the Judicial Branch shall, in
31 accordance with the provisions of section 11-4a, report such data from
32 the previous calendar year to the joint standing committee of the
33 General Assembly having cognizance of matters relating to the
34 judiciary.

35 Sec. 3. Subsection (b) of section 46b-128 of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective October*
37 *1, 2022*):

38 (b) Upon the filing of a delinquency petition, the court may, either
39 forthwith or after investigation, cause a summons, which summons
40 shall have a copy of said verified petition attached thereto, signed by the
41 judge or by the clerk or assistant clerk of such court, to be issued,
42 requiring the child and the parent or parents, guardian or other person
43 having control of the child to appear in court at the place and time [and
44 place] that shall be on the business day next after the service of the
45 summons and therein specified. Whenever it appears to the judge that
46 orders addressed to an adult, as set forth in section 46b-121, are
47 necessary for the welfare of such child, a similar summons shall be

48 issued and served upon such adult if such adult is not already in court
49 directing such adult to appear in court at the place and time that shall
50 be on the business day next after the service of the summons and therein
51 specified. Service of summons, together with a copy of the verified
52 petition, may be made by any one of the following methods: (1) By the
53 delivery of a true and attested copy thereof to the person summoned, or
54 at such person's usual place of abode; (2) by restricted delivery
55 addressed to the person summoned, return receipt requested; or (3) by
56 first class mail addressed to the person summoned. Any notice sent by
57 first class mail shall include a provision informing the party that
58 appearance in court as a result of the notice may subject the appearing
59 party to the jurisdiction of the court. If service is made by first class mail
60 and the party does not appear, no order may be entered by the court in
61 the case. If, after reasonable effort, personal service has not been made,
62 such substitute service, by publication or otherwise, as the judge may
63 order, shall be sufficient. Service may be made by any officer authorized
64 by law to serve process, or by a probation officer, probation aide or
65 indifferent person, and the court may allow suitable expenses and a
66 reasonable fee therefor. The court may punish for contempt, as provided
67 in section 46b-121, any parent, guardian or other person so summoned
68 who fails to appear in court at the time and place so specified.

69 Sec. 4. Section 46b-133 of the 2022 supplement to the general statutes
70 is repealed and the following is substituted in lieu thereof (*Effective*
71 *October 1, 2022*):

72 (a) Nothing in this part shall be construed as preventing the arrest of
73 a child, with or without a warrant, as may be provided by law, or as
74 preventing the issuance of warrants by judges in the manner provided
75 by section 54-2a, except that no child shall be taken into custody on such
76 process except on apprehension in the act, or on speedy information, or
77 in other cases when the use of such process appears imperative.
78 Whenever a child is arrested and charged with a delinquent act, such
79 child [may] (1) shall, if arrested for the commission of a felony or a class
80 A misdemeanor, an offense for which another person suffers a serious
81 physical injury or loss of life, sexual assault, a serious juvenile offense

82 or an offense involving the use of a firearm, or if such child is arrested
83 for the commission of any other delinquent act, may be required to
84 submit to the taking of [his] such child's photograph, physical
85 description and fingerprints, and (2) shall be brought before a judge of
86 the Superior Court no later than the business day next after such arrest.
87 Notwithstanding the provisions of section 46b-124, as amended by this
88 act, the name, photograph and custody status of any child arrested for
89 the commission of a capital felony under the provisions of section 53a-
90 54b in effect prior to April 25, 2012, or class A felony may be disclosed
91 to the public.

92 (b) Whenever a child is brought before a judge of the Superior Court,
93 which court shall be the court that has jurisdiction over juvenile matters
94 where the child resides if the residence of such child can be determined,
95 such judge shall immediately have the case proceeded upon as a
96 juvenile matter. Such judge may admit the child to bail or release the
97 child in the custody of the child's parent or parents, the child's guardian
98 or some other suitable person to appear before the Superior Court when
99 ordered. If detention becomes necessary, such detention shall be in the
100 manner prescribed by this chapter, provided the child shall be placed in
101 the least restrictive environment possible in a manner consistent with
102 public safety.

103 (c) Upon the arrest of any child by an officer, such officer may (1)
104 release the child to the custody of the child's parent or parents, guardian
105 or some other suitable person or agency, (2) at the discretion of the
106 officer, release the child to the child's own custody, or (3) seek a court
107 order to detain the child in a juvenile residential center. No child may
108 be placed in a juvenile residential center unless a judge of the Superior
109 Court determines, based on the available facts, that (A) there is probable
110 cause to believe that the child has committed the acts alleged, (B) there
111 is no appropriate less restrictive alternative available, and (C) there is (i)
112 probable cause to believe that the level of risk that the child poses to
113 public safety if released to the community prior to the court hearing or
114 disposition cannot be managed in a less restrictive setting, (ii) a need to
115 hold the child in order to ensure the child's appearance before the court

116 or compliance with court process, as demonstrated by the child's
117 previous failure to respond to the court process, or (iii) a need to hold
118 the child for another jurisdiction. No child shall be held in any juvenile
119 residential center unless an order to detain is issued by a judge of the
120 Superior Court. If a judge declines to detain a child, such judge shall
121 articulate the reasons in writing for not holding the child in a juvenile
122 residential center.

123 (d) When a child is arrested for the commission of a delinquent act
124 and the child is not placed in a juvenile residential center or referred to
125 a diversionary program, an officer shall serve a written complaint and
126 summons on the child and the child's parent, guardian or some other
127 suitable person or agency. If such child is released to the child's own
128 custody, the officer shall make reasonable efforts to notify, and to
129 provide a copy of a written complaint and summons to, the parent or
130 guardian or some other suitable person or agency prior to the court date
131 on the summons. If any person so summoned wilfully fails to appear in
132 court at the time and place so specified, the court may issue a warrant
133 for the child's arrest or a *ca-pias* to assure the appearance in court of such
134 parent, guardian or other person. If a child wilfully fails to appear in
135 response to such a summons, the court may order such child taken into
136 custody and such child may be charged with the delinquent act of wilful
137 failure to appear under section 46b-120. The court may punish for
138 contempt, as provided in section 46b-121, any parent, guardian or other
139 person so summoned who wilfully fails to appear in court at the time
140 and place so specified.

141 (e) When a child is arrested for the commission of a delinquent act
142 and is placed in a juvenile residential center pursuant to subsection (c)
143 of this section, such child may be detained and immediately assessed for
144 services, including for mental health interventions, which shall be made
145 available at the juvenile residential center, pending a hearing [which]
146 that shall be held on the business day next following the child's arrest.
147 No child may be detained after such hearing unless the court
148 determines, based on the available facts, that (1) there is probable cause
149 to believe that the child has committed the acts alleged, (2) [there is no

150 less restrictive alternative available] detention of the child is more
151 reasonable than a less restrictive alternative, and (3) through the use of
152 the detention risk screening instrument developed pursuant to section
153 46b-133g, that there is (A) probable cause to believe that the level of risk
154 the child poses to public safety if released to the community prior to the
155 court hearing or disposition cannot be managed in a less restrictive
156 setting; (B) a need to hold the child in order to ensure the child's
157 appearance before the court or compliance with court process, as
158 demonstrated by the child's previous failure to respond to the court
159 process; [] or (C) a need to hold the child for another jurisdiction. Such
160 probable cause may be shown by sworn affidavit in lieu of testimony.
161 No child shall be released from a juvenile residential center who is
162 alleged to have committed a serious juvenile offense except by order of
163 a judge of the Superior Court. The court may, in its discretion, consider
164 as an alternative to detention a suspended detention order with
165 graduated sanctions to be imposed based on the detention risk
166 screening for such child, using the instrument developed pursuant to
167 section 46b-133g. Any child confined in a community correctional center
168 or lockup shall be held in an area separate and apart from any adult
169 detainee, except in the case of a nursing infant, and no child shall at any
170 time be held in solitary confinement or held for a period that exceeds six
171 hours, except such period may be extended for purposes that include
172 when a detention order is being sought. When a female child is held in
173 custody, she shall, as far as possible, be in the charge of a woman
174 attendant.

175 (f) The police officer who brings a child into detention shall have first
176 notified, or made a reasonable effort to notify, the parents or guardian
177 of the child in question of the intended action and shall file at the
178 juvenile residential center a signed statement setting forth the alleged
179 delinquent conduct of the child and the order to detain such child. Upon
180 admission, the child shall be administered the detention risk screening
181 instrument developed pursuant to section 46b-133g, and unless the
182 child was arrested for a serious juvenile offense or unless an order not
183 to release is noted on the take into custody order, arrest warrant or order

184 to detain, the child may be released to the custody of the child's parent
185 or parents, guardian or some other suitable person or agency in
186 accordance with policies adopted by the Court Support Services
187 Division of the Judicial Department pursuant to section 46b-133h.

188 (g) In conjunction with any order of release from detention, the court
189 may, when it has reason to believe a child is alcohol-dependent or drug-
190 dependent as defined in section 46b-120, and where necessary,
191 reasonable and appropriate, order the child to participate in a program
192 of periodic alcohol or drug testing and treatment as a condition of such
193 release. The results of any such alcohol or drug test shall be admissible
194 only for the purposes of enforcing the conditions of release from
195 detention.

196 (h) The detention supervisor of a juvenile residential center in charge
197 of intake shall admit only a child who: (1) Is the subject of an order to
198 detain or an outstanding court order to take such child into custody, (2)
199 is ordered by a court to be held in detention, or (3) is being transferred
200 to such center to await a court appearance.

201 (i) Whenever a child is subject to a court order to take such child into
202 custody, or other process issued pursuant to this section or section 46b-
203 140a, the Judicial Branch may cause the order or process to be entered
204 into a central computer system in accordance with policies and
205 procedures established by the Chief Court Administrator. The existence
206 of the order or process in the computer system shall constitute prima
207 facie evidence of the issuance of the order or process. Any child named
208 in the order or process may be arrested or taken into custody based on
209 the existence of the order or process in the computer system and, if the
210 order or process directs that such child be detained, the child shall be
211 held in a juvenile residential center.

212 (j) In the case of any child held in detention, the order to detain such
213 child shall be for a period that does not exceed seven days or until the
214 dispositional hearing is held, whichever is shorter, unless, following a
215 detention review hearing, such order is renewed for a period that does

216 not exceed seven days or until the dispositional hearing is held,
217 whichever is shorter.

218 (k) For purposes of subsections (c) and (e) of this section, a child may
219 be determined to pose a risk to public safety if such child has previously
220 been adjudicated as delinquent for or convicted of or pled guilty or nolo
221 contendere to two or more felony offenses, has had two or more prior
222 dispositions of probation and is charged with commission of a larceny
223 under subdivision (3) of subsection (a) of section 53a-122 or subdivision
224 (1) of subsection (a) of section 53a-123 or subdivision (1) of subsection
225 (a) of section 53a-124.

226 Sec. 5. Section 46b-124 of the general statutes is amended by adding
227 subsection (o) as follows (*Effective October 1, 2022*):

228 (NEW) (o) Records of cases of juvenile matters involving delinquency
229 proceedings, or any part thereof, may be disclosed by and exchanged
230 between any municipal police department, the Division of State Police
231 within the Division of Emergency Services and Public Protection, the
232 Division of Criminal Justice, the Division of Public Defender Services
233 and the Judicial Branch for the purpose of informing a decision whether
234 to seek, support, oppose or grant a post-arrest detention order of a child.
235 Records disclosed pursuant to this subsection shall not be further
236 disclosed.

237 Sec. 6. (NEW) (*Effective October 1, 2022*) The court shall order any
238 child, as defined in section 46b-120 of the general statutes, who is
239 released into the custody of his or her parent or guardian after being
240 charged with a delinquency offense for which such child is not yet
241 adjudicated as delinquent, who during the pendency of such case, is
242 charged with a subsequent offense involving violence or for which the
243 child has previously been adjudicated delinquent to be electronically
244 monitored by using a global positioning system device until each such
245 case is disposed of.

246 Sec. 7. Section 46b-127 of the 2022 supplement to the general statutes
247 is repealed and the following is substituted in lieu thereof (*Effective*

248 *October 1, 2022*):

249 (a) (1) The court shall automatically transfer from the docket for
250 juvenile matters to the regular criminal docket of the Superior Court the
251 case of any child charged with the commission of a capital felony under
252 the provisions of section 53a-54b in effect prior to April 25, 2012, a
253 serious juvenile offense, a class A felony, or a class B felony, except as
254 provided in subdivision (3) of this subsection, or a violation of section
255 53a-54d, provided such offense was committed after such child attained
256 the age of fifteen years, or fourteen years if charged with the commission
257 of a class A felony or class B felony that constitutes murder, violent
258 sexual assault or violent crime involving a firearm, and counsel has been
259 appointed for such child if such child is indigent. Such counsel may
260 appear with the child but shall not be permitted to make any argument
261 or file any motion in opposition to the transfer. The child shall be
262 arraigned in the regular criminal docket of the Superior Court at the next
263 court date following such transfer, provided any proceedings held prior
264 to the finalization of such transfer shall be private and shall be
265 conducted in such parts of the courthouse or the building in which the
266 court is located that are separate and apart from the other parts of the
267 court which are then being used for proceedings pertaining to adults
268 charged with crimes.

269 (2) A state's attorney may, at any time after such arraignment, file a
270 motion to transfer the case of any child charged with the commission of
271 a class B felony or a violation of subdivision (2) of subsection (a) of
272 section 53a-70 to the docket for juvenile matters for proceedings in
273 accordance with the provisions of this chapter.

274 (3) No case of any child charged with the commission of a violation
275 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection
276 (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b, subdivision
277 (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-
278 196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred
279 from the docket for juvenile matters to the regular criminal docket of the
280 Superior Court, except as provided in this subdivision. Upon motion of

281 a prosecutorial official, the superior court for juvenile matters shall
282 conduct a hearing to determine whether the case of any child charged
283 with the commission of any such offense shall be transferred from the
284 docket for juvenile matters to the regular criminal docket of the Superior
285 Court. The court shall not order that the case be transferred under this
286 subdivision unless the court finds that (A) such offense was committed
287 after such child attained the age of fifteen years, (B) there is probable
288 cause to believe the child has committed the act for which the child is
289 charged, and (C) the best interests of the child [and] or the public will
290 not be served by maintaining the case in the superior court for juvenile
291 matters. In making such findings, the court shall consider (i) any prior
292 criminal or juvenile offenses committed by the child, (ii) the seriousness
293 of such offenses, (iii) any evidence that the child has intellectual
294 disability or mental illness, and (iv) the availability of services in the
295 docket for juvenile matters that can serve the child's needs. Any motion
296 under this subdivision shall be made, and any hearing under this
297 subdivision shall be held, not later than thirty days after the child is
298 arraigned in the superior court for juvenile matters.

299 (b) Upon motion of a prosecutorial official, the superior court for
300 juvenile matters shall conduct a hearing to determine whether the case
301 of any child charged with the commission of a class C, D or E felony or
302 an unclassified felony shall be transferred from the docket for juvenile
303 matters to the regular criminal docket of the Superior Court. The court
304 shall not order that the case be transferred under this subdivision unless
305 the court finds that (1) such offense was committed after such child
306 attained the age of fifteen years, (2) there is probable cause to believe the
307 child has committed the act for which the child is charged, and (3) the
308 best interests of the child [and] or the public will not be served by
309 maintaining the case in the superior court for juvenile matters. In
310 making such findings, the court shall consider (A) any prior criminal or
311 juvenile offenses committed by the child, (B) the seriousness of such
312 offenses, (C) any evidence that the child has intellectual disability or
313 mental illness, and (D) the availability of services in the docket for
314 juvenile matters that can serve the child's needs. Any motion under this

315 subdivision shall be made, and any hearing under this subdivision shall
316 be held, not later than thirty days after the child is arraigned in the
317 superior court for juvenile matters.

318 (c) (1) (A) Any proceeding of any case transferred to the regular
319 criminal docket pursuant to this section shall be (i) private, except that
320 any victim and the victim's next of kin shall not be excluded from such
321 proceeding, and (ii) conducted in such parts of the courthouse or the
322 building in which the court is located that are separate and apart from
323 the other parts of the court which are then being used for proceedings
324 pertaining to adults charged with crimes. Any records of such
325 proceedings shall be confidential in the same manner as records of cases
326 of juvenile matters are confidential in accordance with the provisions of
327 section 46b-124, as amended by this act, except as provided in
328 subparagraph (B) of this subdivision, unless and until the court or jury
329 renders a verdict or a guilty plea is entered in such case on the regular
330 criminal docket. For the purposes of this subparagraph, (I) "victim"
331 means the victim of the crime, a parent or guardian of such person, the
332 legal representative of such person, or a victim advocate for such person
333 under section 54-220, or a person designated by a victim in accordance
334 with section 1-56r, and (II) "next of kin" means a spouse, an adult child,
335 a parent, an adult sibling, an aunt, an uncle or a grandparent.

336 (B) Records of any child whose case is transferred to the regular
337 criminal docket under this section, or any part of such records, shall be
338 available to the victim of the crime committed by the child to the same
339 extent as the records of the case of a defendant in a criminal proceeding
340 in the regular criminal docket of the Superior Court is available to a
341 victim of the crime committed by such defendant. The court shall
342 designate an official from whom the victim may request such records.
343 Records disclosed pursuant to this subparagraph shall not be further
344 disclosed.

345 (2) If a case is transferred to the regular criminal docket pursuant to
346 subdivision (3) of subsection (a) of this section or subsection (b) of this
347 section, or if a case is transferred to the regular criminal docket pursuant

348 to subdivision (1) of subsection (a) of this section and the charge in such
349 case is subsequently reduced to that of the commission of an offense for
350 which a case may be transferred pursuant to subdivision (2) or (3) of
351 subsection (a) of this section or subsection (b) of this section, the court
352 sitting for the regular criminal docket may return the case to the docket
353 for juvenile matters at any time prior to the court or jury rendering a
354 verdict or the entry of a guilty plea for good cause shown for
355 proceedings in accordance with the provisions of this chapter.

356 (d) Upon the effectuation of the transfer, such child shall stand trial
357 and be sentenced, if convicted, as if such child were eighteen years of
358 age, subject to the provisions of subsection (c) of this section and section
359 54-91g. Such child shall receive credit against any sentence imposed for
360 time served in a juvenile facility prior to the effectuation of the transfer.
361 A child who has been transferred may enter a guilty plea to a lesser
362 offense if the court finds that such plea is made knowingly and
363 voluntarily. Any child transferred to the regular criminal docket who
364 pleads guilty to a lesser offense shall not resume such child's status as a
365 juvenile regarding such offense. If the action is dismissed or nolle or if
366 such child is found not guilty of the charge for which such child was
367 transferred or of any lesser included offenses, the child shall resume
368 such child's status as a juvenile until such child attains the age of
369 eighteen years.

370 (e) Any child whose case is transferred to the regular criminal docket
371 of the Superior Court who is detained pursuant to such case shall be in
372 the custody of the Commissioner of Correction upon the finalization of
373 such transfer. A transfer shall be final (1) upon the arraignment on the
374 regular criminal docket until a motion filed by the state's attorney
375 pursuant to subsection (a) of this section is granted by the court, or (2)
376 upon the arraignment on the regular criminal docket of a transfer
377 ordered pursuant to subsection (b) of this section until the court sitting
378 for the regular criminal docket orders the case returned to the docket for
379 juvenile matters for good cause shown. Any child whose case is
380 returned to the docket for juvenile matters who is detained pursuant to
381 such case shall be in the custody of the Judicial Department.

382 (f) The transfer of a child to a Department of Correction facility shall
383 be limited as provided in subsection (e) of this section and said
384 subsection shall not be construed to permit the transfer of or otherwise
385 reduce or eliminate any other population of juveniles in detention or
386 confinement within the Judicial Department.

387 (g) Upon the motion of any party or upon the court's own motion, the
388 case of any youth age sixteen or seventeen, except a case that has been
389 transferred to the regular criminal docket of the Superior Court
390 pursuant to subsection (a) or (b) of this section, which is pending on the
391 youthful offender docket, regular criminal docket of the Superior Court
392 or any docket for the presentment of defendants in motor vehicle
393 matters, where the youth is charged with committing any offense or
394 violation for which a term of imprisonment may be imposed, other than
395 a violation of section 14-227a, 14-227g or 14-227m or subdivision (1) or
396 (2) of subsection (a) of section 14-227n, may, before trial or before the
397 entry of a guilty plea, be transferred to the docket for juvenile matters if
398 (1) the youth is alleged to have committed such offense or violation on
399 or after January 1, 2010, while sixteen years of age, or is alleged to have
400 committed such offense or violation on or after July 1, 2012, while
401 seventeen years of age, and (2) after a hearing considering the facts and
402 circumstances of the case and the prior history of the youth, the court
403 determines that the programs and services available pursuant to a
404 proceeding in the superior court for juvenile matters would more
405 appropriately address the needs of the youth and that the youth and the
406 community would be better served by treating the youth as a
407 delinquent. Upon ordering such transfer, the court shall vacate any
408 pleas entered in the matter and advise the youth of the youth's rights,
409 and the youth shall (A) enter pleas on the docket for juvenile matters in
410 the jurisdiction where the youth resides, and (B) be subject to
411 prosecution as a delinquent child. The decision of the court concerning
412 the transfer of a youth's case from the youthful offender docket, regular
413 criminal docket of the Superior Court or any docket for the presentment
414 of defendants in motor vehicle matters shall not be a final judgment for
415 purposes of appeal.

416 Sec. 8. Subsection (a) of section 54-76c of the general statutes is
417 repealed and the following is substituted in lieu thereof (*Effective October*
418 *1, 2022*):

419 (a) In any case where an information or complaint has been laid
420 charging a defendant with the commission of a crime, and where it
421 appears that the defendant is a youth, such defendant shall be presumed
422 to be eligible to be adjudged a youthful offender and the court having
423 jurisdiction shall, but only as to the public, order the court file sealed,
424 unless such defendant (1) is charged with the commission of a crime
425 which is a class A felony or a violation of section 53a-70b of the general
426 statutes, revision of 1958, revised to January 1, 2019, or section 14-222a,
427 subsection (a) or subdivision (1) of subsection (b) of section 14-224,
428 section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection
429 (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21
430 or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, except a violation
431 involving consensual sexual intercourse or sexual contact between the
432 youth and another person who is thirteen years of age or older but
433 under sixteen years of age, or (2) has been previously convicted of a
434 felony in the regular criminal docket of the Superior Court, [or been
435 previously adjudged a serious juvenile offender or serious juvenile
436 repeat offender, as defined in section 46b-120.] Except as provided in
437 subsection (b) of this section, upon motion of the prosecuting official,
438 the court may order that an investigation be made of such defendant
439 under section 54-76d, for the purpose of determining whether such
440 defendant is ineligible to be adjudged a youthful offender, provided the
441 court file shall remain sealed, but only as to the public, during such
442 investigation.

443 Sec. 9. (NEW) (*Effective July 1, 2022*) (a) As used in this section, the
444 "Trauma, Truancy, Mediation and Mentorship Program" or "program"
445 means the program established pursuant to subsection (b) of this
446 section.

447 (b) (1) The Office of Policy and Management shall establish a program
448 to foster a system that unites community service providers with

449 juveniles needing supports and services in order to help prevent, deter
450 and redirect juveniles from crime. Such service providers shall reduce
451 or address trauma suffered by juveniles, including that evidenced in
452 truant juveniles, mediate in order to prevent retaliatory crime and
453 mentor and empower juveniles to ensure positive outcomes and
454 positive life trajectories.

455 (2) The chief elected official of any municipality participating in the
456 program shall issue a request for proposals for the design and
457 implementation of the program for such municipality.

458 (3) A review board comprised of the Chief State's Attorney, the Chief
459 Public Defender and the Commissioner of Children and Families, or
460 their designees, and other stakeholders from the municipal and state
461 level, as selected by the Secretary of Office and Policy Management,
462 shall select service providers in response to the request for proposals
463 pursuant to subdivision (2) of this subsection to administer the program,
464 which shall be funded by local, state, federal and private moneys. Such
465 moneys shall be used for the administration and costs of the program,
466 including, but not limited to, salaries, benefits and other compensation
467 for any individuals hired by such service providers to administer the
468 program.

469 (c) Not later than January 1, 2024, and annually thereafter, any
470 municipality that received state funding for the program during the
471 previous calendar year shall submit a report, in accordance with the
472 provisions of section 11-4a of the general statutes, to the joint standing
473 committees of the General Assembly having cognizance of matters
474 relating to the judiciary and appropriations and the budgets of state
475 agencies. Such report shall detail (1) the number of individuals
476 participating in the program during the previous calendar year, (2) any
477 changes in the level of incidents of juvenile truancy or crime in the
478 municipality, (3) an evaluation of the programs, services and activities
479 undertaken as part of the program, (4) the costs of the program during
480 the previous calendar year in both state and private dollars, and (5) any
481 recommendations to expand the program.

482 Sec. 10. (*Effective from passage*) (a) The Commissioner of Children and
483 Families and the executive director of the Court Support Services
484 Division of the Judicial Branch shall identify each juvenile delinquency
485 or justice service provided to children by the Department of Children
486 and Families at the time of the passage of public act 18-31. Said
487 commissioner and executive director shall determine how such services
488 were transferred from the department to the Court Support Services
489 Division and identify any services that were merged into other services,
490 eliminated or otherwise not transferred.

491 (b) Said commissioner and executive director shall report, not later
492 than December 31, 2022, in accordance with the provisions of section 11-
493 4a of the general statutes, their findings pursuant to the provisions of
494 subsection (a) of this section, to the joint standing committee of the
495 General Assembly having cognizance of matters relating to the
496 judiciary.

497 Sec. 11. (*Effective from passage*) (a) There is established a committee to
498 evaluate and assess all programs within the criminal justice system in
499 this state for juvenile and adult offenders.

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

501 (1) The Chief Court Administrator, or the Chief Court
502 Administrator's designee;

503 (2) A judge of the superior court for juvenile matters, appointed by
504 the Chief Justice;

505 (3) The executive director of the Court Support Services Division of
506 the Judicial Branch, or the executive director's designee;

507 (4) The executive director of the Superior Court Operations Division,
508 or the executive director's designee;

509 (5) The Chief Public Defender, or the Chief Public Defender's
510 designee;

511 (6) The Chief State's Attorney, or the Chief State's Attorney's
512 designee;

513 (7) The Commissioner of Children and Families, or the
514 commissioner's designee;

515 (8) The Commissioner of Correction, or the commissioner's designee;

516 (9) The Commissioner of Mental Health and Addiction Services, or
517 the commissioner's designee;

518 (10) The president of the Connecticut Police Chiefs Association, or the
519 president's designee;

520 (11) The chief of police of a municipality with a population in excess
521 of one hundred thousand, designated by the president of the
522 Connecticut Police Chiefs Association;

523 (12) The Victim Advocate, or the Victim Advocate's designee; and

524 (13) The Child Advocate, or the Child Advocate's designee.

525 (c) Any vacancy shall be filled by the designating authority.

526 (d) Not later than January 1, 2023, the committee shall report, in
527 accordance with section 11-4a of the general statutes, to the joint
528 standing committee of the General Assembly having cognizance of
529 matters relating to the judiciary regarding any statutory changes
530 concerning the juvenile justice system or the adult criminal justice
531 system that the committee recommends following a full evaluation and
532 assessment of all programs and services offered as part of such systems.
533 The committee shall terminate on the date that it submits such report or
534 January 1, 2023, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	46b-133p

Sec. 3	<i>October 1, 2022</i>	46b-128(b)
Sec. 4	<i>October 1, 2022</i>	46b-133
Sec. 5	<i>October 1, 2022</i>	46b-124
Sec. 6	<i>October 1, 2022</i>	New section
Sec. 7	<i>October 1, 2022</i>	46b-127
Sec. 8	<i>October 1, 2022</i>	54-76c(a)
Sec. 9	<i>July 1, 2022</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section

Statement of Purpose:

To amend various juvenile and criminal justice statutes to provide for next day summons and appearances for juveniles, earlier assessment for services to juveniles and articulation of reasons when a judge declines to detain a child, increase flexibility when determining whether to detain a child, increase the sharing of information concerning juvenile cases by law enforcement agencies, allow for global positioning monitoring of juveniles under certain circumstances, allow for automatic transfer to regular criminal docket for fourteen year olds if charged with certain violent crimes, establish the "Trauma, Truancy, Mediation and Mentorship" program, cause a review of the transfer of juvenile justice services from the Department of Children and Families to the Judicial Branch and establish a committee to evaluate the criminal justice system for juveniles and adults.

[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.]