



General Assembly

January Session, 2019

**Committee Bill No. 504**

LCO No. 6240



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING THE SUSPENSION OF DELINQUENCY PROCEEDINGS FOR TREATMENT OR OTHER SERVICES IN MOTOR VEHICLE THEFT OR MISUSE CASES AND CONCERNING DETENTION OF JUVENILES.**

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) For purposes of this  
2 section: (1) "Delinquency offense involving the unlawful use or  
3 operation of a motor vehicle" means an offense under subdivision (1)  
4 of subsection (a) of section 53a-119b of the general statutes, section 53a-  
5 126a or 53a-126b of the general statutes when the property consists of a  
6 motor vehicle; and (2) "delinquency offense involving motor vehicle  
7 theft" means an offense under subdivision (3) of subsection (a) of  
8 section 53a-122 of the general statutes, subdivision (1) of subsection (a)  
9 of section 53a-123 of the general statutes or subdivision (1) of  
10 subsection (a) of section 53a-124 of the general statutes.

11 (b) The court, on motion of a child charged with a delinquency  
12 offense involving the unlawful use or operation of a motor vehicle or a  
13 delinquency offense involving motor vehicle theft for which such child  
14 is not yet adjudicated as delinquent, may order that such child be

15 evaluated to determine whether the child would benefit from  
16 treatment or other services to address any condition or behavior  
17 directly related to such offense. Such motion shall be filed with the  
18 court not later than ten days after a plea is entered, except if waived by  
19 the court or pursuant to an agreement by the parties. The results of any  
20 evaluation ordered pursuant to this subsection shall be utilized only  
21 for the purposes of determining whether the delinquency proceeding  
22 should be suspended under this section. Any out-of-pocket costs of  
23 such evaluation shall be paid by such child's parent or guardian unless  
24 such costs are waived by the court upon a finding that such parent or  
25 guardian is indigent.

26 (c) The court, upon motion of the child charged with a delinquency  
27 offense involving the unlawful use or operation of a motor vehicle or a  
28 delinquency offense involving motor vehicle theft for which such child  
29 is not yet adjudicated as delinquent, may order the suspension of the  
30 delinquency proceedings for a period of up to one year and order that  
31 such child participate in treatment or other services to address any  
32 condition or behavior directly related to such offense if the court, after  
33 consideration of information before it concerning such condition or  
34 behavior, and the evaluation ordered pursuant to subsection (b) of this  
35 section, finds that: (1) Such child requires and is likely to benefit from  
36 such treatment or other services, and (2) suspension of delinquency  
37 proceedings will advance the interest of justice. During the period of  
38 suspension, a child shall be placed under the supervision of a juvenile  
39 probation officer and such officer shall monitor the compliance of such  
40 child with the orders of the court. Any out-of-pocket costs of such  
41 treatment or other services shall be paid by such child's parent or  
42 guardian unless such costs are waived by the court upon a finding that  
43 such parent or guardian is indigent.

44 (d) If the court denies the motion for suspension of the delinquency  
45 proceedings, the prosecutorial official may proceed with the  
46 delinquency proceedings. Any order of the court granting or denying a  
47 motion for suspension of the delinquency proceedings shall not be

48 deemed a final order for purposes of appeal.

49 (e) At any time before the end of the period of the suspension of the  
50 delinquency proceedings, but not later than one month before the end  
51 of the period of suspension, a juvenile probation officer shall notify the  
52 court of the impending conclusion of the suspension and submit a  
53 report on whether the child has completed the treatment or other  
54 services and has complied with all other conditions of the suspension  
55 order imposed by the court.

56 (f) If the court, on motion of the child or on its own motion, finds  
57 that the child has completed the treatment or other services and has  
58 complied with all other conditions of suspension, it may dismiss the  
59 charge for which the delinquency proceedings had been suspended. If  
60 the court denies the motion and terminates the suspension of the  
61 delinquency proceedings, the prosecutorial official may proceed with  
62 such proceedings.

63 (g) The provisions of this section shall not apply to any child  
64 charged with a serious juvenile offense as defined in section 46b-120 of  
65 the general statutes or any child who was previously evaluated and  
66 ordered to receive treatment or other services under this section.

67 Sec. 2. Section 46b-133 of the general statutes is amended by adding  
68 subsection (k) as follows (*Effective July 1, 2019*):

69 (NEW) (k) For purposes of subsections (c) and (e) of this section, a  
70 child may be determined to pose a risk to public safety if such child  
71 has previously been adjudicated as delinquent for or convicted of or  
72 pled guilty or nolo contendere to two or more felony offenses, has had  
73 two or more prior dispositions of probation and is charged with  
74 commission of a larceny under subdivision (3) of subsection (a) of  
75 section 53a-122 or subdivision (1) of subsection (a) of section 53a-123.

<p>This act shall take effect as follows and shall amend the following sections:</p>
--

---

Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	46b-133

**Statement of Purpose:**

To divert children in motor vehicle theft or misuse delinquency cases to treatment or other programs and to modify the grounds under which a child may be detained.

*[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.]*

Co-Sponsors: SEN. FASANO, 34th Dist.

S.B. 504