



Substitute Senate Bill No. 504

Public Act No. 19-110

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:

Section 1. (NEW) (*Effective October 1, 2019*) (a) For purposes of this section: (1) "Delinquency offense involving a motor vehicle" means any offense under (A) subdivision (1) of subsection (a) of section 53a-119b of the general statutes, (B) section 53a-126a of the general statutes, (C) section 53a-126b of the general statutes, when the property consists of a motor vehicle, (D) subdivision (3) of subsection (a) of section 53a-122 of the general statutes, (E) subdivision (1) of subsection (a) of section 53a-123 of the general statutes, or (F) subdivision (1) of subsection (a) of section 53a-124 of the general statutes; and (2) "child" means child, as defined in section 46b-120 of the general statutes.

(b) The court, on motion of a child charged with a delinquency offense involving a motor vehicle for which such child is not yet adjudicated as delinquent, may order the suspension of the delinquency proceedings for a period of up to six months and order the child to participate in services to address any condition or behavior directly related to such offense during the period of suspension if the

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court, after consideration of the information before it, finds (1) the child is likely to benefit from supervision and participation in the recommended services, and (2) the suspension of the delinquency proceedings will advance the interests of justice. Such motion shall be filed with the court not later than ten days after a plea is entered, except if waived by the court or pursuant to an agreement by the parties.

(c) As a condition of eligibility for suspension of prosecution, the child shall agree to: (1) Cooperate with an assessment to determine whether such child would benefit from supervision and services; (2) participate in and satisfactorily complete the recommended services; and (3) comply with any orders of the court. During the period of suspension of the delinquency proceedings, a child shall be placed under the supervision of a juvenile probation officer and such officer shall monitor the compliance of such child with the orders of the court. Any assessment conducted pursuant to this section shall be used only for the purposes of determining the appropriate services and whether the delinquency proceedings should be suspended under this section. Any out-of-pocket costs of such treatment or other services shall be paid by the child's parent or guardian unless such costs are waived by the court upon a finding that such parent or guardian is indigent.

(d) If the court denies the motion for suspension of the delinquency proceedings, the prosecutorial official may proceed with the delinquency proceedings. Any order of the court granting or denying a motion for suspension of the delinquency proceedings shall not be deemed a final order for purposes of appeal.

(e) At any time before the end of the period of the suspension of the delinquency proceedings, but not later than one month before the end of the period of suspension, a juvenile probation officer shall notify the court of the impending conclusion of the suspension and submit a report on whether the child has completed the treatment or other

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services and has complied with all other conditions of the suspension order imposed by the court and, if not, whether the suspension period should be extended to allow additional time for the child to complete the recommended services.

(f) If the court, on motion of the child or on its own motion, finds that the child has completed the treatment or other services and has complied with all other conditions of suspension of the delinquency proceedings, the court may dismiss the charge for which the delinquency proceedings had been suspended. If the court finds that the child has not completed the treatment or other services, has not complied with all other conditions of suspension and additional time is needed to complete the treatment or other services, the court may extend the suspension period for up to an additional six months. If the court denies the motion and terminates the suspension of the delinquency proceedings, the prosecutorial official may proceed with such proceedings.

(g) The provisions of this section shall not apply to any child charged with a serious juvenile offense, as defined in section 46b-120 of the general statutes, or any child who was previously granted suspension of prosecution pursuant to subsection (b) of this section.

(h) The Judicial Branch shall (1) collect and annually examine data relating to the suspension of delinquency proceedings pursuant to this section, (2) disaggregate such data by demographics of the children for whom such delinquency proceedings were suspended, offense characteristics, and treatment and service outcomes, and (3) report such data upon request.

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

(NEW) (k) For purposes of subsections (c) and (e) of this section, a

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child may be determined to pose a risk to public safety if such child has previously been adjudicated as delinquent for or convicted of or pled guilty or nolo contendere to two or more felony offenses, has had two or more prior dispositions of probation and is charged with commission of a larceny under subdivision (3) of subsection (a) of section 53a-122 or subdivision (1) of subsection (a) of section 53a-123 or subdivision (1) of subsection (a) of section 53a-124.