



General Assembly

Amendment

January Session, 2021

LCO No. 9988



Offered by:

REP. STAFSTROM, 129th Dist.
REP. WALKER, 93rd Dist.
REP. FISHBEIN, 90th Dist.
REP. NOLAN, 39th Dist.

To: Subst. House Bill No. 6667

File No. 599

Cal. No. 422

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

1 Change the effective date of sections 3, 5 and 7 to "Effective October
2 1, 2022"

3 Strike section 9 in its entirety and substitute the following in lieu
4 thereof:

5 "Sec. 9. Section 46b-146 of the general statutes is repealed and the
6 following is substituted in lieu thereof (*Effective October 1, 2021*):

7 Whenever any child has been convicted as delinquent, has been
8 adjudicated a member of a family with service needs or has signed a
9 statement of responsibility admitting to having committed a delinquent
10 act, and has subsequently been discharged from the supervision of the
11 Superior Court or from the custody of the Department of Children and

12 Families or from the care of any other institution or agency to whom the
13 child has been committed by the court, such child, or the child's parent
14 or guardian, may file a petition with the Superior Court. [If] The Court
15 Support Services Division shall provide written notice concerning the
16 erasure of certain records to any such child and the child's parent or
17 guardian when (1) such child is so discharged, and (2) upon such child's
18 eighteenth birthday if such child was younger than eighteen years of
19 age when so discharged. Such notice shall provide that such child,
20 parent or guardian may petition the Superior Court for such erasure
21 pursuant to this section. If, upon the filing of such petition, such court
22 finds [(1)] (A) (i) that at least two years or, in the case of a child convicted
23 as delinquent for the commission of a serious juvenile offense, four years
24 have elapsed from the date of such discharge, [(B)] (ii) that no
25 subsequent juvenile proceeding or adult criminal proceeding is pending
26 against such child, [(C)] (iii) that such child has not been convicted of a
27 delinquent act that would constitute a felony or misdemeanor if
28 committed by an adult during such two-year or four-year period, [(D)]
29 (iv) that such child has not been convicted as an adult of a felony or
30 misdemeanor during such two-year or four-year period, and [(E)] (v)
31 that such child has reached eighteen years of age, or [(2)] (B) that such
32 child has a criminal record as a result of being a victim of conduct by
33 another person that constitutes a violation of section 53a-192a or a
34 criminal violation of 18 USC Chapter 77, the court shall order all police
35 and court records pertaining to such child to be erased. Upon the entry
36 of such an erasure order, all references including arrest, complaint,
37 referrals, petitions, reports and orders, shall be removed from all
38 agency, official and institutional files, and a finding of delinquency or
39 that the child was a member of a family with service needs shall be
40 deemed never to have occurred. The persons in charge of such records
41 shall not disclose to any person information pertaining to the record so
42 erased, except that the fact of such erasure may be substantiated where,
43 in the opinion of the court, it is in the best interests of such child to do
44 so. No child who has been the subject of such an erasure order shall be
45 deemed to have been arrested ab initio, within the meaning of the
46 general statutes, with respect to proceedings so erased. Copies of the

47 erasure order shall be sent to all persons, agencies, officials or
48 institutions known to have information pertaining to the delinquency or
49 family with service needs proceedings affecting such child. Whenever a
50 child is dismissed as not delinquent or as not being a member of a family
51 with service needs, all police and court records pertaining to such
52 charge shall be ordered erased immediately, without the filing of a
53 petition. Nothing in this section shall prohibit the court from granting a
54 petition to erase a child's records on a showing of good cause, after a
55 hearing, before the time when such records could be erased."

56 Strike section 11 in its entirety and substitute the following in lieu
57 thereof:

58 "Sec. 11. (*Effective from passage*) (a) The Commissioner of Correction
59 shall review the Department of Correction's use of chemical agents in
60 facilities housing youths under eighteen years of age that the
61 department operates and on such youths in the custody of the
62 commissioner. Such review shall evaluate data on (1) the types and
63 frequency of training that present alternatives to the use of chemical
64 agents provided to department staff, (2) the age, race and gender of any
65 youths subjected to the use of chemical agents, the reason for such use
66 and the date of such use, (3) how the use of chemical agents on such
67 youths may disproportionately affect a youth with special education
68 needs, (4) any attempted interventions prior to subjecting a youth to the
69 use of chemical agents and the types and frequency of medical and
70 behavioral interventions employed after such use, and (5) the number
71 of and details associated with incidents involving the use of chemical
72 agents upon any youth with a respiratory or psychiatric condition.
73 Additionally, the commissioner shall review and evaluate data on the
74 participation in rehabilitation programming by youths in the custody of
75 the commissioner and efforts the department is taking to implement
76 positive behavioral supports for such youths.

77 (b) Not later than February 1, 2022, the commissioner shall report on
78 the review conducted under subsection (a) of this section, in accordance
79 with the provisions of section 11-4a of the general statutes, to the joint

80 standing committee of the General Assembly having cognizance of
81 matters relating to the Department of Correction and to the Juvenile
82 Justice Policy and Oversight Committee established pursuant to section
83 46b-121n of the general statutes."

84 After the last section, add the following and renumber sections and
85 internal references accordingly:

86 "Sec. 501. Subdivision (1) of subsection (k) of section 46b-124 of the
87 general statutes is repealed and the following is substituted in lieu
88 thereof (*Effective from passage*):

89 (k) (1) Notwithstanding the provisions of subsection (d) of this
90 section, any information concerning a child that is obtained during any
91 mental health screening or assessment of such child, shall be used solely
92 for planning and treatment purposes and shall otherwise be confidential
93 and retained in the files of the entity performing such screening or
94 assessment. Such information may be further disclosed only for the
95 purposes of any court-ordered evaluation or treatment of the child or
96 provision of services to the child, or pursuant to sections 17a-101 to 17a-
97 101e, inclusive, 17b-450, 17b-451 or 51-36a, or to the Court Support
98 Services Division and its contracted quality assurance providers, for
99 program evaluation purposes. Such information shall not be subject to
100 subpoena or other court process for use in any other proceeding or for
101 any other purpose."

This act shall take effect as follows and shall amend the following sections:		
Sec. 9	<i>October 1, 2021</i>	46b-146
Sec. 11	<i>from passage</i>	New section
Sec. 501	<i>from passage</i>	46b-124(k)(1)