

## Recent Juvenile Justice Measures

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### Issue

Summarize juvenile justice measures enacted over the past five legislative sessions (2018–2022).

### Summary

During the past five legislative sessions (2018–2022), the legislature enacted 10 new laws, comprising at least 26 different measures, addressing a variety of issues related to juvenile justice. Table 1 below summarizes these measures in chronological and bill-number order.

In 2018 the legislature transferred juvenile services from the Department of Children and Families (DCF) to the judicial branch's Court Support Services Division (CSSD).

Among other things, in the 2019 session the legislature passed laws that:

1. addressed the transfer of certain cases from adult court back to juvenile court;
2. created a process that allows a child charged with delinquency offenses involving fire starting or car theft, to petition the court for participation in certain programs;
3. required the Juvenile Justice Policy Oversight Commission (JJPOC) to review methods other states use to transfer juvenile cases to the adult criminal docket;
4. required the Department of Correction (DOC) commissioner and the CSSD executive director, in consultation with the DCF commissioner, to develop a best practices policy in juvenile detention; and

5. required certain state and local government entities that detain juvenile offenders to annually certify that they comply with the national Prison Rape Elimination Act (PREA) standards.

In 2020, the regular legislative session was cancelled due to the COVID-19 pandemic. As a result, there were no juvenile justice-related acts passed that year.

During the 2021 session, the legislature enacted laws that, among other things, (1) required the judicial branch to conduct a feasibility study on reducing child recidivism; (2) expanded the definition of “child” for delinquency proceedings; (3) required CSSD to provide free phone services to detained juveniles; (4) replaced references to the term “juvenile detention center” with the term “juvenile residential center” throughout the statutes; and (5) expanded the circumstances under which juvenile records may be disclosed.

This past session (2022), the legislature made various changes to juvenile arrest, detention, and related procedures, including requiring next day arraignment for children charged with certain crimes. Additionally, it expanded and renamed the “serious sexual offender” designation to include homicide and certain firearm offenses. Among other things, in 2022 the legislature also enacted laws that address (1) access to juvenile delinquency records, (2) juvenile and youthful offender records disclosure, and (3) juvenile justice-related reports, including the frequency of DOC and CSSD reporting on their use of chemical agents and prone restraints.

**Table 1: Juvenile Justice Measures Enacted From 2018 Through 2022**

Public Act (Effective Date)	Provisions
<b>2018</b>	
<a href="#"><u>PA 18-31</u></a> (July 1, 2018, for most provisions)	<b>Transfer of Juvenile Services From DCF to CSSD</b> <ul style="list-style-type: none"> <li>Starting on July 1, 2018, transferred legal authority from DCF to CSSD over any child who was committed to DCF as a delinquent by a juvenile court before that date</li> <li>Made numerous other changes in the juvenile justice and related statutes. For example, the act (1) made changes in laws related to educating individuals involved in the juvenile justice system (such as requiring certain school districts to designate a liaison to facilitate transitions between the district and the juvenile justice system); (2) limited and modified the ways that the juvenile court may dispose of a delinquency adjudication; and (3) modified the probation conditions the court may order</li> </ul>

Table 1 (continued)

Public Act (Effective Date)	Provisions
<b>2019</b>	
<p><a href="#">PA 19-110</a>, § 1 (October 1, 2019)</p> <p><a href="#">PA 19-135</a> (July 1, 2019)</p>	<p><b>Suspension of Delinquency Proceedings for Fire Starting Behavior Treatment or Motor Vehicle Theft or Misuse Treatment</b></p> <ul style="list-style-type: none"> <li>• <a href="#">PA 19-110</a>, § 1, allowed a child charged with a delinquency offense involving a motor vehicle to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense</li> <li>• Both laws permit the court to suspend the delinquency proceeding so the child may attend the program or participate in services as appropriate, and if he or she successfully completes the program or services and complies with the suspension order, the court may dismiss the delinquency charges. A child is ineligible for the suspended proceedings if he or she (1) was previously granted a suspended prosecution for such treatment or services or (2) is charged with a serious juvenile offense</li> <li>• <a href="#">PA 19-135</a> allowed a child charged with a delinquency offense involving an “act of fire starting” to file a motion with the court for an evaluation to determine if he or she would benefit from participating in a fire-starting behavior treatment program</li> </ul>
<p><a href="#">PA 19-110</a>, § 2 (July 1, 2019)</p>	<p><b>Risk to Public Safety</b></p> <ul style="list-style-type: none"> <li>• <b>BACKGROUND:</b> By law, the court may only order a child to be detained after he or she is arrested for an alleged crime on certain grounds, including probable cause to believe that the level of risk that the child poses to public safety if released to the community cannot be managed in a less restrictive setting</li> <li>• <a href="#">PA 19-110</a>, § 2, specified that a court may determine that a child poses a risk to public safety if the child: <ul style="list-style-type: none"> <li>○ has previously been adjudicated delinquent for or convicted of or pled guilty or nolo contendere to two or more felony offenses;</li> <li>○ has had two or more prior probation dispositions; and</li> <li>○ is charged with committing 1st, 2nd, or 3rd degree larceny involving a motor vehicle</li> </ul> </li> </ul>

Table 1 (continued)

Public Act (Effective Date)	Provisions
<p><a href="#">PA 19-187</a>, § 1 (October 1, 2019)</p>	<p><b>Transfers From Adult Court Back to Juvenile Court</b></p> <ul style="list-style-type: none"> <li>• Allowed the adult court to return an automatically transferred juvenile case back to juvenile court if the charges are reduced to a charge that would have allowed a discretionary transfer. It subjects such returns to existing law’s requirements for returns of discretionary transfers (i.e., the return must be for good cause shown and done before the court or jury renders a verdict or the defendant pleads guilty)</li> <li>• When a case is transferred from the juvenile delinquency court to the adult criminal docket, under this act the transferred proceeding must be private and conducted separately and apart from the other parts of the court that are being used for proceedings involving adult defendants. The records generally must remain confidential (with certain exceptions for victims), as required for juvenile records by law, unless and until a guilty plea or verdict is entered in the case on the regular criminal docket</li> <li>• <b>BACKGROUND:</b> By law, the juvenile court must automatically transfer a delinquency case to the adult criminal court docket if the child is at least age 15 and charged with murder with special circumstances, a class A felony, or certain class B felonies. Otherwise, the court has discretion in transferring a case where a juvenile is charged with a felony and only if the prosecutor makes a motion and the court makes certain findings</li> </ul>
<p><a href="#">PA 19-187</a>, § 2 (October 1, 2019)</p>	<p><b>JJPOC Requirements</b></p> <ul style="list-style-type: none"> <li>• Required JJPOC to review methods other states use to transfer juvenile cases to the adult criminal docket and detain children ages 15 through 17 whose cases are transferred to that docket, including: <ul style="list-style-type: none"> <li>○ transfers of juvenile cases to the adult docket and outcomes associated with these transfers and</li> <li>○ pre- and post-adjudication detention, including an examination of organizational and programmatic alternatives</li> </ul> </li> <li>• Required JJPOC, by January 1, 2020, to submit the review to the Judiciary Committee and include a plan for implementing any recommended changes by July 1, 2021, with cost options where appropriate</li> </ul>

Table 1 (continued)

Public Act (Effective Date)	Provisions
<p><a href="#">PA 19-187</a>, §§ 3 &amp; 4  (Upon passage, except the monthly reporting requirement took effect July 1, 2020)</p>	<p><b>DOC and CSSD Policies and Reporting Requirements</b></p> <ul style="list-style-type: none"> <li>• Required the DOC commissioner and the CSSD executive director, by July 1, 2020, and in consultation with the DCF commissioner, to develop a best practices policy in juvenile detention centers and correctional facilities where individuals age 17 and under are detained</li> <li>• Required the DOC commissioner and CSSD executive director to annually report to JJPOC on the following information regarding facilities they oversee or operate where individuals age 17 and younger are detained: <ul style="list-style-type: none"> <li>○ suicidal and self-harming behaviors that detainees exhibit;</li> <li>○ uses of force against, and imposing physical isolation on, detainees; and</li> <li>○ any educational or mental health concerns for detainees</li> </ul> </li> <li>• Required the DOC commissioner and CSSD executive director to report monthly to JJPOC, starting by August 1, 2020, on each instance in which chemical agents or prone restraints were used on anyone age 17 or younger who is detained in such a facility</li> </ul>
<p><a href="#">PA 19-187</a>, § 5  (July 1, 2020)</p>	<p><b>PREA Compliance</b></p> <ul style="list-style-type: none"> <li>• Required any state agency head or the chief elected official or governing legislative body of any municipality that detains juvenile offenders to annually certify, by January 15, that it complies with PREA standards to the Office of Policy Management’s Criminal Justice Policy and Planning Division</li> <li>• <b>BACKGROUND:</b> The National Prison Rape Elimination Commission recommended standards for preventing, detecting, monitoring, and responding to sexual abuse in prisons, jails, correctional facilities, juvenile facilities, and lockups (i.e., PREA standards). By law, state agencies and municipalities that incarcerate or detain adult or juvenile offenders generally must adopt and comply with these standards</li> </ul>
<p><a href="#">PA 19-187</a>, §§ 8-10  (July 1, 2019)</p>	<p><b>Family With Service Needs (FWSN) Petitions</b></p> <ul style="list-style-type: none"> <li>• Postponed by one year, from June 30, 2019, to June 30, 2020, the deadline by which a party (e.g., a parent or police officer) may file a petition with the juvenile court for a child who (1) commits certain status offenses, such as running away from home, or (2) is out of the control of his or her parent or guardian (i.e., a FWSN petition)</li> </ul>

Table 1 (continued)

Public Act (Effective Date)	Provisions
<b>2020</b>	
None	<ul style="list-style-type: none"> <li>The regular legislative session was cancelled due to the COVID-19 pandemic</li> </ul>
<b>2021</b>	
<a href="#">PA 21-33</a> , § 13 (Upon passage)	<b>Feasibility Study on Reducing Child Recidivism</b> <ul style="list-style-type: none"> <li>Required the judicial branch to study the feasibility of (1) decreasing the time between a child’s arrest and initial court appearance and (2) establishing a diversionary program for arrested children where program participants would report to various people (e.g., a judge) on a weekly basis</li> <li>Required the judicial branch to report its findings to the Children and Judiciary committees by January 1, 2022</li> </ul>
<a href="#">PA 21-54</a> (Upon passage)	<b>Free Phone Calls for Detained Juveniles</b> <ul style="list-style-type: none"> <li>Requires the CSSD, beginning October 1, 2022, to provide free phone services to children detained in a juvenile detention facility</li> <li>Allows the CSSD executive director to supplement phone services with other telecommunications services, including video communication and email, as long as the service is free to the children and to people initiating or receiving the communication</li> </ul>
<a href="#">PA 21-104</a> , §§ 2-10, 12-14, 24, 27 & 29-33 (January 1, 2022)	<b>Juvenile Residential Center Definition</b> <ul style="list-style-type: none"> <li>Created a general definition for the term “juvenile residential center” to replace prior references to the term “juvenile detention center” throughout the statutes</li> <li>Defined “juvenile residential center” as a hardware-secured residential facility operated by CSSD that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting for pre-adjudicated juveniles and juveniles adjudicated as delinquent</li> </ul>
<a href="#">PA 21-104</a> , §§ 25, 26, 39, 40 & 48 (Upon passage)	<b>Judicial Review Council’s Access to Juvenile Records</b> <ul style="list-style-type: none"> <li>Gave the Judicial Review Council’s members and employees access to juvenile records when required in the performance of their duty on the council, including for investigations</li> </ul>

Table 1 (continued)

Public Act (Effective Date)	Provisions
<a href="#">PA 21-104</a> , § 54 (Upon passage)	<b>Visitations and Interactions at Juvenile Residential Centers</b> <ul style="list-style-type: none"> <li>Authorized the judicial branch, subject to policies and procedures approved by the chief court administrator, to allow certain education and service providers (e.g., judicial branch and DCF employees) to enter, physically or virtually, a juvenile residential center and interact with the staff and juveniles without a court order, if the entry and interaction are required by the individual to perform his or her duties</li> <li>Prohibited disclosure of confidential information, a violation of which is a class B misdemeanor (punishable by up to \$1,000 or up to six months in prison, or both)</li> </ul>
<a href="#">PA 21-174</a> , § 1 (July 1, 2021)	<b>Definition of Child for Delinquency Proceedings</b> <ul style="list-style-type: none"> <li>Increased the minimum age of a child who may be subject to juvenile court jurisdiction for delinquency matters and proceedings from age seven to age 10</li> </ul>
<a href="#">PA 21-174</a> , §§ 9 & 14 (Upon passage for the disclosure provision, and October 1, 2021, for the erasure provision)	<b>Disclosure of Certain Juvenile Records to CSSD</b> <ul style="list-style-type: none"> <li>Allowed information obtained about a child during a detention screening or assessment to be disclosed to CSSD under certain circumstances</li> <li>Required CSSD to provide a child and the child's parent or guardian written notice that they may file a petition in Superior Court for erasure of certain juvenile records if the child meets certain requirements</li> </ul>
<a href="#">PA 21-174</a> , § 10 (Upon passage)	<b>Study of Telephone Call Rates and Commissary Needs of Incarcerated Juveniles</b> <ul style="list-style-type: none"> <li>Established a committee, with JJPOC-appointed members, to study telephone call rates and commissary needs for 18- to 21-year-olds incarcerated in DOC facilities</li> <li>Allowed the committee to recommend legislation based on the study and required the committee to report recommendations to Department of Administrative Services and the Judiciary Committee by January 1, 2022</li> </ul>

Table 1 (continued)

Public Act (Effective Date)	Provisions
<a href="#">PA 21-174</a> , §§ 11-13 (Upon passage)	<b>Treatment of Children in the Juvenile Justice System</b> <ul style="list-style-type: none"> <li>• Made several changes affecting the treatment of children in the juvenile justice system. Among other things, it required:               <ul style="list-style-type: none"> <li>○ the DOC commissioner to review the department’s use of chemical agents on anyone under age 18 in a juvenile detention center or correctional facility,</li> <li>○ a team to develop plans for mandatory prearrest diversion of low-risk children, and</li> <li>○ the judicial branch to develop an implementation plan to securely house in its custody anyone under age 18 who is arrested and detained prior to sentencing or disposition</li> </ul> </li> </ul>
<b>2022</b>	
<a href="#">PA 22-26</a> , §§ 9, 10 & 30 (Upon passage, except the youthful offenders’ records provision (§ 30) took effect July 1, 2022)	<b>Juvenile and Youthful Offender Records Disclosure</b> <ul style="list-style-type: none"> <li>• Expands the circumstances under which juvenile delinquency and youthful offender records may be disclosed, specifically, allows the records to be disclosed to law enforcement officials and prosecutors seeking an order to detain a child</li> <li>• Makes public juvenile records transferred to the adult criminal docket in conformity with a Second Circuit Court of Appeals decision</li> </ul>
<a href="#">PA 22-26</a> , § 11 (July 1, 2022)	<b>Next Day Arraignment for Children Charged With Certain Crimes</b> <ul style="list-style-type: none"> <li>• Requires a child's arraignment for a firearms or motor vehicle offense to be scheduled for the next business day following the arrest date (prior law did not impose a specific arraignment timeframe)</li> </ul>
<a href="#">PA 22-26</a> , § 12 (Upon passage)	<b>Chemical Agents and Prone Restraints Report</b> <ul style="list-style-type: none"> <li>• Prior law required the DOC commissioner and CSSD executive director to report monthly to JJPOC on any use of chemical agents or prone restraints on children under age 18 detained in a facility the commissioner or executive director operates or oversees. <a href="#">PA 22-26</a>, § 12, requires the commissioner and executive director to submit the report to JJPOC within 30 days after such an instance occurred, rather than monthly</li> </ul>



Table 1 (continued)

Public Act (Effective Date)	Provisions
<p><a href="#">PA 22-115</a>, §§ 1, 6, 7 &amp; 21  (October 1, 2022, for most provisions)</p>	<p><b>Juvenile Arrest, Detention, and Related Procedures</b></p> <ul style="list-style-type: none"> <li>• Makes various changes to juvenile arrest procedures after an alleged delinquent act, such as (1) generally requiring an arrested child to be brought before a judge within five business days after the arrest; (2) allowing the court to order electronic monitoring if a child was charged with a second or subsequent motor vehicle or property theft offense; and (3) in certain circumstances, increasing the maximum period, from six to eight hours, that a child may be held in a community correctional center or lockup without a judge’s detention order</li> <li>• Among other things, requires the following: (1) the chief state’s attorney to develop and implement a training program on the juvenile detention application process for prosecutors and most peace officers; (2) the official court detention form to instruct judges who decline to order detention to articulate their reasons why; and (3) the police and prosecutors, not just the judicial branch, to compile and categorize data on detention order requests</li> </ul>
<p><a href="#">PA 22-115</a>, § 2  (October 1, 2022)</p>	<p><b>Serious Homicide, Firearm, or Sexual Offender Juvenile Prosecutions</b></p> <ul style="list-style-type: none"> <li>• <b>BACKGROUND:</b> The law allows a prosecutor to ask the court to designate a proceeding as a “serious sexual offender prosecution” when a juvenile is referred for a sexually related crime and the case is not transferred to adult court. The sentencing for juveniles convicted under this designation must include certain components beyond standard sentencing, including at least five years of “special juvenile probation”</li> <li>• <a href="#">PA 22-115</a>, § 2, expands this law to include certain homicide or firearm related crimes and renames the designation as a “serious homicide, firearm, or sexual offender prosecution”</li> <li>• Makes various other changes affecting these cases, such as allowing the juvenile portion of the sentence to be extended for up to 60 months</li> </ul>
<p><a href="#">PA 22-115</a>, §§ 5, 19 &amp; 20  (June 1, 2023, except the CSSD reporting provision took effect upon passage)</p>	<p><b>Access to Juvenile Delinquency Records</b></p> <ul style="list-style-type: none"> <li>• Starting in June 2023, this act gives municipal employees and agents access to juvenile delinquency records if they are involved in the proceeding or delivery of related services</li> <li>• Police officers already have access to juvenile delinquency records for criminal investigations; the act specifically requires that they have electronic access to these records</li> <li>• Requires the judicial branch’s CSSD to report by March 1, 2023, on progress made toward implementing these provisions</li> </ul>

Table 1 (continued)

Public Act (Effective Date)	Provisions
<a href="#">PA 22-115</a> , §§ 11 & 12 (Upon passage)	<b>Juvenile Justice-Related Reports</b> <ul style="list-style-type: none"> <li>• Requires DCF and CSSD to report on the transfer of juvenile delinquency services from DCF to the judicial branch that was required under <a href="#">PA 18-31</a></li> <li>• Requires CSSD to review and report on certain juvenile justice issues, such as the effectiveness of pretrial diversionary programs</li> <li>• Requires that each report be submitted to the Judiciary Committee by December 31, 2022</li> </ul>

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