



General Assembly

**Amendment**

January Session, 2023

LCO No. 8387



Offered by:

REP. CANDELORA V., 86<sup>th</sup> Dist.

REP. ACKERT, 8<sup>th</sup> Dist.

REP. O'DEA, 125<sup>th</sup> Dist.

REP. PERILLO J., 113<sup>th</sup> Dist.

REP. RUTIGLIANO, 123<sup>rd</sup> Dist.

REP. ZUPKUS, 89<sup>th</sup> Dist.

To: Subst. House Bill No. 6888

File No. 758

Cal. No. 407

**"AN ACT CONCERNING JUVENILE JUSTICE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 46b-128 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective October*  
5 *1, 2023*):

6 (b) Upon the filing of a delinquency petition, the court may, either  
7 forthwith or after investigation, cause a summons, which summons  
8 shall have a copy of said verified petition attached thereto, signed by the  
9 judge or by the clerk or assistant clerk of such court, to be issued,  
10 requiring the child and the parent or parents, guardian or other person  
11 having control of the child to appear in court at the time and place  
12 therein specified. In the case of a child accused of having committed a  
13 violent offense, a violation of section 53a-119c, a sexual offense or an  
14 offense involving the use of a firearm, such case shall be adjudicated in

15 the court in the geographical area, as defined in section 54-1d, in which  
16 the crime was alleged to have been committed. Whenever it appears to  
17 the judge that orders addressed to an adult, as set forth in section 46b-  
18 121, are necessary for the welfare of such child, a similar summons shall  
19 be issued and served upon such adult if such adult is not already in  
20 court. Service of summons, together with a copy of the verified petition,  
21 may be made by any one of the following methods: (1) By the delivery  
22 of a true and attested copy thereof to the person summoned, or at such  
23 person's usual place of abode; (2) by restricted delivery addressed to the  
24 person summoned, return receipt requested; or (3) by first class mail  
25 addressed to the person summoned. Any notice sent by first class mail  
26 shall include a provision informing the party that appearance in court  
27 as a result of the notice may subject the appearing party to the  
28 jurisdiction of the court. If service is made by first class mail and the  
29 party does not appear, no order may be entered by the court in the case.  
30 If, after reasonable effort, personal service has not been made, such  
31 substitute service, by publication or otherwise, as the judge may order,  
32 shall be sufficient. Service may be made by any officer authorized by  
33 law to serve process, or by a probation officer, probation aide or  
34 indifferent person, and the court may allow suitable expenses and a  
35 reasonable fee therefor. The court may punish for contempt, as provided  
36 in section 46b-121, any parent, guardian or other person so summoned  
37 who fails to appear in court at the time and place so specified.

38 Sec. 2. Subsections (a) and (b) of section 46b-133 of the general statutes  
39 are repealed and the following is substituted in lieu thereof (*Effective*  
40 *October 1, 2023*):

41 (a) Nothing in this part shall be construed as preventing the arrest of  
42 a child, with or without a warrant, as may be provided by law, or as  
43 preventing the issuance of warrants by judges in the manner provided  
44 by section 54-2a, except that no child shall be taken into custody on such  
45 process except on apprehension in the act, or on speedy information, or  
46 in other cases when the use of such process appears imperative.  
47 Whenever a child is arrested and charged with a delinquent act, such  
48 child (1) shall be brought before a judge of the Superior Court not later

49 than the fifth business day after such arrest, unless required sooner  
50 pursuant to subsection (e) of this section, and (2) [may] (A) shall, if  
51 arrested for the commission of a felony or a class A misdemeanor, an  
52 offense for which another person suffers a serious physical injury or loss  
53 of life, sexual assault, a serious juvenile offense or an offense involving  
54 the use of a firearm, be required to submit to the taking of such child's  
55 fingerprints, and may be subject to the taking of such child's photograph  
56 and physical description, or (B) may, if arrested for the commission of  
57 any other delinquent act, be required to submit to the taking of [his] such  
58 child's photograph, physical description and fingerprints.  
59 Notwithstanding the provisions of section 46b-124, the name,  
60 photograph and custody status of any child arrested for the commission  
61 of a capital felony under the provisions of section 53a-54b in effect prior  
62 to April 25, 2012, or class A felony may be disclosed to the public.

63 (b) Whenever a child is brought before a judge of the Superior Court,  
64 which court shall be the court that has jurisdiction over juvenile matters  
65 where the child resides if the residence of such child can be determined,  
66 such judge shall immediately have the case proceeded upon as a  
67 juvenile matter. Such judge may admit the child to bail or release the  
68 child in the custody of the child's parent or parents, unless the court  
69 finds that the parent or parents lack control over the child and such  
70 custody is not reasonably likely to be effective to prevent the child from  
71 reoffending, the child's guardian or some other suitable person to  
72 appear before the Superior Court when ordered. If there is probable  
73 cause to believe that the child has committed the acts alleged, the court  
74 may consider if the child should be assessed for services. Such  
75 assessment shall be held not later than two weeks after the child is  
76 arraigned and such child shall have the right to counsel at such  
77 assessment. If detention becomes necessary, such detention shall be in  
78 the manner prescribed by this chapter, provided the child shall be  
79 placed in the least restrictive environment possible in a manner  
80 consistent with public safety.

81 Sec. 3. Subsection (a) of section 46b-127 of the general statutes is  
82 repealed and the following is substituted in lieu thereof (*Effective October*

83 1, 2023):

84 (a) (1) The court shall automatically transfer from the docket for  
85 juvenile matters to the regular criminal docket of the Superior Court the  
86 case of any child charged with the commission of a capital felony under  
87 the provisions of section 53a-54b in effect prior to April 25, 2012, a  
88 serious juvenile offense, a class A felony, or a class B felony, except as  
89 provided in subdivision (3) of this subsection, or a violation of section  
90 53a-54d, provided such offense was committed after such child attained  
91 the age of fifteen years, and counsel has been appointed for such child  
92 if such child is indigent. Such counsel may appear with the child but  
93 shall not be permitted to make any argument or file any motion in  
94 opposition to the transfer. The child shall be arraigned in the regular  
95 criminal docket of the Superior Court at the next court date following  
96 such transfer, provided any proceedings held prior to the finalization of  
97 such transfer shall be private and shall be conducted in such parts of the  
98 courthouse or the building in which the court is located that are separate  
99 and apart from the other parts of the court which are then being used  
100 for proceedings pertaining to adults charged with crimes.

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

106 (3) No case of any child charged with the commission of a violation  
107 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection  
108 (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b, subdivision  
109 (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-  
110 196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred  
111 from the docket for juvenile matters to the regular criminal docket of the  
112 Superior Court, except as provided in this subdivision. Upon motion of  
113 a prosecutorial official, the superior court for juvenile matters shall  
114 conduct a hearing to determine whether the case of any child charged  
115 with the commission of any such offense shall be transferred from the

116 docket for juvenile matters to the regular criminal docket of the Superior  
117 Court. The court shall not order that the case be transferred under this  
118 subdivision unless the court finds that (A) such offense was committed  
119 after such child attained the age of fifteen years, (B) there is probable  
120 cause to believe the child has committed the act for which the child is  
121 charged, and (C) the best interests of the child and the public will not be  
122 served by maintaining the case in the superior court for juvenile matters.  
123 In making such findings, the court shall consider (i) any prior criminal  
124 or juvenile offenses committed by the child, (ii) the seriousness of such  
125 offenses, (iii) any evidence that the child has intellectual disability or  
126 mental illness, and (iv) the availability of services in the docket for  
127 juvenile matters that can serve the child's needs. Any motion under this  
128 subdivision shall be made, and any hearing under this subdivision shall  
129 be held, not later than thirty days after the child is arraigned in the  
130 superior court for juvenile matters.

131 Sec. 4. Section 46b-6 of the general statutes is repealed and the  
132 following is substituted in lieu thereof (*Effective October 1, 2023*):

133 In any pending family relations matter or juvenile matter under  
134 chapter 815t in which the juvenile is charged with an offense for which  
135 another person suffers a serious physical injury or loss of life, sexual  
136 assault, a serious juvenile offense or an offense involving the use of a  
137 firearm, the court or any judge may cause an investigation to be made  
138 with respect to any circumstance of the matter which may be helpful or  
139 material or relevant to a proper disposition of the case. Such  
140 investigation may include an examination of the parentage and  
141 surroundings of any child, his age, habits and history, inquiry into the  
142 home conditions, habits and character of his parents or guardians and  
143 evaluation of his mental or physical condition. In any action for  
144 dissolution of marriage, legal separation or annulment of marriage such  
145 investigation may include an examination into the age, habits and  
146 history of the parties, the causes of marital discord and the financial  
147 ability of the parties to furnish support to either spouse or any  
148 dependent child.

149 Sec. 5. Subsection (d) of section 46b-140 of the general statutes is  
150 repealed and the following is substituted in lieu thereof (*Effective October*  
151 *1, 2023*):

152 (d) If the child has engaged in conduct which results in property  
153 damage or personal injury, including, but not limited to, larceny of a  
154 motor vehicle pursuant to section 53a-119c, the court may order the  
155 child or the parent or parents or guardian of the child, if such parent or  
156 parents or guardian had knowledge of and condoned the conduct of the  
157 child, or both the child and the parent or parents or guardian, to make  
158 restitution to the victim of such offense, provided the liability of such  
159 parent or parents or guardian shall be limited to an amount not  
160 exceeding the amount such parent or parents or guardian would be  
161 liable for in an action under section 52-572. Restitution may consist of  
162 monetary reimbursement for the damage or injury, based on the child's  
163 or the parent's, parents' or guardian's ability to pay, as the case may be,  
164 in the form of a lump sum or installment payments, paid to the court  
165 clerk or such other official designated by the court for distribution to the  
166 victim.

167 Sec. 6. Subdivision (1) of section 54-201 of the general statutes is  
168 repealed and the following is substituted in lieu thereof (*Effective October*  
169 *1, 2023*):

170 (1) "Victim" means a person who is injured or killed as provided in  
171 section 54-209, or qualifies for compensation pursuant to section 9 of this  
172 act;

173 Sec. 7. (NEW) (*Effective October 1, 2023*) (a) Any victim of a property  
174 crime committed by a person under eighteen years of age, including, but  
175 not limited to, a violation of section 53a-119c of the general statutes, may  
176 apply in accordance with the procedures for application for victim  
177 compensation under chapter 968 of the general statutes for  
178 compensation that does not exceed the value of the damage done to the  
179 victim's property or the value of the property loss, less any amount paid  
180 to the victim for restitution.

181 (b) A victim may file an application with the Office of Victim Services  
 182 for compensation under this section within two years after the date the  
 183 victim suffered loss of or damage to the property subject to the  
 184 application.

185 (c) The Office of Victim Services or a victim compensation  
 186 commissioner may order the payment of compensation in accordance  
 187 with the procedures established under sections 54-201 to 54-218,  
 188 inclusive, of the general statutes, as amended by this act.

189 Sec. 8. (*Effective from passage*) The Judicial Department shall study the  
 190 implementation of victim impact panels in juvenile delinquency  
 191 proceedings. If the department determines such implementation to be  
 192 feasible, the department shall implement such panels for use in juvenile  
 193 delinquency proceedings."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2023</i>	46b-128(b)
Sec. 2	<i>October 1, 2023</i>	46b-133(a) and (b)
Sec. 3	<i>October 1, 2023</i>	46b-127(a)
Sec. 4	<i>October 1, 2023</i>	46b-6
Sec. 5	<i>October 1, 2023</i>	46b-140(d)
Sec. 6	<i>October 1, 2023</i>	54-201(1)
Sec. 7	<i>October 1, 2023</i>	New section
Sec. 8	<i>from passage</i>	New section