



General Assembly

Amendment

January Session, 2023

LCO No. 8758



Offered by:

REP. STAFSTROM, 129th Dist.

SEN. WINFIELD, 10th Dist.

REP. WALKER, 93rd 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. Section 46b-121s of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2023*):

5 (a) There shall be a community-based diversion system that is based
6 upon the plan developed pursuant to subsection (k) of section 46b-121n,
7 as amended by this act.

8 (b) In lieu of arresting a child for a first or second violation of section
9 53a-110a, 53a-125b, 53a-181a or 53a-182, a law enforcement agency shall
10 refer such child to a juvenile review board or community-based service
11 provider in accordance with such community-based diversion system.
12 The juvenile review board or community-based service provider shall
13 require the child to receive prevention, intervention and treatment

14 services provided by a youth service bureau or community-based
15 service provider. If such child does not successfully fulfill the
16 requirements imposed by the youth service bureau or community-
17 based service provider, the juvenile review board or community-based
18 service provider that initially referred the child for services may refer
19 the child to the referring law enforcement agency, which may refer the
20 child for delinquency proceedings.

21 Sec. 2. (*Effective from passage*) (a) An implementation team shall
22 develop a plan for mandatory prearrest diversion of low-risk children.
23 The implementation team shall include (1) the Commissioners of
24 Children and Families, Education and Correction, or their designees, (2)
25 the executive director of the Court Support Services Division of the
26 Judicial Branch, or the executive director's designee, and (3)
27 representatives of local and regional boards of education and a
28 representative of a juvenile review board, appointed by the
29 chairpersons of the Juvenile Justice and Policy Oversight Committee,
30 established pursuant to section 46b-121n of the general statutes, as
31 amended by this act. The implementation team shall consider
32 stakeholder input, including from children, families and law
33 enforcement officials in the development of such plan.

34 (b) Not later than July 1, 2024, the implementation team shall also
35 develop a plan for automatic prearrest diversion of children to the
36 community-based diversion system or other community-based service
37 providers in lieu of arrest for first or second offenses, such as breach of
38 peace in the second degree under section 53a-181 of the general statutes
39 and larceny in the fifth degree under section 53a-125a of the general
40 statutes. The implementation team shall consider and include data
41 when developing such plan concerning prearrest diversionary
42 measures implemented pursuant to section 46b-121s of the general
43 statutes, as amended by this act. Additionally, the plan shall consider:
44 (1) The capacity of youth service bureaus and other local agencies who
45 will provide services to children diverted under the plan; (2)
46 accountability mechanisms to measure success of services provided; (3)
47 processes for victim input and involvement; (4) data collection for the

48 purpose of tracking referrals of diverted children to youth service
49 bureaus; (5) communication and outreach strategies to stakeholders for
50 the purpose of accessing local services; (6) dates for full implementation
51 of the plan; and (7) any other considerations the implementation team
52 finds necessary for a successful implementation of the plan.

53 (c) Not later than July 1, 2024, the implementation team shall submit
54 the plan for automatic prearrest diversion of children and report on its
55 findings and recommendations pursuant to subsection (b) of this
56 section, to the Juvenile Justice Policy and Oversight Committee. The
57 implementation team shall terminate on the date that it submits such
58 report or January 1, 2025, whichever is later.

59 Sec. 3. Section 46b-121n of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective from passage*):

61 (a) There is established a Juvenile Justice Policy and Oversight
62 Committee. The committee shall evaluate policies related to the juvenile
63 justice system and the expansion of juvenile jurisdiction to include
64 persons sixteen and seventeen years of age.

65 (b) The committee shall consist of the following members:

66 (1) Two members of the General Assembly, one of whom shall be
67 appointed by the speaker of the House of Representatives, and one of
68 whom shall be appointed by the president pro tempore of the Senate;

69 (2) The chairpersons and ranking members of the joint standing
70 committees of the General Assembly having cognizance of matters
71 relating to the judiciary, children, human services and appropriations,
72 or their designees;

73 (3) The Chief Court Administrator, or the Chief Court
74 Administrator's designee;

75 (4) A judge of the superior court for juvenile matters, appointed by
76 the Chief Justice;

77 (5) The executive director of the Court Support Services Division of
78 the Judicial Department, or the executive director's designee;

79 (6) The executive director of the Superior Court Operations Division,
80 or the executive director's designee;

81 (7) The Chief Public Defender, or the Chief Public Defender's
82 designee;

83 (8) The Chief State's Attorney, or the Chief State's Attorney's
84 designee;

85 (9) The Commissioner of Children and Families, or the
86 commissioner's designee;

87 (10) The Commissioner of Correction, or the commissioner's
88 designee;

89 (11) The Commissioner of Education, or the commissioner's designee;

90 (12) The Commissioner of Mental Health and Addiction Services, or
91 the commissioner's designee;

92 (13) The Labor Commissioner, or the commissioner's designee;

93 (14) The Commissioner of Social Services, or the commissioner's
94 designee;

95 (15) The Commissioner of Public Health, or the commissioner's
96 designee;

97 (16) The president of the Connecticut Police Chiefs Association, or the
98 president's designee;

99 (17) The chief of police of a municipality with a population in excess
100 of one hundred thousand, appointed by the president of the Connecticut
101 Police Chiefs Association;

102 (18) Two child or youth advocates, one of whom shall be appointed

103 by one chairperson of the Juvenile Justice Policy and Oversight
104 Committee, and one of whom shall be appointed by the other
105 chairperson of the Juvenile Justice Policy and Oversight Committee;

106 (19) Two parents or parent advocates, at least one of whom is the
107 parent of a child who has been involved with the juvenile justice system,
108 one of whom shall be appointed by the minority leader of the House of
109 Representatives, and one of whom shall be appointed by the minority
110 leader of the Senate;

111 (20) The Victim Advocate, or the Victim Advocate's designee;

112 (21) The Child Advocate, or the Child Advocate's designee; [and]

113 (22) The Secretary of the Office of Policy and Management, or the
114 secretary's designee;

115 (23) Two children, youths or young adults under twenty-six years of
116 age with lived experience in the juvenile justice system, nominated by
117 the community expertise subcommittee, one of whom shall be
118 appointed by each chairperson of this committee;

119 (24) One community member who may be a family member of a child
120 who has been involved with the juvenile justice system or a credible
121 messenger with lived experience in the juvenile justice system and who
122 works with youth in the juvenile justice system, nominated by the
123 community expertise subcommittee and appointed by the chairpersons
124 of this committee;

125 (25) One member of the Mashantucket Pequot Tribe, appointed by
126 the tribe; and

127 (26) One member of the Mohegan Tribe of Indians of Connecticut,
128 appointed by the tribe.

129 (c) Any vacancy shall be filled by the appointing authority.

130 (d) The Secretary of the Office of Policy and Management, or the

131 secretary's designee, and a member of the General Assembly selected
132 jointly by the speaker of the House of Representatives and the president
133 pro tempore of the Senate from among the members serving pursuant
134 to subdivision (1) or (2) of subsection (b) of this section shall be
135 cochairpersons of the committee. Such cochairpersons shall schedule
136 the first meeting of the committee, which shall be held not later than
137 sixty days after June 13, 2014.

138 (e) Members of the committee shall serve without compensation,
139 except for necessary expenses incurred in the performance of their
140 duties.

141 (f) Not later than January 1, 2015, the committee shall report, in
142 accordance with section 11-4a, to the joint standing committees of the
143 General Assembly having cognizance of matters relating to
144 appropriations, the judiciary, human services and children, and the
145 Secretary of the Office of Policy and Management, regarding the
146 following:

147 (1) Any statutory changes concerning the juvenile justice system that
148 the committee recommends to (A) improve public safety; (B) promote
149 the best interests of children and youths who are under the supervision,
150 care or custody of the Commissioner of Children and Families or the
151 Court Support Services Division of the Judicial Department; (C)
152 improve transparency and accountability with respect to state-funded
153 services for children and youths in the juvenile justice system with an
154 emphasis on goals identified by the committee for community-based
155 programs and facility-based interventions; and (D) promote the efficient
156 sharing of information between the Department of Children and
157 Families and the Judicial Department to ensure the regular collection
158 and reporting of recidivism data and promote public welfare and public
159 safety outcomes related to the juvenile justice system;

160 (2) A definition of "recidivism" that the committee recommends to be
161 used by state agencies with responsibilities with respect to the juvenile
162 justice system, and recommendations to reduce recidivism for children

163 and youths in the juvenile justice system;

164 (3) Short-term goals to be met within six months, medium-term goals
165 to be met within twelve months and long-term goals to be met within
166 eighteen months, for the Juvenile Justice Policy and Oversight
167 Committee and state agencies with responsibilities with respect to the
168 juvenile justice system to meet, after considering existing relevant
169 reports related to the juvenile justice system and any related state
170 strategic plan;

171 (4) The impact of legislation that expanded the jurisdiction of the
172 juvenile court to include persons sixteen and seventeen years of age, as
173 measured by the following:

174 (A) Any change in the average age of children and youths involved
175 in the juvenile justice system;

176 (B) The types of services used by designated age groups and the
177 outcomes of those services;

178 (C) The types of delinquent acts or criminal offenses that children and
179 youths have been charged with since the enactment and
180 implementation of such legislation; and

181 (D) The gaps in services identified by the committee with respect to
182 children and youths involved in the juvenile justice system, including,
183 but not limited to, children and youths who have attained the age of
184 eighteen after being involved in the juvenile justice system, and
185 recommendations to address such gaps in services; and

186 (5) Strengths and barriers identified by the committee that support or
187 impede the educational needs of children and youths in the juvenile
188 justice system, with specific recommendations for reforms.

189 (g) Not later than July 1, 2015, the committee shall report, in
190 accordance with section 11-4a, to the joint standing committees of the
191 General Assembly having cognizance of matters relating to
192 appropriations, the judiciary, human services and children, and the

193 Secretary of the Office of Policy and Management, regarding the
194 following:

195 (1) The quality and accessibility of diversionary programs available
196 to children and youths in this state, including juvenile review boards
197 and services for a child or youth who is a member of a family with
198 service needs;

199 (2) An assessment of the system of community-based services for
200 children and youths who are under the supervision, care or custody of
201 the Commissioner of Children and Families or the Court Support
202 Services Division of the Judicial Department;

203 (3) An assessment of the congregate care settings that are operated
204 privately or by the state and have housed children and youths involved
205 in the juvenile justice system in the past twelve months;

206 (4) An examination of how the state Department of Education and
207 local boards of education, the Department of Children and Families, the
208 Department of Mental Health and Addiction Services, the Court
209 Support Services Division of the Judicial Department, and other
210 appropriate agencies can work collaboratively through school-based
211 efforts and other processes to reduce the number of children and youths
212 who enter the juvenile justice system;

213 (5) An examination of practices and procedures that result in
214 disproportionate minority contact, as defined in section 4-68y, within
215 the juvenile justice system;

216 (6) A plan to provide that all facilities and programs that are part of
217 the juvenile justice system and are operated privately or by the state
218 provide results-based accountability;

219 (7) An assessment of the number of children and youths who, after
220 being under the supervision of the Department of Children and
221 Families, are convicted as delinquent; and

222 (8) An assessment of the overlap between the juvenile justice system

223 and the mental health care system for children.

224 (h) The committee shall complete its duties under this section after
225 consultation with one or more organizations that focus on relevant
226 issues regarding children and youths, such as the University of New
227 Haven and any of the university's institutes. The committee may accept
228 administrative support and technical and research assistance from any
229 such organization. The committee shall work in collaboration with any
230 results first initiative implemented pursuant to section 2-111 or any
231 public or special act.

232 (i) The committee shall establish a time frame for review and
233 reporting regarding the responsibilities outlined in subdivision (5) of
234 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
235 subsection (g) of this section. Each report submitted by the committee
236 shall include specific recommendations to improve outcomes and a
237 timeline by which specific tasks or outcomes must be achieved.

238 (j) The committee shall implement a strategic plan that integrates the
239 short-term, medium-term and long-term goals identified pursuant to
240 subdivision (3) of subsection (f) of this section. As part of the
241 implementation of such plan, the committee shall collaborate with any
242 state agency with responsibilities with respect to the juvenile justice
243 system, including, but not limited to, the Departments of Education,
244 Mental Health and Addiction Services, Correction and Children and
245 Families and the Labor Department and Judicial Department, and
246 municipal police departments. Not later than January 1, 2016, the
247 committee shall report such plan, in accordance with section 11-4a, to
248 the joint standing committees of the General Assembly having
249 cognizance of matters relating to appropriations, the judiciary, human
250 services and children, and the Secretary of the Office of Policy and
251 Management, regarding progress toward the full implementation of
252 such plan and any recommendations concerning the implementation of
253 such identified goals by any state agency with responsibilities with
254 respect to the juvenile justice system or municipal police departments.

255 (k) Not later than January 1, 2017, the committee shall submit a
256 report, in accordance with section 11-4a, to the joint standing
257 committees of the General Assembly having cognizance of matters
258 relating to appropriations, the judiciary, human services and children
259 and the Secretary of the Office of Policy and Management, regarding a
260 plan that includes cost options for the development of a community-
261 based diversion system. Such plan shall include recommendations to
262 address issues concerning mental health and juvenile justice. The plan
263 shall include recommendations regarding the following:

264 (1) Diversion of children who commit crimes, excluding serious
265 juvenile offenses, from the juvenile justice system;

266 (2) Identification of services that are evidence-based, trauma-
267 informed and culturally and linguistically appropriate;

268 (3) Expansion of the capacity of juvenile review boards to accept
269 referrals from municipal police departments and schools and
270 implement restorative practices;

271 (4) Expansion of the provision of prevention, intervention and
272 treatment services by youth service bureaus;

273 (5) Expansion of access to in-home and community-based services;

274 (6) Identification and expansion of services needed to support
275 children who are truant or exhibiting behaviors defiant of school rules
276 and enhance collaboration between school districts and community
277 providers in order to best serve such children;

278 (7) Expansion of the use of memoranda of understanding pursuant to
279 section 10-233m between local law enforcement agencies and local and
280 regional boards of education;

281 (8) Expansion of the use of memoranda of understanding between
282 local and regional boards of education and community providers for
283 provision of community-based services;

284 (9) Recommendations to ensure that children in the juvenile justice
285 system have access to a full range of community-based behavioral
286 health services;

287 (10) Reinvestment of cost savings associated with reduced
288 incarceration rates for children and increased accessibility to
289 community-based behavioral health services;

290 (11) Reimbursement policies that incentivize providers to deliver
291 evidence-based practices to children in the juvenile justice system;

292 (12) Recommendations to promote the use of common behavioral
293 health screening tools in schools and communities;

294 (13) Recommendations to ensure that secure facilities operated by the
295 Department of Children and Families or the Court Support Services
296 Division of the Judicial Department and private service providers
297 contracting with said department or division to screen children in such
298 facilities for behavioral health issues; and

299 (14) Expansion of service capacities informed by an examination of
300 grant funds and federal Medicaid reimbursement rates.

301 (l) The committee shall establish a data working group to develop a
302 plan for a data integration process to link data related to children across
303 executive branch agencies, through the Office of Policy and
304 Management's integrated data system, and the Judicial Department
305 through the Court Support Services Division, for purposes of evaluation
306 and assessment of programs, services and outcomes in the juvenile
307 justice system. Membership of the working group shall include, but not
308 be limited to, the Commissioners of Children and Families, Correction,
309 Education and Mental Health and Addiction Services, or their
310 designees; the Chief State's Attorney, or the Chief State's Attorney's
311 designee; the Chief Public Defender, or the Chief Public Defender's
312 designee; the Secretary of the Office of Policy and Management, or the
313 secretary's designee; and the Chief Court Administrator of the Judicial
314 Branch, or the Chief Court Administrator's designee. Such working

315 group shall include persons with expertise in data development and
316 research design. The plan shall include cost options and provisions to:

317 (1) Access relevant data on juvenile justice populations;

318 (2) Coordinate the handling of data and research requests;

319 (3) Link the data maintained by executive branch agencies and the
320 Judicial Department for the purposes of facilitating the sharing and
321 analysis of data;

322 (4) Establish provisions for protecting confidential information and
323 enforcing state and federal confidentiality protections and ensure
324 compliance with related state and federal laws and regulations;

325 (5) Develop specific recommendations for the committee on the use
326 of limited releases of client specific data sharing across systems,
327 including with the Office of Policy and Management, the Division of
328 Criminal Justice, the Departments of Children and Families, Education
329 and Mental Health and Addiction Services, the Judicial Department and
330 other agencies; and

331 (6) Develop a standard template for memoranda of understanding for
332 data-sharing between executive branch agencies, the Judicial
333 Department, and when necessary, researchers outside of state
334 government.

335 (m) (1) The committee shall periodically request, receive and review
336 information regarding conditions of confinement, including services
337 available, for persons under eighteen years of age detained at the John
338 R. Manson Youth Institution, Cheshire.

339 (2) Not later than October 1, 2018, the committee shall submit a
340 report, in accordance with section 11-4a, to the joint standing
341 committees of the General Assembly having cognizance of matters
342 relating to appropriations, the judiciary, human services and children
343 and the Secretary of the Office of Policy and Management on current
344 conditions of confinement, including services available, for persons

345 under eighteen years of age who are detained or incarcerated in
346 correctional facilities, juvenile secure facilities and other out-of-home
347 placements in the juvenile and criminal justice systems. The report shall
348 include, but need not be limited to, a description of any gaps in services
349 and the continued availability and utilization of mental health,
350 education, rehabilitative and family engagement services.

351 (n) Not later than January 1, 2020, the committee shall submit a
352 report, in accordance with section 11-4a, to the joint standing
353 committees of the General Assembly having cognizance of matters
354 relating to appropriations, the judiciary, human services and children
355 and the Secretary of the Office of Policy and Management regarding a
356 juvenile justice reinvestment plan. The report shall include a study and
357 make recommendations for the reinvestment of savings realized from
358 the decreased use of incarceration and congregate care towards strategic
359 investments in home-based, school-based and community-based
360 behavioral health services and supports for children diverted from, or
361 involved with, the juvenile justice system.

362 (o) Not later than January 1, 2019, and annually thereafter, the
363 Department of Correction and the Court Support Services Division of
364 the Judicial Branch shall report to the committee on compliance with the
365 provisions of section 46b-126a. Such reports shall present indicia of
366 compliance in both state facilities and those facilities managed by a
367 private provider under contract with the state, and shall include data on
368 all persons under eighteen years of age who have been removed or
369 excluded from educational settings as a result of alleged behavior
370 occurring in those educational settings.

371 (p) Not later than January 1, 2019, and annually thereafter, all state
372 agencies that detain or otherwise hold in custody a person under
373 eighteen years of age involved with the juvenile justice or criminal
374 justice system, or that contract for the housing of any person involved
375 with the juvenile justice or criminal justice system under eighteen years
376 of age, shall report to the committee on compliance with the provisions
377 of section 46b-121p. Such reports shall include indicia of compliance in

378 both direct-run and contract facilities, and shall include data on all
379 rearrests and uses of confinements and restraints for youth in justice
380 system custody, as defined in section 10-253.

381 (q) [Not later than July 1, 2018, the] The committee shall convene [a]
382 an education subcommittee to fulfill tasks, as directed by the committee,
383 consult in the development of a plan pursuant to section 5 of this act,
384 and develop a detailed plan concerning the overall coordination,
385 oversight, supervision, and direction of all vocational and academic
386 education services and programs for children in justice system custody,
387 and the provision of education-related transitional support services for
388 children returning to the community from justice system custody. The
389 subcommittee shall consist of:

390 (1) One person designated by the Commissioner of Education;

391 (2) One person designated by the executive director of the Court
392 Support Services Division of the Judicial Branch;

393 (3) One person designated by the Bridgeport School District;

394 (4) One person designated by the Hartford School District;

395 (5) One person designated by the Commissioner of Correction;

396 (6) One person who is an expert in state budgeting and who can assist
397 the subcommittee in obtaining data on relevant expenditures and
398 available resources, designated by the Secretary of the Office of Policy
399 and Management;

400 (7) Three persons, who are experts with significant career experience
401 in providing and coordinating education in justice-system settings and
402 who are not employees of the state of Connecticut, designated by the
403 chairpersons of the Juvenile Justice Oversight and Planning Committee;
404 and

405 (8) Two persons representing the interests of students and families,
406 one designated by the executive director of an organization in this state

407 with the mission of stopping the criminalization of this state's children
408 and one designated by the executive director of an organization in this
409 state that advocates for legal rights for the most vulnerable children in
410 this state.

411 (A) The plan developed pursuant to this subsection shall include, but
412 need not be limited to:

413 (i) Identification of a single state agency and designation of a program
414 manager within that agency who will be responsible for planning,
415 coordination, oversight, supervision, quality control, legal compliance
416 and allocation of relevant federal and state funds for children in justice
417 system custody;

418 (ii) A detailed description of how educational services will be
419 provided to children in justice system custody and how education-
420 related supports will be provided to children during transition out of
421 justice system custody, either directly by the single state agency
422 identified by the plan pursuant to clause (i) of this subparagraph or
423 through a state-wide contract with a single nonprofit provider;

424 (iii) An analysis of resources expended for educating children in
425 justice system custody and for supporting educational success during
426 transitions out of justice system custody, and recommendations for
427 consolidating and reallocating resources towards the oversight,
428 accountability, services and supports provided for in the plan pursuant
429 to this subsection;

430 (iv) Provisions for ensuring that a range of pathways to educational
431 and economic opportunity are available for children in justice system
432 custody, including at a minimum a traditional high school diploma
433 program, an accelerated credit recovery program, vocational training
434 programs and access to post-secondary educational options;

435 (v) Specifications for a state-wide accountability and quality control
436 system for schools that serve children in justice system custody. The
437 accountability and quality control system shall include, but need not be

438 limited to:

439 (I) A specialized school profile and performance report, to be
440 produced annually for each school that serves children in justice system
441 custody. The profiles and performance reports shall be consistent with
442 other accountability systems required by law and shall include criteria
443 and metrics tailored to measuring the quality of schools that serve
444 children in justice system custody. Such metrics shall include, but need
445 not be limited to: Student growth in reading and math; credit
446 accumulation; modified graduation rates and high school equivalent
447 passage rates; school attendance, defined as the percentage of children
448 who are actually physically present in classrooms for school and
449 educational programs; the percentage of students pursuing a high
450 school diploma, an industry-based certification, a recognized high
451 school diploma equivalent, credits for advanced courses and post-
452 secondary education programs; performance in educating children with
453 exceptionalities, including identification of special education needs, the
454 development of best-practices for individualized education programs
455 and the provision of services and supports mandated by individualized
456 education programs; student reenrollment in school or other
457 educational or vocational training programs after leaving justice system
458 custody; student success in post-release high school, post-secondary
459 education, or job-training programs; and compliance with the protocols
460 for support of educational transitions delineated in clause (vi) of this
461 subparagraph;

462 (II) Identifying achievement benchmarks for each measurement of
463 school quality;

464 (III) Written standards for educational quality for schools that serve
465 children in custody;

466 (IV) A program for quality control and evaluation of schools serving
467 children in custody. The program shall include, but need not be limited
468 to, in-person observation and monitoring of each school serving
469 children in justice system custody. The monitoring shall occur at least

470 annually, and shall be conducted by experts in special education and
471 education in justice-system settings;

472 (V) Provisions for ensuring that each school serving children in
473 justice system custody seeks and obtains external accreditation by a
474 recognized accrediting agency; and

475 (VI) A set of supports, interventions and remedies that shall be
476 implemented when a school serving children in justice system custody
477 falls consistently or significantly short of quality benchmarks;

478 (vi) Provisions for ensuring that the state-wide education system for
479 children in justice system custody includes:

480 (I) The engagement of one or more curriculum development
481 specialists to support learning in schools serving children in justice
482 system custody and to develop a flexible, high-interest, modular
483 curriculum that is aligned with state standards and adapted to the
484 context of educating children in justice system custody;

485 (II) The engagement of one or more professional development and
486 teacher training specialists to support teachers in schools that serve
487 children in justice system custody; and

488 (III) The engagement of professional reentry coordinators to support
489 educational success in children returning to the community from justice
490 system custody;

491 (vii) A protocol for educational support of children transitioning into,
492 and out of, justice system custody. The protocol shall include, but need
493 not be limited to:

494 (I) Team-based reentry planning for every child in justice system
495 custody;

496 (II) Clear and ambitious timelines for transfer of educational records
497 at intake and release from justice system custody; and

- 498 (III) Timelines for reenrollment and credit transfer;
- 499 (viii) Recommendations for any legislation that may be necessary or
500 appropriate to implement the provisions of the plan developed
501 pursuant to this subsection; and
- 502 (ix) A timeline for implementation of the plan developed pursuant to
503 this subsection.
- 504 (B) The plan developed pursuant to this subsection shall be submitted
505 on or before January 1, 2020, to the joint standing committee of the
506 General Assembly having cognizance of matters relating to education,
507 in accordance with the provisions of section 11-4a.
- 508 (C) For purposes of this subsection: "Justice system custody" means
509 justice system custody, as defined in section 10-253; "school" means any
510 program or institution, or any project or unit thereof, that provides any
511 academic or vocational education programming for any children in
512 justice system custody; and "child" means child, as defined in section 10-
513 253.
- 514 (r) The committee shall review methods other states employ to (1)
515 transfer juvenile cases to the regular criminal docket, and (2) detain
516 persons fifteen, sixteen and seventeen years of age whose cases are
517 transferred to the regular criminal docket. Such review shall consider
518 (A) the transfer of juvenile cases to the regular criminal docket and
519 outcomes associated with such transfers, including the impact on public
520 safety and the effectiveness in changing the behavior of juveniles, and
521 (B) preadjudication and postadjudication detention and include an
522 examination of organizational and programmatic alternatives. The
523 committee shall, in accordance with the provisions of section 11-4a, not
524 later than January 1, 2020, report such review including a plan for
525 implementation not later than July 1, 2021, of any recommended
526 changes, including cost options where appropriate to the committee of
527 the General Assembly having cognizance of matters relating to the
528 judiciary.

529 (s) The committee shall appoint persons to an incarceration
530 subcommittee for purposes that include developing plans pursuant to
531 sections 4 and 5 of this act, and to fulfill other tasks, as directed by the
532 committee.

533 (t) The committee shall appoint persons to a community expertise
534 subcommittee for purposes that include developing a plan pursuant to
535 section 5 of this act, and to fulfill other tasks, as directed by the
536 committee.

537 Sec. 4. (*Effective from passage*) (a) Not later than July 1, 2023, the
538 Department of Correction, in consultation with the incarceration
539 subcommittee, established pursuant to section 46b-121n of the general
540 statutes, as amended by this act, shall develop and submit the
541 commissary implementation plan described in subsection (b) of this
542 section, to the Juvenile Justice Policy and Oversight Committee,
543 established pursuant to said section.

544 (b) The plan developed in accordance with this section shall provide
545 for the following in relation to youths in Department of Correction
546 facilities: (1) An integrated positive behavior motivation system to
547 engage and reinforce positive youth behaviors and expectations that can
548 be used as payment for commissary goods in place of a monetary
549 system; (2) revised commissary policies and procedures to include the
550 development and implementation of positive behavior motivation
551 policies and procedures; (3) increased incentives to promote good health
552 and recognize a diverse range of ethnic groups, races, sexes and cultural
553 backgrounds; (4) (A) identification of youth within the institution that
554 do not have equitable access to commissary, including those who are
555 indigent, without family supports or with disabilities that contribute to
556 their lack of access to commissary, and (B) strategies to implement
557 equitable access to commissary; (5) provision of menstrual products in
558 a manner pursuant to sections 18-69e and 18-99b of the general statutes;
559 (6) transition of saved commissary allocations, including how associated
560 saved funds can be transitioned and accessed when a youth is
561 transferred to an adult facility; (7) ongoing training and assistance, such

562 as those provided through the Capitol Region Education Council's
563 Positive Behavioral Intervention and Supports; (8) continuous quality
564 improvement system for ongoing implementation of the plan pursuant
565 to this subsection; and (9) biannual surveys or focus groups to obtain
566 feedback from youth in Department of Correction facilities on ways to
567 improve its system and concerning the implementation of such plan.

568 (c) The Department of Correction shall immediately implement
569 procedures for more equitable commissary options for youth described
570 in subdivision (4) of subsection (b) of this section and shall fully
571 implement the plan not later than November 1, 2023.

572 Sec. 5. (*Effective from passage*) (a) Not later than November 1, 2023, the
573 executive director of the Court Support Services Division of the Judicial
574 Branch, or the executive director's designee, and the Commissioners of
575 Children and Families, Education and Correction, or their designees,
576 shall, in consultation with the incarceration, community expertise and
577 education subcommittees of the Juvenile Justice Policy and Oversight
578 Committee, established pursuant to section 46b-121n of the general
579 statutes, as amended by this act, develop a reentry success plan for
580 youth released from the Department of Correction and facilities and
581 programs under the jurisdiction of the Judicial Department.

582 (b) (1) Such plan shall be for the purpose of successfully reintegrating
583 youth into their communities. In the development of such plan, the
584 executive director of the Court Support Services Division of the Judicial
585 Branch, or the executive director's designee, and the Commissioners of
586 Children and Families, Education and Correction, or their designees, in
587 consultation with the incarceration, community expertise and education
588 subcommittees of the Juvenile Justice Policy and Oversight Committee,
589 shall consider all aspects deemed necessary for successful
590 implementation of such plan, including, but not limited to: (A) Reentry
591 models and best practices around the country, including reentry hubs,
592 community-based enhanced reentry wraparound services and
593 transitional housing; and (B) expansion of community reentry
594 roundtables and welcome centers that focus on youth.

595 (2) Such plan shall incorporate restorative and transformative justice
596 principles, including, but not limited to, the (A) provision of
597 individualized academic support and the role of school districts in
598 ensuring the provision of academic, vocational and transition support
599 services; (B) connection of youth to vocational and workforce
600 opportunities; (C) connection of youth to developmentally appropriate
601 housing; (D) delivery of trauma-informed mental health and substance
602 use treatments; (E) development of restorative justice reentry circles; (F)
603 use of credible messengers as mentors or transition support providers;
604 and (G) role of reentry coordinators.

605 (3) Such plan shall include (A) a proposed quality assurance
606 framework, including the collection of appropriate data, promulgation
607 of a public dashboard and monitoring framework to ensure the
608 successful discharge and reentry of incarcerated youth, and (B)
609 information concerning federal and state funding sources in support of
610 the comprehensive reentry model and identification of priorities and
611 appropriate timelines for implementation.

612 (c) Not later than January 1, 2024, the executive director of the Court
613 Support Services Division of the Judicial Branch, or the executive
614 director's designee, and the Commissioners of Children and Families,
615 Education and Correction, or their designees, shall report the plan
616 developed pursuant to this section to the Juvenile Justice Policy and
617 Oversight Committee.

618 Sec. 6. Section 13 of public act 21-174 is repealed and the following is
619 substituted in lieu thereof (*Effective from passage*):

620 (a) The Judicial Branch shall develop an implementation plan to
621 securely house in the custody of the Judicial Branch any person under
622 eighteen years of age who is arrested and detained prior to sentencing
623 or disposition on or after January 1, 2023. The plan shall include cost
624 estimates and recommendations for legislation as may be necessary or
625 appropriate for implementation of such plan.

626 (b) Not later than January 1, 2022, the Judicial Branch shall submit the

627 implementation plan developed pursuant to subsection (a) of this
628 section, in accordance with the provisions of section 11-4a of the general
629 statutes, to the joint standing committee of the General Assembly
630 having cognizance of matters relating to the judiciary and to the Juvenile
631 Justice Planning and Oversight Committee established pursuant to
632 section 46b-121n of the general statutes, as amended by this act.

633 (c) Not later than July 1, 2023, the Judicial Branch shall begin a review
634 and update of the implementation plan developed pursuant to
635 subsection (a) of this section and include provisions for the full and final
636 transition of all children from the care and custody of the Department
637 of Correction and into the care and custody of the Judicial Branch. Such
638 updated plan shall include a phased-in timetable for full
639 implementation and estimated costs for each phase of such
640 implementation.

641 (d) Not later than December 15, 2023, the Judicial Branch shall submit
642 the implementation plan updated pursuant to subsection (c) of this
643 section and any recommendations for legislation, funding or policy
644 changes, in accordance with the provisions of section 11-4a of the
645 general statutes, to the joint standing committee of the General
646 Assembly having cognizance of matters relating to the judiciary and to
647 the Juvenile Justice Planning and Oversight Committee established
648 pursuant to section 46b-121n of the general statutes, as amended by this
649 act.

650 Sec. 7. Section 54-1l of the general statutes is repealed and the
651 following is substituted in lieu thereof (*Effective from passage*):

652 (a) This section and section 54-1m, as amended by this act, shall be
653 known as the "Alvin W. Penn Racial Profiling Prohibition Act".

654 (b) For [the] purposes of this section, "racial profiling" means the
655 detention, interdiction or other disparate treatment of an individual
656 [solely] by a police officer on the basis, in whole or in part, of the
657 perceived racial or ethnic status of such individual, except when such
658 status is used in combination with other information when seeking to

659 apprehend a specific suspect whose racial or ethnic status is part of the
660 description of the suspect.

661 (c) No member of the Division of State Police within the Department
662 of Emergency Services and Public Protection, a municipal police
663 department or any other law enforcement agency shall engage in racial
664 profiling. [The detention of an individual based on any noncriminal
665 factor or combination of noncriminal factors is inconsistent with this
666 policy.]

667 [(d) The race or ethnicity of an individual shall not be the sole factor
668 in determining the existence of probable cause to place in custody or
669 arrest an individual or in constituting a reasonable and articulable
670 suspicion that an offense has been or is being committed so as to justify
671 the detention of an individual or the investigatory stop of a motor
672 vehicle.]

673 Sec. 8. Section 54-1m of the general statutes is repealed and the
674 following is substituted in lieu thereof (*Effective October 1, 2023*):

675 (a) Each municipal police department, the Department of Emergency
676 Services and Public Protection and any other department with authority
677 to conduct a traffic or pedestrian stop shall adopt a written policy that
678 prohibits the stopping, detention, interdiction or search of any person
679 when such action is [solely] motivated, in whole or in part, by
680 considerations of race, color, ethnicity, age, gender or sexual orientation,
681 [and such action would constitute a violation of the civil rights of the
682 person] except when such consideration of race, color, ethnicity, age,
683 gender or sexual orientation is used in combination with other
684 information when seeking to apprehend a specific suspect whose race,
685 color, ethnicity, age or gender is part of the description of the suspect.
686 For the purposes of this section: (1) ["Department with authority to
687 conduct a traffic stop"] "Department with authority to conduct a traffic
688 or pedestrian stop" means any department that includes, or has
689 oversight of, a police officer, (2) "pedestrian stop" means a detention of
690 a pedestrian by a police officer, not associated with a call for service,

691 when the detention results in a citation, an arrest, a frisking or search of
692 the pedestrian's body or property, but does not include a detention for
693 routine searches performed at a point of entry or exit from a controlled
694 area or an arrest or search pursuant to a warrant issued by a judge of the
695 Superior Court, and [(2)] (3) "police officer" means a police officer within
696 a municipal police department or the Department of Emergency
697 Services and Public Protection or a person with the same authority
698 pursuant to any provision of the general statutes to make arrests or issue
699 citations for violation of any statute or regulation relating to motor
700 vehicles and to enforce said statutes and regulations as policemen or
701 state policemen have in their respective jurisdictions, including, but not
702 limited to: (A) Special policemen or state policemen acting under the
703 provisions of section 29-18, 17a-24 or 17a-465; (B) policemen acting
704 under the provisions of section 29-19; (C) the Commissioner of Motor
705 Vehicles, each deputy commissioner of the Department of Motor
706 Vehicles and any salaried inspector of motor vehicles designated by the
707 commissioner pursuant to section 14-8; (D) State Capitol Police officers
708 acting under the provisions of section 2-1f; (E) special police forces
709 acting under the provisions of section 10a-156b; (F) state policemen
710 acting under the provisions of section 27-107; and (G) fire police officers
711 acting under the provisions of section 7-313a.

712 (b) Not later than [July 1, 2013] October 1, 2023, the Office of Policy
713 and Management, in consultation with the Racial Profiling Prohibition
714 Project Advisory Board established in section 54-1s, and the Criminal
715 Justice Information System Governing Board shall, within available
716 resources, develop and implement a standardized method:

717 (1) To be used by police officers of municipal police departments, the
718 Department of Emergency Services and Public Protection and any other
719 department with authority to conduct a traffic or pedestrian stop to
720 record traffic or pedestrian stop information unless the police officer is
721 required to leave the location of the stop prior to completing such form
722 in order to respond to an emergency or due to some other exigent
723 circumstance within the scope of such police officer's duties. The
724 standardized method and any form developed and implemented

725 pursuant to such standardized method shall allow the following
726 information to be recorded: (A) The date and time of the stop; (B) the
727 specific geographic location of the stop; (C) the unique identifying
728 number of the police officer making the stop, or the name and title of
729 the person making the stop if such person does not have a unique
730 identifying number; (D) the race, [color,] ethnicity, age and gender of
731 the operator of the motor vehicle [that] or pedestrian who is stopped,
732 provided the identification of such characteristics shall be based on the
733 observation and perception of the police officer responsible for
734 reporting the stop; (E) the nature of the alleged traffic violation or other
735 violation that caused the stop to be made and the statutory citation for
736 such violation; (F) the disposition of the stop including whether a
737 warning, citation or summons was issued, whether a search was
738 conducted, the authority for any search conducted, the result of any
739 search conducted, the statute or regulation citation for any warning,
740 citation or summons issued and whether a custodial arrest was made;
741 and (G) any other information deemed appropriate. The method shall
742 also provide for (i) notice to be given to the person stopped that if such
743 person believes that such person has been stopped, detained, interdicted
744 or subjected to a search [solely because of] on the basis, in whole or in
745 part, of such person's race, color, ethnicity, age, gender, sexual
746 orientation, religion or membership in any other protected class, such
747 person may file a complaint with the appropriate law enforcement
748 agency unless the police officer was required to leave the location of the
749 stop prior to providing such notice in order to respond to an emergency
750 or due to some other exigent circumstance within the scope of such
751 police officer's duties, and (ii) instructions to be given to the person
752 stopped on how to file such complaint unless the police officer was
753 required to leave the location of the stop prior to providing such
754 instructions in order to respond to an emergency or due to some other
755 exigent circumstance within the scope of such police officer's duties;

756 (2) To be used to report complaints pursuant to this section by any
757 person who believes such person has been subjected to a [motor vehicle]
758 traffic or pedestrian stop by a police officer [solely] on the basis, in whole

759 or in part, of race, color, ethnicity, age, gender, sexual orientation or
760 religion; and

761 (3) To be used by each municipal police department, the Department
762 of Emergency Services and Public Protection and any other department
763 with authority to conduct a traffic or pedestrian stop to report data to
764 the Office of Policy and Management pursuant to subsection (h) of this
765 section.

766 (c) Not later than ~~July 1, 2013~~ October 1, 2023, the Office of Policy
767 and Management, in consultation with the Racial Profiling Prohibition
768 Project Advisory Board, shall develop and implement guidelines to be
769 used by each municipal police department, the Department of
770 Emergency Services and Public Protection and any other department
771 with authority to conduct a traffic or pedestrian stop in (1) training
772 police officers of such agency in the completion of the form developed
773 and implemented pursuant to subdivision (1) of subsection (b) of this
774 section, and (2) evaluating the information collected by police officers of
775 such municipal police department, the Department of Emergency
776 Services and Public Protection or other department with authority to
777 conduct a traffic or pedestrian stop pursuant to subsection (e) of this
778 section for use in the counseling and training of such police officers.

779 [(d) (1) Prior to the date a standardized method and form have been
780 developed and implemented pursuant to subdivision (1) of subsection
781 (b) of this section, each municipal police department, the Department of
782 Emergency Services and Public Protection and any other department
783 with authority to conduct a traffic stop shall, using the form developed
784 and promulgated pursuant to the provisions of subsection (h) in effect
785 on January 1, 2012, record and retain the following information: (A) The
786 number of persons stopped for traffic violations; (B) characteristics of
787 race, color, ethnicity, gender and age of such persons, provided the
788 identification of such characteristics shall be based on the observation
789 and perception of the police officer responsible for reporting the stop
790 and the information shall not be required to be provided by the person
791 stopped; (C) the nature of the alleged traffic violation that resulted in

792 the stop; (D) whether a warning or citation was issued, an arrest made
793 or a search conducted as a result of the stop; and (E) any additional
794 information that such municipal police department, the Department of
795 Emergency Services and Public Protection or any other department with
796 authority to conduct a traffic stop, as the case may be, deems
797 appropriate, provided such information shall not include any other
798 identifying information about any person stopped for a traffic violation
799 such as the person's operator's license number, name or address.]

800 (d) (1) Prior to the date a standardized method and form have been
801 developed and implemented pursuant to subdivision (1) of subsection
802 (b) of this section, each municipal police department, the Department of
803 Emergency Services and Public Protection and any other department
804 with authority to conduct a traffic stop shall report data in accordance
805 with the standard method in effect on October 1, 2013.

806 (2) On and after the date a standardized method and form have been
807 developed and implemented pursuant to subdivision (1) of subsection
808 (b) of this section, each municipal police department, the Department of
809 Emergency Services and Public Protection and any other department
810 with authority to conduct a traffic or pedestrian stop shall record and
811 retain the information required to be recorded pursuant to such
812 standardized method and any additional information that such
813 municipal police department or the Department of Emergency Services
814 and Public Protection or other department with authority to conduct a
815 traffic or pedestrian stop, as the case may be, deems appropriate,
816 provided such information shall not include any other identifying
817 information about any person stopped for a traffic violation such as the
818 person's operator's license number, name or address.

819 (e) Each municipal police department, the Department of Emergency
820 Services and Public Protection and any other department with authority
821 to conduct a traffic or pedestrian stop shall provide to the Chief State's
822 Attorney and [the Office of Policy and Management] the Institute for
823 Municipal and Regional Policy at The University of Connecticut (1) a
824 copy of each complaint received pursuant to this section, and (2) written

825 notification of the review and disposition of such complaint. No copy of
826 such complaint shall include any other identifying information about
827 the complainant such as the complainant's operator's license number,
828 name or address.

829 (f) Any police officer who in good faith records traffic or pedestrian
830 stop information pursuant to the requirements of this section shall not
831 be held civilly liable for the act of recording such information unless the
832 officer's conduct was unreasonable or reckless.

833 (g) If a municipal police department, the Department of Emergency
834 Services and Public Protection or any other department with authority
835 to conduct a traffic or pedestrian stop fails to comply with the provisions
836 of this section, [the Office of Policy and Management shall recommend
837 and] the Secretary of the Office of Policy and Management may order
838 an appropriate penalty in the form of the withholding of state funds
839 from such municipal police department, the Department of Emergency
840 Services and Public Protection or such other department with authority
841 to conduct a traffic or pedestrian stop.

842 (h) [Not later than October 1, 2012, each municipal police department
843 and the Department of Emergency Services and Public Protection shall
844 provide to the Office of Policy and Management a summary report of
845 the information recorded pursuant to subsection (d) of this section. On
846 and after October 1, 2013, each] Each municipal police department, the
847 Department of Emergency Services and Public Protection and any other
848 department with authority to conduct a traffic or pedestrian stop shall
849 provide to the [Office of Policy and Management] Institute for
850 Municipal and Regional Policy at The University of Connecticut a
851 monthly report of the information recorded pursuant to subsection (d)
852 of this section for each traffic or pedestrian stop conducted, in a format
853 prescribed by the [Office of Policy and Management] Institute for
854 Municipal and Regional Policy at The University of Connecticut, in
855 consultation with the Racial Profiling Project Advisory Board. [On and
856 after January 1, 2015, such] Such information shall be submitted in
857 electronic form, and shall be submitted in electronic form prior to said

858 date to the extent practicable.

859 (i) The [Office of Policy and Management] Institute for Municipal and
 860 Regional Policy at The University of Connecticut shall, within available
 861 resources, review the prevalence and disposition of traffic and
 862 pedestrian stops and complaints reported pursuant to this section,
 863 including any traffic stops conducted on suspicion of a violation of
 864 section 14-227a, 14-227g, 14-227m or 14-227n. Not later than July 1,
 865 [2014] 2024, and annually thereafter, the [office] institute shall report the
 866 results of any such review, including any recommendations, to the
 867 Governor, the General Assembly and any other entity deemed
 868 appropriate. The [Office of Policy and Management] Institute for
 869 Municipal and Regional Policy at The University of Connecticut shall
 870 make such report publicly available on the [office's] institute's Internet
 871 web site."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	46b-121s
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	46b-121n
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	PA 21-174, Sec. 13
Sec. 7	<i>from passage</i>	54-1l
Sec. 8	<i>October 1, 2023</i>	54-1m