



**Substitute House Bill No. 7050**

**Public Act No. 15-183**

***AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsections (a) and (b) of section 46b-127 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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proceedings pertaining to adults charged with crimes.

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

(3) No case of any child charged with the commission of a violation of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of subsection (a) of section 53a-101, 53a-112, 53a-122 or 53a-129b, subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall be transferred from the docket for juvenile matters to the regular criminal docket of the Superior Court, except as provided in this subdivision. Upon motion of a prosecutorial official, the superior court for juvenile matters shall conduct a hearing to determine whether the case of any child charged with the commission of any such offense shall be transferred from the docket for juvenile matters to the regular criminal docket of the Superior Court. The court shall not order that the case be transferred under this subdivision unless the court finds that (A) such offense was committed after such child attained the age of fifteen years, (B) there is probable cause to believe the child has committed the act for which the child is charged, and (C) the best interests of the child and the public will not be served by maintaining the case in the superior court for juvenile matters. In making such findings, the court shall consider (i) any prior criminal or juvenile offenses committed by the child, (ii) the seriousness of such offenses, (iii) any evidence that the child has intellectual disability or mental illness, and (iv) the availability of services in the docket for juvenile matters that can serve the child's needs. Any motion under this subdivision shall be made, and any hearing under this subdivision shall be held, not later than thirty days after the child is arraigned in

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the superior court for juvenile matters.

(b) (1) Upon motion of a prosecutorial official, the superior court for juvenile matters shall conduct a hearing to determine whether the case of any child charged with the commission of a class C, D or E felony or an unclassified felony shall be transferred from the docket for juvenile matters to the regular criminal docket of the Superior Court. The court shall not order that the case be transferred under this subdivision unless the court finds that (A) such offense was committed after such child attained the age of [fourteen] fifteen years, (B) there is probable cause to believe the child has committed the act for which the child is charged, and (C) the best interests of the child and the public will not be served by maintaining the case in the superior court for juvenile matters. In making such findings, the court shall consider (i) any prior criminal or juvenile offenses committed by the child, (ii) the seriousness of such offenses, (iii) any evidence that the child has intellectual disability or mental illness, and (iv) the availability of services in the docket for juvenile matters that can serve the child's needs. Any motion under this subdivision shall be made, and any hearing under this subdivision shall be held, not later than thirty days after the child is arraigned in the superior court for juvenile matters.

(2) If a case is transferred to the regular criminal docket pursuant to subdivision (1) of this subsection or subdivision (3) of subsection (a) of this section, the court sitting for the regular criminal docket may return the case to the docket for juvenile matters at any time prior to a jury rendering a verdict or the entry of a guilty plea for good cause shown for proceedings in accordance with the provisions of this chapter.

Sec. 2. Section 46b-121n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) There is established a Juvenile Justice Policy and Oversight Committee. The committee shall evaluate policies related to the

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juvenile justice system and the expansion of juvenile jurisdiction to include persons sixteen and seventeen years of age.

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

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

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

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

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

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

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

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

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

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

(10) The Commissioner of Correction, or the commissioner's

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designee;

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

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

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

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

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

[(13)] (16) The president of the Connecticut Police Chiefs Association, or the president's designee;

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

[(14)] (18) Two child or youth advocates, one of whom shall be appointed by one chairperson of the Juvenile Justice Policy and Oversight Committee, and one of whom shall be appointed by the other chairperson of the Juvenile Justice Policy and Oversight Committee;

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

[(16)] (20) The Child Advocate, or the Child Advocate's designee;

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and

[(17)] (21) The Secretary of the Office of Policy and Management, or the secretary's designee.

(c) [All appointments to the committee shall be made not later than thirty days after June 13, 2014.] Any vacancy shall be filled by the appointing authority.

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

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

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

(1) Any statutory changes concerning the juvenile justice system that the committee recommends to (A) improve public safety, (B) promote the best interests of children and youths who are under the supervision, care or custody of the Commissioner of Children and Families or the Court Support Services Division of the Judicial Department; (C) improve transparency and accountability with respect

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to state-funded services for children and youths in the juvenile justice system with an emphasis on goals identified by the committee for community-based programs and facility-based interventions; and (D) promote the efficient sharing of information between the Department of Children and Families and the Judicial Department to ensure the regular collection and reporting of recidivism data and promote public welfare and public safety outcomes related to the juvenile justice system;

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

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

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

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

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

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

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

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

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

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

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

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

(4) An examination of how the state Department of Education and local boards of education, the Department of Children and Families, the Department of Mental Health and Addiction Services, the Court Support Services Division of the Judicial Department, and other



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appropriate agencies can work collaboratively through school-based efforts and other processes to reduce the number of children and youths who enter the juvenile justice system as a result of being a member of a family with service needs or convicted as delinquent;

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

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

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

(8) An assessment of the overlap between the juvenile justice system and the mental health care system for children.

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

(i) The committee shall establish a time frame for review and reporting regarding the responsibilities outlined in subdivision (5) of subsection (f) of this section, and subdivisions (1) to (7), inclusive, of subsection (g) of this section. Each report submitted by the committee shall include specific recommendations to improve outcomes and a

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timeline by which specific tasks or outcomes must be achieved.

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

(k) The committee shall assess the juvenile justice system and make recommendations, if any, to improve the system. Not later than July 1, 2016, July 1, 2017, and July 1, 2018, the committee shall report such assessment and recommendations, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding the following:

(1) Mental health and substance abuse treatment programs and services for children and youths involved with, or at risk of involvement with, the juvenile justice system;

(2) Educational outcomes for children and youths involved with, or

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at risk of involvement with, the juvenile justice system;

(3) Disproportionate minority contact, as defined in section 4-68y, with children and youths involved with the juvenile justice system;

(4) Training on the juvenile justice system for state agencies and municipal police departments;

(5) Diversion of at-risk children and youths from the juvenile justice system;

(6) Recidivism tracking and policies and procedures to reduce recidivism;

(7) Data sharing among public and private juvenile justice and other child services agencies, including the Department of Education, to evaluate the effectiveness and efficiency of the juvenile justice system;

(8) Vocational educational opportunities for children and youths in the juvenile justice system until the child or youth reaches the age of twenty-one years of age;

(9) Oversight and the reduction in the use of restraints for children and youths, and the reduction in the use of seclusion and room confinement in juvenile justice facilities;

(10) Use of evidence-based positive behavioral support strategies and other evidence-based or research-informed strategies for reducing the reliance on restraints and seclusion; and

(11) Programs and facilities using restraints or seclusion for children or youths and any data regarding such uses, including, but not limited to, the rate and duration of use for children and youths with disabilities.

[(j)] (l) Not later than July 1, 2015, and quarterly thereafter until

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January 1, 2017, and annually thereafter, the committee shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, the judiciary, human services and children, and the Secretary of the Office of Policy and Management, regarding progress made to achieve goals and measures identified by the committee pursuant to this section.

Sec. 3. (NEW) (*Effective October 1, 2015*) There shall be a presumption in juvenile proceedings that all mechanical restraints shall be removed from a preadjudicated detained juvenile prior to and throughout the detainee's appearance in court. In juvenile proceedings, in-court use of mechanical restraints on preadjudicated detainees shall be by order of the court and pursuant to Judicial Branch written policy. The Judicial Branch shall keep statistics on the use of mechanical restraints on juveniles during proceedings and, notwithstanding any provision of section 46b-124 of the general statutes, shall provide such statistics to any member of the public upon request, provided any identifying information concerning a juvenile is redacted.

Approved July 2, 2015