

Governor Malloy's Juvenile Justice Reform Proposals

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KAREN BUFFKIN – GENERAL COUNSEL, OFFICE OF THE GOVERNOR

MIKE LAWLOR – UNDERSECRETARY FOR CRIMINAL JUSTICE POLICY AND PLANNING, OPM



Governor Malloy's 2016 Second Chance Society Proposals

- Raise the Age
- Youthful Offender
- Bail Reform



Raise the Age

- Raises the age of the juvenile justice system's jurisdiction through age 18 on July 1, 2017, through age 19 on July 1, 2018, and through age 20 on July 1, 2019. (Sec. 46b-120-151)
- Mirrors the successful implementation process from the original raise the age effort and designates the Juvenile Justice Planning and Oversight Committee (JJPOC) as the stakeholder group responsible for gathering input, building consensus, incorporating feedback and overseeing implementation during this new raise the age effort. (Sec. 45b-121n)
- Incorporates feedback from prosecutors, judges, defense attorneys, law enforcement, legislators, victims and community advocates and tasks JJPOC with studying raise the age, making recommendations and overseeing its implementation.



Raise the Age

- Creates a new class within our juvenile justice system: young adults
- Recognizes that young adults will soon be transitioned into the juvenile justice system but, in some circumstances, will require procedural rules that will be different for juveniles under age 18
- Letter from the Governor to JJPOC tasks you with many things, including the following:
 - Begin planning for Raise the Age now
 - Consider the technical challenges of incorporating 18-20 year olds
 - Consider whether the current minimum age of entrance into the juvenile system should be raised
 - Consider procedural and resource issues related to raise the age
 - Identify any other issue, concern or recommendation made by members of this committee or other stakeholders as we prepare for July 2017



Youthful Offender

- Expands the definition of the existing status of “youthful offender” to include 18 through 20 year olds, effective October 1, 2016 (Sec. 54-76b)
- As under current law, youthful offender status does not apply to the most serious crimes including murder and sexual assault and the most serious motor vehicle crimes. Serious juvenile offenders and those with previous felony convictions are not eligible for youthful offender
- Prosecutors also have the opportunity to request a transfer from the youthful offender docket back to the adult docket and a judge will make the final decision
- This expansion of existing statute recognizes that while certain young people may belong in adult court, they should still be afforded protection from lifelong stigma and an incentive not to reoffend
- The Criminal Justice Policy Advisory Committee (CJPAC) will study the expansion of Youthful Offender status to 21 through 25 year-olds



Youthful Offender

- By expanding the existing definition of youthful offender to include 18 through 20 year olds, youthful offenders will:
 - Be considered youthful offender from the moment of arrest (to keep the accused's name out of the newspaper);
 - Remain a “youthful offender” unless and until the accused chooses not to avail themselves of this option or until a court makes a determination to deny use of youthful offender status on a case-by-case basis;
 - Have their court files sealed from the public and their proceedings in court will be closed to the public. Their records will be made available for law enforcement purposes;
 - Have court proceedings held in the adult courthouse but closed to the public;
 - Be subject to a limited period of incarceration of no more than four years;
 - Have conviction records automatically erased, provided that the offender completes his or her sentence and does not reoffend, four years after conviction as a youthful offender.



Youthful Offender

- The following crimes and conditions make the accused ineligible for youthful offender under current law:
 - Any class A felony
 - Negligent homicide with a motor vehicle
 - Evading responsibility in operation of motor vehicles
 - Risk of injury to a minor
 - Sexual Assault 1st Degree
 - Previous conviction of a felony
 - Previous designation as a serious juvenile offender
 - Motion by a prosecutor for transfer back to the adult docket and a judge granting



Bail Reform

- Eliminates money bail for anyone charged only with a misdemeanor (Sec. 54-64a); except:
 - Where the judge determines that the accused poses an immediate threat to the health or wellbeing of another person; or
 - When the accused has a history of failing to appear for court dates
- Provides every defendant the opportunity to make a cash deposit of 10% of the bail set by a judge in order to be released while awaiting trial.
 - This option currently exists in the rules of court, but isn't in statute and isn't often used.
 - If a bond with surety is set as a condition for release by the court, the accused would have the option of either making a 10% cash deposit to be held by the court OR of accessing the services of a bail bondsman.
 - A judge would have the opportunity to deny the accused the option of a 10% cash deposit should they feel the defendant poses a significant threat to another individual or to public safety.
- The accused's 10% cash deposit would be deposited into an interest bearing account. Upon disposition of their case and their successful appearance at each court date, the accused would have their deposit returned, and any interest that accrued on that deposit would be deposited into the Interest on Lawyer's Trust Account (IOLTA) to assist in the delivery of legal services to the poor. Should the accused fail to appear for any court date, their cash deposit would be forfeited, and the total amount of that deposit, in addition to any interest accrued, would be transferred to IOLTA.



Questions?

