



General Assembly

Governor's Bill No. 7045

January Session, 2017

LCO No. 3776

03776_____

Referred to Committee on JUDICIARY

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

AN ACT CONCERNING JUVENILE AND YOUNG ADULT JUSTICE.

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

Section 1. Section 46b-120 of the general statutes, as amended by section 7 of public act 16-147, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows:

(1) "Child" means any person under eighteen years of age who has not been legally emancipated, except that (A) for purposes of delinquency matters and proceedings, "child" means any person who (i) is at least seven years of age at the time of the alleged commission of a delinquent act and who is (I) under eighteen years of age and has not been legally emancipated, or (II) eighteen years of age or older and committed a delinquent act prior to attaining eighteen years of age, or (ii) is subsequent to attaining eighteen years of age, and (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with

respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child had notice, and (B) for purposes of family with service needs matters and proceedings, child means a person who is at least seven years of age and is under eighteen years of age;

(2) "Youth" means any person sixteen or seventeen years of age who has not been legally emancipated;

(3) "Young adult" means, for purposes of delinquency matters and proceedings, any person who (A) on or after July 1, 2018, (i) allegedly committed a delinquent act while eighteen years of age, or (ii) committed a delinquent act while eighteen years of age, and (I) subsequent to attaining nineteen years of age, violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which such person had notice, (B) on or after July 1, 2019, (i) allegedly committed a delinquent act while eighteen or nineteen years of age, or (ii) committed a delinquent act while eighteen or nineteen years of age, and (I) subsequent to attaining twenty years of age, violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which such person had notice, and (C) on or after July 1, 2020, (i) allegedly committed a delinquent act while eighteen, nineteen or twenty years of age, or (ii) committed a delinquent act while eighteen, nineteen or twenty years of age, and (I) subsequent to attaining twenty-one years of age, violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which such person had notice;

[(3)] (4) A child or young adult may be found "mentally deficient" who, by reason of a deficiency of intelligence that has existed from birth or from early age, requires, or will require, for such child's protection or for the protection of others, special care, supervision and control;

[(4)] (5) (A) A child may be convicted adjudicated as "delinquent" who has, while under sixteen years of age, (i) violated any federal or state law, except section 53a-172, 53a-173, 53a-222, as amended by this act, 53a-222a, as amended by this act, 53a-223 or 53a-223a, or violated a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, or (iv) violated conditions of probation in a delinquency proceeding as ordered by the court;

(B) A child youth or young adult may be convicted adjudicated as "delinquent" who has (i) [while sixteen or seventeen years of age,] violated any federal or state law, other than (I) an infraction, except an infraction under subsection (d) of section 21a-267, (II) a violation, except a violation under subsection (a) of section 21a-279a, (III) a motor vehicle offense or violation under title 14, (IV) a violation of a municipal or local ordinance, or (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-222, as amended by this act, 53a-222a, as amended by this act, 53a-223 or 53a-223a, (ii) [while sixteen years of age or older,] wilfully failed to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child youth or young adult had notice, (iii) [while sixteen years of age

or older,] violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, or (iv) [while sixteen years of age or older,] violated conditions of probation in a delinquency proceeding as ordered by the court;

[(5) (6) "Family with service needs" means a family that includes a child who is [~~at least~~] (A) seven years of age [~~and is~~] or older but under eighteen years of age who [~~(A)~~] (i) has without just cause run away from the parental home or other properly authorized and lawful place of abode, [~~(B)~~] (ii) is beyond the control of the child's [~~or youth's~~] parent, parents, guardian or other custodian, [~~(C)~~] (iii) has engaged in indecent or immoral conduct, or [~~(D)~~] (B) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child.

[(6) (7) A child or youth may be found "neglected" who, for reasons other than being impoverished, (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, or (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth;

[(7) (8) A child or youth may be found "abused" who (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

[(8) (9) A child or youth may be found "uncared for" (A) who is homeless, (B) whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires, or (C) who has been identified as a victim of trafficking, as defined in section 46a-170. For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment;

[(9) (10) "Delinquent act" means (A) the violation by a child under [~~the age of~~] sixteen years of age of any federal or state law, except the violation of section 53a-172, 53a-173, 53a-222, as amended by this act, 53a-222a, as amended by this act, 53a-223 or 53a-223a, or the violation of a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (B) the violation by a [~~child sixteen or seventeen years of age~~] youth or young adult of any federal or state law, other than (i) an infraction, except an infraction under subsection (d) of section 21a-267, (ii) a violation, except a violation under subsection (a) of section 21a-279a, (iii) a motor vehicle offense or violation under title 14, (iv) the violation of a municipal or local ordinance, or (v) the violation of section 51-164r, 53a-172, 53a-173, 53a-222, as amended by this act, 53a-222a, as amended by this act, 53a-223 or 53a-223a, (C) the wilful failure of a child [~~, including a child who has attained the age of eighteen,~~] or young adult to appear in response to a summons under section 46b-133, as amended by this act, or at any other court hearing in a delinquency proceeding of which the child has notice, (D) the violation of any order of the Superior Court in a delinquency proceeding by a child [~~, including a child who has attained the age of eighteen~~] or young adult, except as provided in section 46b-148, or (E) the violation of [~~conditions of probation~~] any condition of probation ordered by the court in a delinquency proceeding by a child [~~, including a child who has attained the age of eighteen, as ordered by the court~~] or by a young adult;

[(10) (11) "Serious juvenile offense" means (A) the violation of, including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a,

53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause, from any secure placement other than home while referred as a delinquent child to the Court Support Services Division or committed as a delinquent child to the Commissioner of Children and Families for a serious juvenile offense;

[\[11\]](#) [\[12\]](#) "Serious juvenile offender" means any child [convicted](#) [or young adult adjudicated](#) as delinquent for the commission of a serious juvenile offense;

[\[12\]](#) [\[13\]](#) "Serious juvenile repeat offender" means any child [or young adult](#) charged with the commission of any felony if such child [or young adult](#) has previously been [convicted](#) [adjudicated](#) as delinquent or [\[otherwise\]](#) convicted at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as a felony;

[\[13\]](#) [\[14\]](#) "Alcohol-dependent" means a psychoactive substance dependence on alcohol as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; [\[and\]](#)

[\[14\]](#) [\[15\]](#) "Drug-dependent" means a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". [\[. No child shall be classified as drug-dependent who is dependent \(A\) upon a except in the case of a dependency upon a \(A\) morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or \(B\) \[upon\] amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence; .\] and](#)

[\(16\) "Age for adult jurisdiction" means \(A\) on and after July 1, 2018, but not later than June 30, 2019, nineteen years of age and older, \(B\) on and after July 1, 2019, but not later than June 30, 2020, twenty years of age and older, and \(C\) on and after July 1, 2020, twenty-one years of age and older.](#)

Sec. 2. Section 46b-121 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective July 1, 2018)*:

(a) (1) Juvenile matters in the civil session include all proceedings concerning uncared-for, neglected or abused children and youths within this state, termination of parental rights of children committed to a state agency, adoption proceedings pursuant to section 46b-129b, matters concerning families with service needs, contested matters involving termination of parental rights or removal of guardian transferred from the Probate Court and the emancipation of minors, but does not include matters of guardianship and adoption or matters affecting property rights of any child or youth over which the Probate Court has jurisdiction, except that appeals from probate concerning adoption, termination of parental rights and removal of a parent as guardian shall be included.

(2) Juvenile matters in the criminal session include all proceedings concerning delinquent children [or young adults](#) within this state and persons eighteen years of age [\[and\]](#) [or](#) older who are under the supervision of a

juvenile probation officer while on probation or a suspended commitment to the Department of Children and Families, for purposes of enforcing any court orders entered as part of such probation or suspended commitment.

(b) (1) In juvenile matters, the Superior Court shall have authority to make and enforce such orders directed to parents, including any person who acknowledges before the court paternity of a child born out of wedlock, guardians, custodians or other adult persons owing some legal duty to [a child therein] the child, as the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child subject to the court's jurisdiction or otherwise committed to or in the custody of the Commissioner of Children and Families. The Superior Court may order a local or regional board of education to provide to the court educational records of a child or young adult for the purpose of determining the need for services or placement of the child or young adult. In proceedings concerning a child or young adult charged with a delinquent act or [with being] a child from a family with service needs, records produced subject to such an order shall be maintained under seal by the court and shall be released only after a hearing or with the consent of the child or young adult. Educational records obtained pursuant to this section shall be used only for dispositional purposes. In addition, with respect to proceedings concerning delinquent children or young adults, the Superior Court shall have authority to make and enforce such orders as the court deems necessary or appropriate to provide individualized supervision, care, accountability and treatment to such child or young adult in a manner consistent with public safety, deter the child or young adult from the commission of further delinquent acts, ensure that the child or young adult is responsive to the court process, ensure that the safety of any other person will not be endangered and provide restitution to any victim. The Superior Court shall also have authority to grant and enforce temporary and permanent injunctive relief in all proceedings concerning juvenile matters.

(2) If any order for the payment of money is issued by the Superior Court, including any order assessing costs issued under section 46b-134, as amended by this act, or 46b-136, as amended by this act, the collection of such money shall be made by the court, except orders for support of children committed to any state agency or department, which orders shall be made payable to and collected by the Department of Administrative Services. If the Superior Court after due diligence is unable to collect such moneys within six months, the court shall refer such case to the Department of Administrative Services for collection as a delinquent account. In juvenile matters, the Superior Court shall have authority to make and enforce orders directed to persons liable hereunder on petition of the Department of Administrative Services made to the court in the same manner as is provided in section 17b-745, in accordance with the provisions of section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745 shall be applicable to such proceedings. Any judge hearing a juvenile matter may make any other order in connection therewith that a judge of the Superior Court is authorized to grant and such order shall have the same force and effect as any other order of the Superior Court. No commitment to the Department of Children and Families may be ordered or continued for a delinquent child who has attained the age of twenty. Notwithstanding the terms of any order in effect on October 1, 2011, any commitment to the Department of Children and Families in a delinquency proceeding pursuant to this chapter shall terminate not later than the date the child attains the age of twenty.

(3) In the enforcement of the court's orders, in connection with any juvenile matter, the court may issue process for the arrest of any person, compel attendance of witnesses and punish for contempt by a fine not exceeding one hundred dollars or imprisonment not exceeding six months.

Sec. 3. Section 46b-121n of the general statutes is repealed and the following is substituted in lieu thereof

(Effective from passage):

(a) There is established a Juvenile Justice Policy and Oversight Committee. The committee shall evaluate policies related to the juvenile justice system and the expansion of juvenile jurisdiction to include persons [sixteen and seventeen] eighteen, nineteen and twenty 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 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;

(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;

(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;

- (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;
- (20) The Victim Advocate, or the Victim Advocate's designee;
- (21) The Child Advocate, or the Child Advocate's designee; [and]
- (22) The Secretary of the Office of Policy and Management, or the secretary's designee; [.]
- (23) An advocate on behalf of victims of family violence crimes, appointed by the Governor; and
- (24) An advocate on behalf of victims of sexual assault, appointed by the Governor.

(c) 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 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

(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 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;

(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] adjudicated 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 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 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) Not later than January 1, 2017, 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 a plan that includes cost options for the development of a community-based diversion system. Such plan shall include recommendations to address issues concerning mental health and juvenile justice. The plan shall include recommendations regarding the following:

- (1) Diversion of children who commit crimes, excluding serious juvenile offenses, from the juvenile justice system;
- (2) Identification of services that are evidence-based, trauma-informed and culturally and linguistically appropriate;
- (3) Expansion of the capacity of juvenile review boards to accept referrals from municipal police departments and schools and implement restorative practices;
- (4) Expansion of the provision of prevention, intervention and treatment services by youth service bureaus;
- (5) Expansion of access to in-home and community-based services;
- (6) Identification and expansion of services needed to support children who are truant or exhibiting behaviors defiant of school rules and enhance collaboration between school districts and community

providers in order to best serve such children;

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

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

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

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

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

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

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

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

(l) The committee shall establish a data working group to develop a plan for a data integration process to link data related to children across executive branch agencies, through the Office of Policy and Management's integrated data system, and the Judicial Department through the Court Support Services Division, for purposes of evaluation and assessment of programs, services and outcomes in the juvenile justice system. Membership of the working group shall include, but not be limited to, the Commissioners of Children and Families, Correction, Education and Mental Health and Addiction Services, or their designees; the Chief State's Attorney, or the Chief State's Attorney's designee; the Chief Public Defender, or the Chief Public Defender's designee; the Secretary of the Office of Policy and Management, or the secretary's designee; and the Chief Court Administrator of the Judicial Branch, or the Chief Court Administrator's designee. Such working group shall include persons with expertise in data development and research design. The plan shall include cost options and provisions to:

(1) Access relevant data on juvenile justice populations;

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

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

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

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

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

(m) The committee shall plan for the implementation of any changes required pursuant to chapter 815t and sections 54-76b to 54-76q, inclusive, as amended by this act, to the juvenile justice system in order to extend jurisdiction in delinquency matters and proceedings within the Superior Court for juvenile matters to include persons who are (1) eighteen years of age or older but under nineteen years of age, beginning July 1, 2018, (2) nineteen years of age or older but under twenty years of age, beginning July 1, 2019, and (3) twenty years of age or older but under twenty-one years of age, beginning July 1, 2020. The committee shall make recommendations including, but not limited to, (A) recommendations on the appropriate processes required for adjudication of young adults in juvenile court charged with sexual assault or with a crime involving family violence as may be so designated under section 46b-38h and on the services needed to support the victims of the young adults in such cases, (B) recommendations on the appropriate facilities for both the pretrial and post-adjudication confinement of the young adult population, and (C) recommendations on opening juvenile court proceedings to the public in matters in which a young adult is before the court. On or before January 1, 2018, the committee shall submit a report, in accordance with section 11-4a, on the committee's findings, together with any recommendations for legislation, to the Governor, the speaker of the House of Representatives, the majority leader of the House of Representatives, the president pro tempore of the Senate, the majority leader of the Senate, the minority leader of the House of Representatives, the minority leader of the Senate and the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, human services, children and appropriations.

Sec. 4. Section 46b-127 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(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 or young adult 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 (b) of this section, or a violation of section 53a-54d, provided such offense was committed [after such child attained the age of fifteen years] by a child when such child was at least fifteen years of age or by a young adult and counsel has been appointed for such child or young adult if such child or young adult is indigent. Such counsel may appear with the child or young adult but shall not be permitted to make any argument or file any motion in opposition to the transfer. The child or young adult shall be arraigned in the regular criminal docket of the Superior Court at the next court date following such transfer. [provided any] 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 proceedings pertaining to [adults] persons charged with crimes on the regular criminal docket.

(2) A state's attorney may, at any time after such arraignment, file a motion to transfer the case of any child or young adult 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, section 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 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 or young adult charged with the commission of a violation of section 53a-122 or 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 fifteen years] by a child when such child was at least fifteen years of age or by a young adult, (B) there is probable cause, based on either sworn affidavits or testimony, to believe the child or young adult has committed the act for which the child or young adult 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] public safety can best be served by transferring the case to the regular criminal docket of the Superior Court. In making such findings, the court shall consider (i) any prior criminal or juvenile offenses committed by the child or young adult, (ii) the seriousness of such offenses, (iii) any evidence that the child or young adult has intellectual disability or mental illness, and (iv) the best interests of the child or young adult, including the sophistication, maturity and mental status of the child or young adult by consideration of his or her social, environmental and mental health history and the availability of services in the docket for juvenile matters that can serve the [child's] needs of the child or young adult. 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 or young adult 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.

(c) [Upon] (1) Except as provided in subdivision (2) of this subsection, upon the effectuation of the transfer, such child or young adult shall stand trial and be sentenced, if convicted, as if such child [were eighteen years of age] or young adult were an age for adult jurisdiction, subject to the provisions of section 54-91g.

Such child or young adult shall receive credit against any sentence imposed for time served in a juvenile or detention facility prior to the effectuation of the transfer. A child or young adult who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child or young adult transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such [child's] person's status as a juvenile regarding such offense. If the action is dismissed or nolled or if such child or young adult is found not guilty of the charge for which such child or young adult was transferred or of any lesser included offenses, the child or young adult shall resume such [child's] person's status as a juvenile until such [child] person attains the age [of eighteen years] for adult jurisdiction.

(2) Notwithstanding any provision of the general statutes, when sentencing a person whose case has been transferred to the regular criminal docket of the Superior Court pursuant to this section and who is convicted of an offense for which there is a mandatory minimum sentence which shall not be suspended, the court may suspend the execution of such mandatory minimum sentence if such person was under eighteen years of age at the time of the offense.

(d) Any child or young adult whose case is transferred to the regular criminal docket of the Superior Court who is detained pursuant to such case shall be in the custody of the Commissioner of Correction upon the finalization of such transfer. A transfer shall be final (1) upon the arraignment on the regular criminal docket until a motion filed by the state's attorney pursuant to subsection (a) of this section is granted by the court, or (2) upon the arraignment on the regular criminal docket of a transfer ordered pursuant to subsection (b) of this section until the court sitting for the regular criminal docket orders the case returned to the docket for juvenile matters for good cause shown. Any child or young adult whose case is returned to the docket for juvenile matters who is detained pursuant to such case shall be in the custody of the Judicial Department.

(e) The transfer of a child or young adult to a Department of Correction facility shall be limited as provided in subsection (d) of this section and said subsection shall not be construed to permit the transfer of or otherwise reduce or eliminate any other population of juveniles in detention or confinement within the Judicial Department or the Department of Children and Families.

(f) Upon the motion of any party or upon the court's own motion, the case of any youth [age sixteen or seventeen] or young adult, except a case that has been transferred to the regular criminal docket of the Superior Court pursuant to subsection (a) or (b) of this section, which is pending on the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters, where the youth or young adult is charged with committing any offense or violation for which a term of imprisonment may be imposed, other than a violation of section 14-227a, 14-227g or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, may, before trial or before the entry of a guilty plea, be transferred to the docket for juvenile matters if (1) [the] (A) a youth is alleged to have committed such offense or violation on or after January 1, 2010, while sixteen years of age, or is alleged to have committed such offense or violation on or after July 1, 2012, while seventeen years of age, or (B) a young adult is alleged to have committed such offense or violation on or after July 1, 2018, while younger than the age for adult jurisdiction, and (2) after a hearing considering the facts and circumstances of the case and the prior history of the youth or young adult, the court determines that the programs and services available pursuant to a proceeding in the superior court for juvenile matters would more appropriately address the needs of the youth or young adult and that the youth or young adult and the community would be better served by treating the youth or young adult as a delinquent. Upon ordering such transfer, the court shall vacate any pleas entered in the matter and advise the youth or young adult of the youth's or young

adult's rights, and the youth or young adult shall (A) enter pleas on the docket for juvenile matters in the jurisdiction where the youth or young adult resides, and (B) be subject to prosecution as a delinquent [child] youth or young adult. The decision of the court concerning the transfer of [a youth's case] the case of a youth or young adult from the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters shall not be a final judgment for purposes of appeal.

Sec. 5. Section 46b-133 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) Nothing in this part shall be construed as preventing the arrest of a child or young adult, with or without a warrant, as may be provided by law, or as preventing the issuance of warrants by judges in the manner provided by section 54-2a, except that no child or young adult shall be taken into custody on such process except on apprehension in the act, or on speedy information, or in other cases when the use of such process appears imperative. Whenever a child or young adult is arrested and charged with a delinquent act, such child or young adult may be required to submit to the taking of his or her photograph, physical description and fingerprints. Notwithstanding the provisions of section 46b-124, as amended by this act, the name, photograph and custody status of any child or young adult arrested for the commission of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or class A felony may be disclosed to the public.

(b) Whenever a child or young adult is brought before a judge of the Superior Court, which court shall be the court that has jurisdiction over juvenile matters where the child or young adult resides if the residence of such child or young adult can be determined, such judge shall immediately have the case proceeded upon as a juvenile matter. Such judge may admit the child or young adult to bail or, in the case of a child, release the child in the custody of the child's parent or parents, the child's guardian or some other suitable person to appear before the Superior Court when ordered. If detention becomes necessary, such detention shall be in the manner prescribed by this chapter, provided the child or young adult shall be placed in the least restrictive environment possible in a manner consistent with public safety.

(c) Upon the arrest of any child or young adult by an officer, such officer may (1) in the case of a child, release the child to the custody of the child's parent or parents, guardian or some other suitable person or agency, (2) at the discretion of the officer, release the child or young adult to the child's or young adult's own custody, or (3) seek a court order to detain the child or young adult in a juvenile detention center. No child or young adult may be placed in detention unless a judge of the Superior Court determines, based on the available facts, that (A) there is probable cause to believe that the child or young adult has committed the acts alleged, (B) there is no less restrictive alternative available, and (C) there is (i) probable cause to believe that the child or young adult will pose a risk to public safety if released to the community prior to the court hearing or disposition, (ii) a need to hold the child or young adult in order to ensure the child's or young adult's appearance before the court, as demonstrated by the child's or young adult's previous failure to respond to the court process, or (iii) a need to hold the child or young adult for another jurisdiction. No child or young adult shall be [held in any detention center] detained unless an order to detain is issued by a judge of the Superior Court.

(d) (1) When a child or young adult is arrested for the commission of a delinquent act and the child or young adult is not [placed in detention] detained or referred to a diversionary program, an officer shall serve a written complaint and summons on the child or young adult and, in the case of a child, the child's parent,

guardian or some other suitable person or agency. [If] In the case of a child, if such child is released to the child's own custody, the officer shall make reasonable efforts to notify, and to provide a copy of a written complaint and summons to, the parent or guardian or some other suitable person or agency prior to the court date on the summons. If any person so summoned wilfully fails to appear in court at the time and place so specified, the court may issue a warrant for the [child's arrest or] arrest of the child or young adult or, in the case of a child, a capias to assure the appearance in court of such child's parent, guardian or other person. If a child or a young adult wilfully fails to appear in response to such a summons, the court may order such child or young adult taken into custody and such child or young adult may be charged with the delinquent act of wilful failure to appear under section 46b-120. [The] as amended by this act. In the case of a child, the court may punish for contempt, as provided in section 46b-121, as amended by this act, any parent, guardian or other person so summoned who wilfully fails to appear in court at the time and place so specified.

(2) Upon the arrest of any youth by an officer for a violation of section 53a-82, such officer shall report suspected abuse or neglect to the Department of Children and Families in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

(e) When a child or young adult is arrested for the commission of a delinquent act and is [placed in detention] detained pursuant to subsection (c) of this section, such child or young adult may be detained pending a hearing which shall be held on the business day next following the child's or young adult's arrest. No child or young adult may be detained after such hearing unless the court determines, based on the available facts, that (A) there is probable cause to believe that the child or young adult has committed the acts alleged, (B) there is no less restrictive alternative available, and (C) through the use of the detention risk assessment instrument developed pursuant to section 46b-133g, as amended by this act, that there is (i) probable cause to believe that the child or young adult will pose a risk to public safety if released to the community prior to the court hearing or disposition; (ii) a need to hold the child or young adult in order to ensure the child's or young adult's appearance before the court, as demonstrated by the child's or young adult's previous failure to respond to the court process, or (iii) a need to hold the child or young adult for another jurisdiction. Such probable cause may be shown by sworn affidavit in lieu of testimony. No child or young adult shall be released from detention who is alleged to have committed a serious juvenile offense except by order of a judge of the Superior Court. The court may, in its discretion, consider as an alternative to detention a suspended detention order with graduated sanctions to be imposed based on the detention risk assessment for such child or young adult, using the instrument developed pursuant to section 46b-133g, as amended by this act. Any child or young adult confined in a community correctional center or lockup shall be held in an area separate and apart from any adult detainee, except in the case of a nursing infant, and no child or young adult shall at any time be held in solitary confinement. When a female child or young adult is held in custody, she shall, as far as possible, be in the charge of a woman attendant.

(f) The police officer who brings a child into detention shall have first notified, or made a reasonable effort to notify, the parents or guardian of the child in question of the intended action and shall file at the detention center a signed statement setting forth the alleged delinquent conduct of the child and the order to detain such child. Upon admission, the child shall be administered the detention risk assessment instrument developed pursuant to section 46b-133g, as amended by this act, and unless the child was arrested for a serious juvenile offense or unless an order not to release is noted on the take into custody order, arrest warrant or order to detain, the child may be released to the custody of the child's parent or parents, guardian or some other suitable person or agency in accordance with policies adopted by the Court Support Services Division of the Judicial Department pursuant to section 46b-133h, as amended by this act.

(g) In conjunction with any order of release from detention, the court may, when it has reason to believe a child or young adult is alcohol-dependent or drug-dependent as defined in section 46b-120, as amended by this act, and where necessary, reasonable and appropriate, order the child or young adult to participate in a program of periodic alcohol or drug testing and treatment as a condition of such release. The results of any such alcohol or drug test shall be admissible only for the purposes of enforcing the conditions of release from detention.

(h) The detention supervisor of a juvenile detention center in charge of intake shall admit only a child who: (1) Is the subject of an order to detain or an outstanding court order to take such child into custody, (2) is ordered by a court to be held in detention, or (3) is being transferred to such center to await a court appearance.

(i) Whenever a child or young adult is subject to a court order to take such child or young adult into custody, or other process issued pursuant to this section or section 46b-140a, as amended by this act, the Judicial Branch may cause the order or process to be entered into a central computer system in accordance with policies and procedures established by the Chief Court Administrator. The existence of the order or process in the computer system shall constitute *prima facie* evidence of the issuance of the order or process. Any child or young adult named in the order or process may be arrested or taken into custody based on the existence of the order or process in the computer system and, if the order or process directs that such child be detained, the child shall be held in a juvenile detention center.

(j) In the case of any child or young adult held in detention, the order to detain such child or young adult shall be for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter, unless, following a detention review hearing, such order is renewed for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter.

Sec. 6. Section 46b-133c of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) Whenever a child or young adult is referred for the commission of a felony committed [~~after such child attained the age of fourteen years~~] ~~by a child when such child was at least fifteen years of age or by a young adult~~ and such child or young adult is a serious juvenile repeat offender, as defined in section 46b-120, as amended by this act, the prosecutorial official may request the court to designate the proceeding as a serious juvenile repeat offender prosecution.

(b) If a prosecutorial official requests that a proceeding be designated a serious juvenile repeat offender prosecution, the court shall hold a hearing not later than thirty days after the filing of such request unless good cause is shown by the prosecutorial official or by the child or young adult as to why the hearing should not be held within such period. If good cause is shown, the hearing shall be held not later than ninety days after the filing of such request. The court shall decide whether to designate the proceeding as a serious juvenile repeat offender prosecution not later than thirty days after the completion of such hearing. The court shall grant the request to designate the proceeding as a serious juvenile repeat offender prosecution if the prosecutorial official shows by clear and convincing evidence that such designation will serve the public safety. The decision to designate the proceeding as a serious juvenile repeat offender prosecution shall not be a final judgment for purposes of appeal.

(c) A proceeding designated as a serious juvenile repeat offender prosecution pursuant to subsection (b) of

this section shall be held before the court without a jury provided the child or young adult has waived his or her right to a trial by jury. If a child or young adult is convicted of or pleads guilty to a felony in such proceeding, the court shall: (1) Sentence the child or young adult in accordance with section 46b-140, as amended by this act, or 46b-141a, as amended by this act, and (2) sentence the child or young adult in accordance with section 53a-28 with the execution of such sentence stayed on the condition that the child or young adult not violate the conditions of the sentence imposed pursuant to subdivision (1) of this subsection or commit a subsequent crime.

(d) If a child or young adult is convicted of or pleads guilty to a misdemeanor in a proceeding designated as a serious juvenile repeat offender prosecution pursuant to subsection (b) of this section, the court shall sentence the child or young adult in accordance with section 46b-140, as amended by this act, or 46b-141a, as amended by this act.

(e) Whenever it appears that a child or young adult who has been sentenced pursuant to subsection (c) of this section has violated the conditions of the sentence imposed pursuant to subdivision (1) of said subsection (c) or has committed a subsequent crime, the court may, without notice, order that the child or young adult be immediately taken into custody in accordance with the provisions of section 46b-125. The court shall notify the child or young adult and, in the case of a child, such child's parent or guardian, and the attorney of record for such child or young adult, if any, in writing of the reasons alleged to exist for the lifting of the stay of execution of the sentence imposed pursuant to subdivision (2) of said subsection (c). If the child or young adult challenges such reasons, the court shall hold a hearing at which the child or young adult shall be entitled to be heard and be represented by counsel. After such hearing, if the court finds that the child or young adult has violated the conditions of the sentence imposed pursuant to subdivision (1) of said subsection (c) or committed a subsequent crime, it shall order the child or young adult to serve a sentence not to exceed that imposed pursuant to subdivision (2) of said subsection (c) unless it determines there are mitigating circumstances that justify continuing the stay of execution and specifically states such mitigating circumstances in writing for the record. The child or young adult shall receive credit against any sentence imposed pursuant to subdivision (2) of said subsection (c) for time served in a juvenile or detention facility pursuant to the sentence imposed pursuant to subdivision (1) of said subsection (c).

(f) Whenever a proceeding has been designated a serious juvenile repeat offender prosecution pursuant to subsection (b) of this section and the child or young adult does not waive such child's or young adult's right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child or young adult shall stand trial and be sentenced, if convicted, as if such child or young adult were [eighteen years of age] an age for adult jurisdiction, subject to the provisions of section 54-91g, except that no such child or young adult shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains eighteen years of age or until such child is sentenced, whichever occurs first. Such child or young adult shall receive credit against any sentence imposed for time served in a juvenile or detention facility prior to the effectuation of the transfer. A child or young adult who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child or young adult transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such [child's] person's status as a juvenile regarding such offense. If the action is dismissed or nolled or if such child or young adult is found not guilty of the charge for which such child or young adult was transferred, the child or young adult shall resume such [child's] person's status as a juvenile until such [child attains eighteen years of age] person attains the age for adult jurisdiction.

Sec. 7. Section 46b-133d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) For the purposes of this section, "special juvenile probation" means a period of probation imposed by the superior court for juvenile matters upon a child or young adult in a proceeding designated as a serious sexual offender prosecution during which the child or young adult is supervised by a juvenile probation officer prior to such [child attaining eighteen years of age] person attaining the age for adult jurisdiction and by an adult probation officer after such [child attains eighteen years of age] person attains the age for adult jurisdiction.

(b) Whenever a child or young adult is referred for the commission of any crime of a sexual nature, and such case is not transferred to the regular criminal docket pursuant to section 46b-127, as amended by this act, the prosecutorial official may request the court to designate the proceeding as a serious sexual offender prosecution.

(c) If a prosecutorial official requests that a proceeding be designated a serious sexual offender prosecution, the court shall hold a hearing not later than thirty days after the filing of such request unless good cause is shown by the prosecutorial official or by the child or young adult as to why the hearing should not be held within such period. If good cause is shown, the hearing shall be held not later than ninety days after the filing of such request. The court shall decide whether to designate the proceeding as a serious sexual offender prosecution not later than thirty days after the completion of such hearing. The court shall grant the request to designate the proceeding as a serious sexual offender prosecution if the prosecutorial official shows by a preponderance of the evidence that such designation will serve the public safety. The decision to designate the proceeding as a serious sexual offender prosecution shall not be a final judgment for purposes of appeal.

(d) A proceeding designated as a serious sexual offender prosecution pursuant to subsection (c) of this section shall be held before the court without a jury provided the child or young adult has waived the right to a trial by jury. If a child or young adult is convicted of or pleads guilty or nolo contendere to a charge in a proceeding that has been designated as a serious sexual offender prosecution, the court shall: (1) Sentence the child or young adult in accordance with section 46b-140, as amended by this act, or 46b-141a, as amended by this act, (2) sentence the child or young adult to a period of special juvenile probation of at least five years, to commence upon the release of the child or young adult from the institution, agency or program in whose care the child or young adult had been placed, and (3) sentence the child or young adult in accordance with section 53a-28 with the execution of such sentence stayed on the condition that the child or young adult not violate the conditions of the sentence imposed pursuant to subdivisions (1) and (2) of this subsection or commit a subsequent crime.

(e) Whenever it appears that a child or young adult who has been sentenced pursuant to subsection (d) of this section has violated the conditions of the sentence imposed pursuant to subdivision (2) of said subsection or has committed a subsequent crime, the court may, without notice, order that the child or young adult be immediately taken into custody in accordance with the provisions of sections 46b-125 and 53a-32. If such violation of probation or subsequent crime occurs prior to the person attaining [eighteen years of age] the age for adult jurisdiction, the matter shall be handled by the superior court for juvenile matters. If such violation of probation or subsequent crime occurs after the person has attained [eighteen years of age] the age for adult jurisdiction, the matter shall be handled by the regular criminal docket of the Superior Court. Whenever such matter is handled by the superior court for juvenile matters, the court shall notify the child or

young adult and, in the case of a child, such child's parent or guardian and the attorney of record for such child or young adult, if any, in writing of the reasons alleged to exist for the lifting of the stay of execution of the sentence imposed pursuant to subdivision (3) of subsection (d) of this section. If the child or young adult challenges such reasons, the court shall hold a hearing at which the child or young adult shall be entitled to be heard and be represented by counsel. After such hearing, if the court finds that the child or young adult has violated the conditions of the sentence imposed pursuant to subdivision (2) of subsection (d) of this section or committed a subsequent crime, it shall order the child or young adult to serve a sentence not to exceed that imposed pursuant to subdivision (3) of subsection (d) of this section unless it determines there are mitigating circumstances that justify continuing the stay of execution and specifically states such mitigating circumstances in writing for the record. The child or young adult shall receive credit against any sentence imposed pursuant to subdivision (3) of subsection (d) of this section for time served in a juvenile or detention facility pursuant to the sentence imposed pursuant to subdivision (1) of said subsection.

(f) When a proceeding has been designated a serious sexual offender prosecution pursuant to subsection (c) of this section and the child or young adult does not waive the right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child or young adult shall stand trial and be sentenced, if convicted, as if such child or young adult were [eighteen years of age] an age for adult jurisdiction, subject to the provisions of section 54-91g, except that no such child or young adult shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains eighteen years of age or until such child is sentenced, whichever occurs first. Such child or young adult shall receive credit against any sentence imposed for time served in a juvenile or detention facility prior to the effectuation of the transfer. A child or young adult who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child or young adult transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such [child's] person's status as a juvenile regarding such offense. If the action is dismissed or nolled or if such child or young adult is found not guilty of the charge for which such child or young adult was transferred, the child or young adult shall resume such [child's] person's status as a juvenile until such [child attains eighteen years of age] person attains the age for adult jurisdiction.

Sec. 8. Subsections (d) and (e) of section 4-68m of the general statutes are repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(d) In the performance of its duties under this section, the division shall collaborate with the Department of Correction, the Board of Pardons and Paroles, the Department of Mental Health and Addiction Services and the Department of Emergency Services and Public Protection and consult with the Chief Court Administrator, the executive director of the Court Support Services Division of the Judicial Branch, the Chief State's Attorney, [and] the Chief Public Defender, the Department of Children and Families and the Office of the Chief Medical Examiner.

(e) (1) At the request of the division, the Department of Correction, the Board of Pardons and Paroles, the Department of Mental Health and Addiction Services, the Department of Emergency Services and Public Protection, the Chief Court Administrator, the executive director of the Court Support Services Division of the Judicial Branch, the Chief State's Attorney, [and] the Chief Public Defender, the Department of Children and Families and the Office of the Chief Medical Examiner shall provide the division with information and data needed by the division to perform its duties under subsection (b) of this section.

(2) The division shall have access to individualized records maintained by the Judicial Branch and the agencies specified in subdivision (1) of this subsection as needed for research purposes. The division, in collaboration with the Judicial Branch and the agencies specified in subdivision (1) of this subsection, shall develop protocols to protect the privacy of such individualized records consistent with state and federal law. The division shall use such individualized records for statistical analyses only and shall not use such records in any other manner that would disclose the identity of individuals to whom the records pertain.

(3) Any information or data provided to the division pursuant to this subsection that is confidential in accordance with state or federal law shall remain confidential while in the custody of the division and shall not be disclosed.

Sec. 9. Section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective July 1, 2018):*

(a) For the purposes of this section, "records of cases of juvenile matters" includes, but is not limited to, court records, records regarding juveniles maintained by the Court Support Services Division, records regarding juveniles maintained by an organization or agency that has contracted with the Judicial Branch to provide services to juveniles, records of law enforcement agencies including fingerprints, photographs and physical descriptions, and medical, psychological, psychiatric and social welfare studies and reports by juvenile probation officers, public or private institutions, social agencies and clinics.

(b) All records of cases of juvenile matters, as provided in section 46b-121, as amended by this act, except delinquency proceedings, or any part thereof, and all records of appeals from probate brought to the superior court for juvenile matters pursuant to section 45a-186, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the Superior Court, except that: (1) Such records shall be available to (A) the attorney representing the child or [youth] young adult, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (B) the parents or guardian of the child [or youth] until such time as the child [or youth] reaches the age of majority or becomes emancipated, (C) an [adult] adopted person eighteen years of age or older in accordance with the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the Division of Criminal Justice who, in the performance of their duties, require access to such records, (E) employees of the Judicial Branch who, in the performance of their duties, require access to such records, (F) another court under the provisions of subsection (d) of section 46b-115j, (G) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority or has been emancipated, (H) the Department of Children and Families, (I) the employees of the Division of Public Defender Services who, in the performance of their duties related to Division of Public Defender Services assigned counsel, require access to such records, and (J) judges and employees of the Probate Court who, in the performance of their duties, require access to such records; and (2) all or part of the records concerning a youth in crisis with respect to whom a court order was issued prior to January 1, 2010, may be made available to the Department of Motor Vehicles, provided such records are relevant to such order. Any records of cases of juvenile matters, or any part thereof, provided to any persons, governmental or private agencies, or institutions pursuant to this section shall not be disclosed, directly or indirectly, to any third party not specified in subsection (d) of this section, except as provided by court order, in the report required under section 54-76d or 54-91a or as otherwise provided by law.

(c) All records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be confidential and for the use of the court in juvenile matters and shall not be disclosed except as provided in this section.

(d) Records of cases of juvenile matters involving delinquency proceedings shall be available to (1) Judicial Branch employees who, in the performance of their duties, require access to such records, (2) judges and employees of the Probate Court who, in the performance of their duties, require access to such records, and (3) employees and authorized agents of state or federal agencies involved in (A) the delinquency proceedings, (B) the provision of services directly to the child or young adult, (C) the design and delivery of treatment programs pursuant to section 46b-121j, or (D) the delivery of court diversionary programs. Such employees and authorized agents include, but are not limited to, law enforcement officials, community-based youth service bureau officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials including officials of both the regular criminal docket and the docket for juvenile matters and officials of the Division of Criminal Justice, the Division of Public Defender Services, the Department of Children and Families, the Court Support Services Division and agencies under contract with the Judicial Branch. Such records shall also be available to (i) the attorney representing the child or young adult, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (ii) in the case of a child, the parents or guardian of the child, until such time as the subject of the record reaches the age of majority, (iii) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority, (iv) law enforcement officials and prosecutorial officials conducting legitimate criminal investigations, (v) a state or federal agency providing services related to the collection of moneys due or funding to support the service needs of eligible juveniles, provided such disclosure shall be limited to that information necessary for the collection of and application for such moneys, and (vi) members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been convicted of a crime in the regular criminal docket of the Superior Court and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Records disclosed pursuant to this subsection shall not be further disclosed, except that information contained in such records may be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of such information, or as otherwise provided by law.

(e) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, may be disclosed upon order of the court to any person who has a legitimate interest in the information and is identified in such order. Records disclosed pursuant to this subsection shall not be further disclosed, except as specifically authorized by a subsequent order of the court.

(f) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be available to the victim of the crime committed by such child or young adult to the same extent as the record of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall designate an official from whom such victim may request such information. Records disclosed pursuant to this subsection shall not be further disclosed, except as specifically authorized by a subsequent order of the court.

(g) Information concerning a child or young adult who is the subject of an order to take such child or young adult into custody or other process that has been entered into a central computer system pursuant to subsection (i) of section 46b-133, as amended by this act, may be disclosed to employees and authorized agents of the Judicial Branch, law enforcement agencies and the Department of Children and Families in accordance with policies and procedures established by the Chief Court Administrator.

(h) Information concerning a child or young adult who has escaped from a detention center or from a facility to which the child or young adult has been committed by the court or for whom an arrest warrant has been issued with respect to the commission of a felony may be disclosed by law enforcement officials.

(i) Nothing in this section shall be construed to prohibit any person employed by the Judicial Branch from disclosing any records, information or files in such employee's possession to any person employed by the Division of Criminal Justice as a prosecutorial official, inspector or investigator who, in the performance of his or her duties, requests such records, information or files, or to prohibit any such employee of said division from disclosing any records, information or files in such employee's possession to any such employee of the Judicial Branch who, in the performance of his or her duties, requests such records, information or files.

(j) Nothing in this section shall be construed to prohibit a party from making a timely objection to the admissibility of evidence consisting of records of cases of juvenile matters, or any part thereof, in any Superior Court or Probate Court proceeding, or from making a timely motion to seal any such record pursuant to the rules of the Superior Court or the rules of procedure adopted under section 45a-78.

(k) A state's attorney shall disclose to the defendant or such defendant's counsel in a criminal prosecution, without the necessity of a court order, exculpatory information and material contained in any record disclosed to such state's attorney pursuant to this section and may disclose, without a court order, information and material contained in any such record which could be the subject of a disclosure order.

(l) Notwithstanding the provisions of subsection (d) of this section, any information concerning a child or young adult that is obtained during any detention screening or mental health screening or assessment of such child or young adult, during the provision of services pursuant to subsection (b) of section 46b-149, or during the performance of an educational evaluation pursuant to subsection (e) of section 46b-149, shall be used solely for planning and treatment purposes and shall otherwise be confidential and retained in the files of the entity providing such services or performing such screening, assessment or evaluation. Such information may be further disclosed only for the purposes of any court-ordered evaluation or treatment of the child or young adult or provision of services to the child or young adult, or pursuant to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Any information concerning a child or young adult that is obtained during the administration of the detention screening instrument in accordance with section 46b-133, as amended by this act, shall be used solely for the purpose of making a recommendation to the court regarding the detention of the child or young adult. Such information shall not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

(m) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, containing information that a child or young adult has been [convicted] adjudicated as delinquent for a violation of subdivision (e) of section 1-1h, subsection (c) of section 14-147, subsection (a) of section 14-215, section 14-222, subsection (b) of section 14-223, subsection (a), (b) or (c) of section 14-224, section 30-88a or subsection (b) of section 30-89, shall be disclosed to the Department of Motor Vehicles for administrative use in

determining whether administrative sanctions regarding [such child's] the motor vehicle operator's license of such child or young adult are warranted. Records disclosed pursuant to this subsection shall not be further disclosed.

(n) Records of cases of juvenile matters involving adoption proceedings, or any part thereof, shall be confidential and may only be disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

Sec. 10. Section 46b-133g of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) [Not later than January 1, 2017, the] The Court Support Services Division of the Judicial Department shall develop and implement a detention risk assessment instrument to be used to determine, based on the risk level, whether there is: (1) Probable cause to believe that a child or young adult will pose a risk to public safety if released to the community prior to the court hearing or disposition, or (2) a need to hold the child or young adult in order to ensure the child's or young adult's appearance before the court, as demonstrated by the child's or young adult's previous failure to respond to the court process. Such instrument shall be used when assessing whether a child or young adult should be detained pursuant to section 46b-133. Any detention screening shall be subject to the protections of subsection (l) of section 46b-124, as amended by this act.

(b) When a child or young adult is presented before the court and it appears from the available facts there is probable cause to believe the child or young adult has violated a valid court order, the court, after administering the detention risk assessment instrument, may order the child or young adult to participate in nonresidential programs for intensive wraparound services, community-based residential services for short-term respite or other services and interventions the court deems appropriate.

Sec. 11. Section 46b-133h of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

[Not later than January 1, 2017, the] The Court Support Services Division of the Judicial Department shall adopt policies and procedures setting out the parameters under which Court Support Services Division staff may release a child or young adult from detention pursuant to subsection (f) of section 46b-133, as amended by this act. The division may update such parameters at such times as the division deems necessary.

Sec. 12. Section 46b-128 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) Whenever the Superior Court is in receipt of any written complaint filed by any person, any public or private agency or any federal, state, city or town department maintaining that [a child's] conduct of a child or young adult constitutes delinquency within the meaning of section 46b-120, as amended by this act, it shall make a preliminary investigation to determine whether the facts, if true, would be sufficient to be a juvenile matter and whether the interests of the public or the child or young adult require that further action be taken. If so, the court may authorize the filing of a verified petition of alleged delinquency or it may make without such petition whatever nonjudicial disposition is practicable, including the ordering of such child or young adult to do work of which he is capable in public buildings or on public property, particularly in cases in which the complaint alleges that the conduct of such child or young adult resulted in the wilful destruction of property, provided the facts establishing jurisdiction are admitted and that a competent acceptance of such a disposition has been given by the child or young adult and, [his] in the case of a child.

such child's parent or guardian. If a nonjudicial disposition is made, the term of any nonjudicial supervision shall be established by the juvenile probation supervisor provided such period of supervision shall not exceed one hundred eighty days. Each verified petition of delinquency filed by the court shall set forth plainly (1) the facts which bring the child or young adult within the jurisdiction of the court, (2) the name, date of birth, sex and residence of the child or young adult, (3) in the case of a child, the names and residence of [his] such child's parent or parents, guardian or other person having control of the child, and (4) a prayer for appropriate action by the court in conformity with the provisions of this chapter.

(b) Upon the filing of a delinquency petition, the court may, either forthwith or after investigation, cause a summons, which summons shall have a copy of said verified petition attached thereto, signed by the judge or by the clerk or assistant clerk of such court, to be issued, requiring the young adult, or, in the case of a child, the child and the parent or parents, guardian or other person having control of the child to appear in court at the time and place therein specified. Whenever, in the case of a child, it appears to the judge that orders addressed to an adult, as set forth in section 46b-121, as amended by this act, are necessary for the welfare of such child, a similar summons shall be issued and served upon such adult if such adult is not already in court. Service of summons, together with a copy of the verified petition, may be made by any one of the following methods: (1) By the delivery of a true and attested copy thereof to the person summoned, or at such person's usual place of abode; (2) by restricted delivery addressed to the person summoned, return receipt requested; or (3) by first class mail addressed to the person summoned. Any notice sent by first class mail shall include a provision informing the party that appearance in court as a result of the notice may subject the appearing party to the jurisdiction of the court. If service is made by first class mail and the party does not appear, no order may be entered by the court in the case. If, after reasonable effort, personal service has not been made, such substitute service, by publication or otherwise, as the judge may order, shall be sufficient. Service may be made by any officer authorized by law to serve process, or by a probation officer, probation aide or indifferent person, and the court may allow suitable expenses and a reasonable fee therefor. [The] In the case of a child, the court may punish for contempt, as provided in section 46b-121, as amended by this act, any parent, guardian or other person so summoned who fails to appear in court at the time and place so specified.

Sec. 13. Section 46b-128a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) In any juvenile matter, as defined in section 46b-121, as amended by this act, in which a child or [youth] young adult is alleged to have committed a delinquent act or an act or omission for which a petition may be filed under section 46b-149, the child or [youth] young adult shall not be tried, convicted, adjudicated or subject to any disposition pursuant to section 46b-140, as amended by this act, or 46b-149 while the child or [youth] young adult is not competent. For the purposes of this section, a transfer to the regular criminal docket of the Superior Court pursuant to section 46b-127, as amended by this act, shall not be considered a disposition. A child or [youth] young adult is not competent if the child or [youth] young adult is unable to understand the proceedings against him or her or to assist in his or her own defense.

(b) If, at any time during a proceeding on a juvenile matter, it appears that the child or [youth] young adult is not competent, counsel for the child or [youth] young adult, the prosecutorial official, or the court, on its own motion, may request an examination to determine the child's or [youth's] young adult's competency. Whenever a request for a competency examination is under consideration by the court, the child or [youth] young adult shall be represented by counsel in accordance with the provisions of sections 46b-135, as amended by this act, and 46b-136, as amended by this act.

(c) A child or [youth] young adult alleged to have committed an offense is presumed to be competent. The age of the child or [youth] young adult is not a per se determinant of incompetency. The burden of going forward with the evidence and proving that the child or [youth] young adult is not competent by a preponderance of the evidence shall be on the party raising the issue of competency, except that if the court raises the issue of competency, the burden of going forward with the evidence shall be on the state. The court may call its own witnesses and conduct its own inquiry.

(d) If the court finds that the request for a competency examination is justified and that there is probable cause to believe that the child or [youth] young adult has committed the alleged offense, the court shall order a competency examination of the child or [youth] young adult. Competency examinations shall be conducted, within available appropriations, by (1) a clinical team constituted under policies and procedures established by the Chief Court Administrator, or (2) if agreed to by all parties, a physician specializing in psychiatry who has experience in conducting forensic interviews and in child and adult psychiatry. Any clinical team constituted under this section shall consist of three persons: A clinical psychologist with experience in child and adolescent psychology, and two of the following three types of professionals: (A) A clinical social worker licensed pursuant to chapter 383b, (B) a child and adolescent psychiatric nurse clinical specialist holding a master's degree in nursing, or (C) a physician specializing in psychiatry. At least one member of the clinical team shall have experience in conducting forensic interviews and at least one member of the clinical team shall have experience in child and adolescent psychology. The court may authorize a physician, a clinical psychologist, a child and adolescent psychiatric nurse specialist or a clinical social worker licensed pursuant to chapter 383b, selected by the child or [youth] young adult, to observe the examination, at the expense of the child or [youth] young adult or, if the child or [youth] young adult is represented by counsel appointed through the Public Defender Services Commission, the Office of the Chief Public Defender. In addition, counsel for the child or [youth] young adult, his or her designated representative and, if the child or [youth] young adult is represented by a public defender, a social worker from the Division of Public Defender Services, may observe the examination.

(e) The examination shall be completed not later than fifteen business days after the date it was ordered, unless the time for completion is extended by the court for good cause shown. The members of the clinical team or the examining physician shall prepare and sign, without notarization, a written report and file such report with the court not later than twenty-one business days after the date of the order. The report shall address the [child's or youth's] ability of the child or young adult to understand the proceedings against such child or [youth] young adult and such [child's or youth's] ability of the child or young adult to assist in his or her own defense. If the opinion of the clinical team or the examining physician set forth in such report is that the child or young adult cannot understand the proceedings against such child or [youth] young adult or is not able to assist in his or her own defense, the members of the team or the examining physician must determine and address in their report: (1) Whether there is a substantial probability that the child or [youth] young adult will attain or regain competency [within ninety days of an intervention being] not later than ninety days after an intervention is ordered by the court; and (2) the nature and type of intervention, in the least restrictive setting possible, recommended to attain or regain competency. On receipt of the written report, the clerk of the court shall cause copies of such written report to be delivered to counsel for the state and counsel for the child or [youth] young adult at least forty-eight hours prior to the hearing held under subsection (f) of this section.

(f) The court shall hold a hearing as to the competency of the child or [youth] young adult not later than ten business days after the court receives the written report of the clinical team or the examining physician

pursuant to subsection (e) of this section. A child or [youth] young adult may waive such evidentiary hearing only if the clinical team or examining physician has determined without qualification that the child or [youth] young adult is competent. Any evidence regarding the [child's or youth's] competency of the child or young adult, including, but not limited to, the written report, may be introduced in evidence at the hearing by either the child or [youth] young adult or the state. If the written report is introduced as evidence, at least one member of the clinical team or the examining physician shall be present to testify as to the determinations in the report, unless the clinical team's or the examining physician's presence is waived by the child or [youth] young adult and the state. Any member of the clinical team shall be considered competent to testify as to the clinical team's determinations.

(g) (1) If the court, after the competency hearing, finds by a preponderance of the evidence that the child or [youth] young adult is competent, the court shall continue with the prosecution of the juvenile matter.

(2) If the court, after the competency hearing, finds that the child or [youth] young adult is not competent, the court shall determine: (A) Whether there is a substantial probability that the child or [youth] young adult will attain or regain competency [within ninety days of] not later than ninety days after an intervention being ordered by the court; and (B) whether the recommended intervention to attain or regain competency is appropriate. In making its determination on an appropriate intervention, the court may consider: (i) The nature and circumstances of the alleged offense; (ii) the length of time the clinical team or examining physician estimates it will take for the child or [youth] young adult to attain or regain competency; (iii) whether the child or [youth] young adult poses a substantial risk to reoffend; and (iv) whether the child or [youth] young adult is able to receive community-based services or treatment that would prevent the child or [youth] young adult from reoffending.

(h) If the court finds that there is not a substantial probability that the child or [youth] young adult will attain or regain competency [within ninety days] not later than ninety days after a court ordered intervention or that the recommended intervention to attain or regain competency is not appropriate, the court may issue an order in accordance with subsection (k) of this section.

(i) (1) If the court finds that there is a substantial probability that the child or [youth] young adult will attain or regain competency [within ninety days if provided] not later than ninety days after being provided an appropriate intervention, the court shall schedule a hearing on the implementation of such intervention [within five business days] not later than five business days after such finding.

(2) An intervention implemented for the purpose of restoring competency shall comply with the following conditions: (A) The period of intervention shall not exceed ninety days, unless extended for an additional ninety days in accordance with the criteria set forth in subsection (j) of this section; and (B) (i) in the case of a child, the intervention services shall be provided by the Department of Children and Families or, if the child's [or youth's] parent or guardian agrees to pay for such services, by any appropriate person, agency, mental health facility or treatment program that agrees to provide appropriate intervention services in the least restrictive setting available to the child [or youth] and comply with the requirements of this section, or (ii) in the case of a young adult, the intervention services shall be provided by the Department of Mental Health and Addiction Services, or if the young adult agrees to pay for such services, by any appropriate person, agency, mental health facility or treatment program that agrees to provide appropriate intervention services in the least restrictive setting available to the young adult and comply with the requirements of this section.

(3) Prior to the hearing, the court shall notify the Commissioner of Children and Families [] or the commissioner's designee in the case of a child, or the Commissioner of Mental Health and Addiction Services or the commissioner's designee in the case of a young adult, or the appropriate person, agency, mental health facility or treatment program that has agreed to provide appropriate intervention services to the child or [youth] young adult that an intervention to attain or regain competency will be ordered. The commissioner, the commissioner's designee or the appropriate person, agency, mental health facility or treatment program shall be provided with a copy of the report of the clinical team or examining physician and shall report to the court on a proposed implementation of the intervention prior to the hearing.

(4) At the hearing, the court shall review the written report and order an appropriate intervention for a period not to exceed ninety days in the least restrictive setting available to restore competency. In making its determination, the court shall use the criteria set forth in subdivision (2) of subsection (g) of this section. Upon ordering an intervention, the court shall set a date for a hearing, to be held at least ten business days after the completion of the intervention period, for the purpose of reassessing the [child's or youth's] competency of the child or young adult.

(j) (1) At least ten business days prior to the date of any scheduled hearing on the issue of the reassessment of the [child's or youth's] competency of the child or young adult, the Commissioner of Children and Families [] or the commissioner's designee in the case of a child, or the Commissioner of Mental Health and Addiction Services or the commissioner's designee in the case of a young adult, or other person, agency, mental health facility or treatment program providing intervention services to restore a child or [youth] young adult to competency shall report on the progress of such intervention services to the clinical team or examining physician.

(2) Upon receipt of the report on the progress of such intervention, the child or [youth] young adult shall be reassessed by the original clinical team or examining physician, except that if the original team or examining physician is unavailable, the court may appoint a new clinical team that, where possible, shall include at least one member of the original team, or a new examining physician. The new clinical team or examining physician shall have the same qualifications as the original team or examining physician, as provided in subsection (d) of this section, and shall have access to clinical information available from the provider of the intervention services. Not less than two business days prior to the date of any scheduled hearing on the reassessment of the [child's or youth's] competency of the child or young adult, the clinical team or examining physician shall submit a report to the court that includes: (A) The clinical findings of the provider of the intervention services and the facts upon which the findings are made; (B) the clinical team's or the examining physician's opinion on whether the child or [youth] young adult has attained or regained competency or is making progress toward attaining or regaining competency within the period covered by the intervention order; and (C) any other information concerning the child or [youth] young adult requested by the court, including, but not limited to, the method of intervention or the type, dosage and effect of any medication the child or [youth] young adult is receiving.

(3) [Within] Not later than two business days [of] after the filing of a reassessment report, the court shall hold a hearing to determine if the child or [youth] young adult has attained or regained competency within the period covered by the intervention order. If the court finds that the child or [youth] young adult has attained or regained competency, the court shall continue with the prosecution of the juvenile matter. If the court finds that the child or [youth] young adult has not attained or regained competency within the period covered by the intervention order, the court shall determine whether further efforts to attain or regain competency are appropriate. The court shall make its determination of whether further efforts to attain or

regain competency are appropriate in accordance with the criteria set forth in subdivision (2) of subsection (g) of this section. If the court finds that further intervention to attain or regain competency is appropriate, the court shall order a new period for restoration of competency not to exceed ninety days. If the court finds that further intervention to attain or regain competency is not appropriate or the child or [youth] young adult has not attained or regained competency after an additional intervention of ninety days, the court shall issue an order in accordance with subsection (k) of this section.

(k) (1) If the court determines after the period covered by the intervention order that the child or [youth] young adult has not attained or regained competency and that there is not a substantial probability that the child or [youth] young adult will attain or regain competency, or that further intervention to attain or regain competency is not appropriate based on the criteria set forth in subdivision (2) of subsection (g) of this section, the court shall: (A) Dismiss the petition if it is a delinquency or family with service needs petition; (B) in the case of a child, vest temporary custody of the child [or youth] in the Commissioner of Children and Families and notify the Office of the Chief Public Defender, which shall assign an attorney to serve as guardian ad litem for the child [or youth] and investigate whether a petition should be filed under section 46b-129; or (C) order that the Department of Children and Families in the case of a child, the Department of Mental Health and Addiction Services in the case of a young adult, or some other person, agency, mental health facility or treatment program, or [such child's or youth's probation officer] the probation officer of such child or young adult, conduct or obtain an appropriate assessment and, where appropriate, propose a plan for services that can appropriately address the [child's or youth's] needs of the child or young adult in the least restrictive setting available and appropriate. Any plan for services may include a plan for interagency collaboration for the provision of appropriate services after the child [or youth] attains the age of eighteen or the young adult attains the age for adult jurisdiction.

(2) Not later than ten business days after the issuance of an order pursuant to subparagraph (B) or (C) of subdivision (1) of this subsection, the court shall hold a hearing to review the order of temporary custody or any recommendations of the Department of Children and Families [, such] in the case of a child, or any recommendations of the Department of Mental Health and Addiction Services in the case of a young adult, probation officer or [such] attorney for such child or young adult or guardian ad litem for the child [or youth.]

(3) If the child [or youth] is adjudicated neglected, uncared-for or abused subsequent to such a petition being filed, or if a plan for services pursuant to subparagraph (C) of subdivision (1) of this subsection has been approved by the court and implemented, the court may dismiss the delinquency or family with service needs petition, or, in the discretion of the court, order that the prosecution of the case be suspended for a period not to exceed eighteen months. During the period of suspension, the court may order the Department of Children and Families to provide periodic reports to the court to ensure that appropriate services are being provided to the child. [or youth.] If during the period of suspension, the child [or youth] or the parent or guardian of the child [or youth] does not comply with the requirements set forth in the plan for services, the court may hold a hearing to determine whether the court should follow the procedure under subparagraph (B) of subdivision (1) of this subsection for instituting a petition alleging that a child is neglected, uncared for or abused. Whenever the court finds that the need for the suspension of prosecution is no longer necessary, but not later than the expiration of such period of suspension, the delinquency or family with service needs petition shall be dismissed.

Sec. 14. Section 46b-133a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) A nolle prosequi may not be entered as to any count of delinquency if the child or young adult objects to the nolle prosequi and demands either a trial or dismissal, except with respect to prosecutions in which a nolle prosequi is entered upon a representation to the court by the prosecutorial official that a material witness has died, disappeared or become disabled or that material evidence has disappeared or has been destroyed and that a further investigation is therefore necessary.

(b) Whenever a nolle prosequi has been entered as to any count of delinquency, or whenever any count of delinquency has been dismissed without prejudice, if at least thirteen months have elapsed since such nolle or dismissal without prejudice, all police and court records pertaining to such count shall be erased. Whenever any such count has been continued at the request of the prosecutorial official and a period of thirteen months has elapsed since the granting of such continuance during which period there has been no prosecution or other disposition of the matter, the count shall be construed to have been nolled as of the date of termination of such thirteen-month period and such erasure may thereafter be effected as provided in this subsection for nolled cases.

Sec. 15. Section 46b-133b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) The court, on motion of a child or young adult charged with a delinquency offense, but not yet [convicted] adjudicated as delinquent, may order that such child or young adult be examined to determine whether the child or young adult is alcohol-dependent or drug-dependent as defined in section 46b-120, as amended by this act. Such motion shall be filed with the court [within] not later than ten days after a plea is entered, except if waived by the court or pursuant to an agreement by the parties. The results of any examination ordered pursuant to this subsection shall be utilized only for the purposes of determining whether the delinquency proceeding should be suspended under this section.

(b) The court, upon motion of the child or young adult charged with a delinquency offense but not yet [convicted] adjudicated as delinquent, may order the suspension of the delinquency proceedings for a period of up to one year, order periodic alcohol and drug testing of such child or young adult during the period of suspension and order treatment for alcohol or drug dependency if the court, after consideration of information before it concerning the alcohol or drug dependency of the child or young adult, finds that (1) the child or young adult is alcohol-dependent or drug-dependent as defined in section 46b-120, as amended by this act, (2) the child or young adult presently needs and is likely to benefit from treatment for the dependency, and (3) the suspension of the delinquency proceedings will advance the interests of justice. During the period of suspension, a child or young adult shall be placed under the supervision of a juvenile probation officer for treatment for alcohol or drug dependency and such officer shall monitor the compliance of the child or young adult with the orders of the court.

(c) If the court denies the motion for suspension of the delinquency proceedings, the prosecutorial official may proceed with the delinquency proceedings. Any order of the court granting or denying a motion for suspension of the delinquency proceedings shall not be deemed a final order for purposes of appeal.

(d) At any time before the end of the period of the suspension of the delinquency proceedings, but not later than one month before the end of the period of suspension, a juvenile probation officer shall notify the court of the impending conclusion of the suspension and submit a report on whether the child or young adult has completed the treatment program and has complied with all other conditions of the suspension order imposed by the court.

(e) If the court, on motion of the child or young adult or on its own motion, finds that the child or young adult has completed the treatment program and has complied with all other conditions of suspension, it may dismiss the charge for which the delinquency proceedings had been suspended. If the court denies the motion and terminates the suspension of the delinquency proceedings, the prosecutorial official may proceed with such proceedings.

(f) The provisions of this section shall not apply to any child or young adult charged with a serious juvenile offense as defined in section 46b-120, as amended by this act, or any child or young adult who was previously ordered treated under this section.

Sec. 16. Section 46b-134 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

Prior to the disposition of the case of any child convicted of a delinquent act or young adult adjudicated as delinquent, investigation shall be made of the facts as specified in this section by the probation officer, and until such investigation has been completed and the results thereof placed before the judge, no disposition of the child's case shall be made. Such investigation shall consist of an examination of the parentage and surroundings of the child or young adult and the child's age, habits and history [, and] of the child or young adult, and, in the case of a child, shall include also an inquiry into the home conditions, habits and character of the child's parents or guardians. Such investigation shall include an inquiry into the circumstances of the offense, the attitude of the complainant or victim, the criminal record, the present condition of the child or young adult and any damages suffered by the victim including medical expenses, loss of earnings and property loss. If the child or young adult is or legally should be in attendance at school, such investigation shall further contain a report of the child's school attendance of the child or young adult, adjustment and behavior [, the child's] of the child or young adult and any individualized education program if, [the child has been] as a child, such person was identified pursuant to sections 10-76a to 10-76gg, inclusive, as requiring special education and related services and any recommendations from school officials on conditions of probation if the child or young adult is placed on probation pursuant to section 46b-140, as amended by this act, which shall be furnished by the school officials to the court upon its request. The court shall, when it is found necessary to the disposition, cause a complete physical or mental examination, or both, to be made of the child or young adult by persons professionally qualified to do so. Such examination may include testing to determine whether the child or young adult is alcohol-dependent or drug-dependent as defined in section 46b-120, as amended by this act. If the court causes a complete physical or mental examination, or both, to be made of a young adult who is found able to pay in whole or in part the cost of any such examination, or a child whose parents, guardian or custodian is found able to pay in whole or in part the cost [thereof, it] of any such examination, the court shall assess as costs against such young adult, or, in the case of a child, such child's parents, guardian or custodian, including any agency vested with the legal custody of the child, the expense so incurred and paid for by the court in having such examination performed. [, to the extent of their financial ability to do so.] Prior to the disposition of the case of any child convicted of a delinquent act or young adult adjudicated as delinquent, the court may cause a complete diagnostic examination to be made, unless such information is otherwise available. Such information shall include physical and psychological diagnoses and may include medical, psychiatric, neurological, learning disability diagnoses and such other diagnoses as the court deems necessary. If such child is committed to the Department of Children and Families, such information shall be shared with the Department of Children and Families.

Sec. 17. Section 46b-135 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) At the commencement of any proceeding concerning the alleged delinquency of a child or young adult, the child or young adult shall have the right to counsel and be so informed by the judge, and that if the child and the parent or parents or guardian of the child are unable to afford counsel or if the young adult is unable to afford counsel, counsel will be provided for the child or young adult. Such counsel and the child or young adult shall have the rights of confrontation and cross-examination. If a parent fails to comply with a court order entered in the best interests of the alleged or adjudicated delinquent child and is facing potential imprisonment for contempt of court, such parent, if unable to afford counsel, shall be entitled to have counsel provided for such parent pursuant to this subsection.

(b) At the commencement of any proceeding on behalf of a neglected, uncared-for or abused child, [or youth,] the parent or parents or guardian of the child [or youth] shall have the right to counsel, and shall be so informed by the judge, and that if they are unable to afford counsel, counsel will be provided for them. Such parent or guardian of the child [or youth] shall have the rights of confrontation and cross-examination.

Sec. 18. Section 46b-136 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

In any proceeding in a juvenile matter, the judge before whom such proceeding is pending shall, even in the absence of a request to do so, provide an attorney to represent the child or [youth] young adult, or, in the case of a child, the child's [or youth's] parent or parents or guardian [,] or other person or custodian having control of the child, [or youth,] if such judge determines that the interests of justice so require, and in any proceeding in which the custody of a child is at issue, such judge shall provide an attorney to represent the child and may authorize such attorney or appoint another attorney to represent such child or [youth, parent, guardian or other person] the child's parent or parents or guardian or other person or custodian having control of the child on an appeal from a decision in such proceeding. Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost [thereof] of such counsel, the court shall assess as costs against such young adult, or, in the case of a child, such child's parent or parents, guardian or [custodian] or other person or custodian having control of the child, including any agency vested with the legal custody of the child, [or youth,] the expense so incurred and paid by the Division of Public Defender Services in providing such counsel, [to the extent of their financial ability to do so.] The Division of Public Defender Services shall establish the rate at which counsel provided pursuant to this section shall be compensated.

Sec. 19. Section 46b-137 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) Any admission, confession or statement, written or oral, made by a child under the age of sixteen to a police officer or Juvenile Court official shall be inadmissible in any proceeding concerning the alleged delinquency of the child making such admission, confession or statement unless made by such child in the presence of the child's parent or parents or guardian and after the parent or parents or guardian and child have been advised (1) of the child's right to retain counsel, or if unable to afford counsel, to have counsel appointed on the child's behalf, (2) of the child's right to refuse to make any statements, and (3) that any statements the child makes may be introduced into evidence against the child.

(b) Any admission, confession or statement, written or oral, made by a [child sixteen or seventeen years of

age] youth to a police officer or Juvenile Court official, except an admission, confession or statement, written or oral, made by a [child sixteen or seventeen years of age] youth to a police officer in connection with a case transferred to the Juvenile Court from the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters, shall be inadmissible in any proceeding concerning the alleged delinquency of the [child] youth making such admission, confession or statement, unless (1) the police or Juvenile Court official has made reasonable efforts to contact a parent or guardian of the [child] youth, and (2) such [child] youth has been advised that (A) the [child] youth has the right to contact a parent or guardian and to have a parent or guardian present during any interview, (B) the [child] youth has the right to retain counsel or, if unable to afford counsel, to have counsel appointed on behalf of the [child] youth, (C) the [child] youth has the right to refuse to make any statement, and (D) any statement the [child] youth makes may be introduced into evidence against the [child] youth.

(c) The admissibility of any admission, confession or statement, written or oral, made by a [child sixteen or seventeen years of age] youth to a police officer or Juvenile Court official, except an admission, confession or statement, written or oral, made by a [child sixteen or seventeen years of age] youth to a police officer in connection with a case transferred to the Juvenile Court from the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters, shall be determined by considering the totality of the circumstances at the time of the making of such admission, confession or statement. When determining the admissibility of such admission, confession or statement, the court shall consider (1) the age, experience, education, background and intelligence of the [child] youth, (2) the capacity of the [child] youth to understand the advice concerning rights and warnings required under subdivision (2) of subsection (b) of this section, the nature of the privilege against self-incrimination under the United States and Connecticut Constitutions, and the consequences of waiving such rights and privilege, (3) the opportunity the [child] youth had to speak with a parent, guardian or some other suitable individual prior to or while making such admission, confession or statement, and (4) the circumstances surrounding the making of the admission, confession or statement, including, but not limited to, (A) when and where the admission, confession or statement was made, (B) the reasonableness of proceeding, or the need to proceed, without a parent or guardian present, and (C) the reasonableness of efforts by the police or Juvenile Court official to attempt to contact a parent or guardian.

(d) Any confession, admission or statement, written or oral, made by the parent or parents or guardian of the child or youth after the filing of a petition alleging such child or youth to be neglected, uncared for or abused shall be inadmissible in any proceeding held upon such petition against the person making such admission or statement unless such person shall have been advised of the person's right to retain counsel, and that if the person is unable to afford counsel, counsel will be appointed to represent the person, that the person has a right to refuse to make any statement and that any statements the person makes may be introduced in evidence against the person, except that any statement made by the mother of any child or youth, upon inquiry by the court and under oath if necessary, as to the identity of any person who might be the father of the child or youth shall not be inadmissible if the mother was not so advised.

Sec. 20. Section 46b-138 of the general statutes is repealed and the following is substituted in lieu thereof
(Effective July 1, 2018):

For the purpose of hearing any juvenile matter, the court may summon witnesses and compel their attendance. The conversations of the judge with a child or [youth] young adult whose case is before the court shall be privileged.

Sec. 21. Section 46b-138b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

In any proceeding concerning the alleged delinquency of a child or young adult, any victim of the alleged delinquent conduct, the parents or guardian of such victim, a victim advocate for such victim under section 54-220, or such victim's counsel shall have the right to appear before the court for the purpose of making a statement to the court concerning the disposition of the case.

Sec. 22. Section 46b-140 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) In determining the appropriate disposition of a child convicted or young adult adjudicated as delinquent, the court shall consider: (1) The seriousness of the offense, including the existence of any aggravating factors such as the use of a firearm in the commission of the offense and the impact of the offense on any victim; (2) the child's person's record of delinquency; (3) the child's willingness to participate in available programs; (4) the existence of other mitigating factors; and (5) the culpability of the child or young adult in committing the offense including the level of the child's participation by such person in the planning and carrying out of the offense.

(b) Upon conviction adjudication of a child or young adult as delinquent, the court: (1) May (A) order the child or young adult to participate in an alternative incarceration program; (B) in the case of a child, order the child to participate in a program at a wilderness school facility operated by the Department of Children and Families; (C) order the child to participate in a youth service bureau program; (D) place the child or young adult on probation; (E) order the child or young adult, or, in the case of a child, the parents or guardian of the child, or both, to make restitution to the victim of the offense in accordance with subsection (d) of this section; (F) order the child or young adult to participate in a program of community service in accordance with subsection (e) of this section; or (G) withhold or suspend execution of any judgment; and (2) shall impose the penalty established in subsection (b) of section 30-89 for any violation of said subsection (b).

(c) The court may order, as a condition of probation, that the child or young adult (1) in the case of a child, reside with a parent, relative or guardian or in a suitable foster home or other residence approved by the court, (2) attend school and class on a regular basis and comply with school policies on student conduct and discipline, (3) refrain from violating any federal or state law or municipal or local ordinance, (4) undergo any medical or psychiatric evaluation or treatment deemed necessary by the court, (5) submit to random drug or alcohol testing, or both, (6) participate in a program of alcohol or drug treatment, or both, (7) make restitution to the victim of the offense in accordance with subsection (d) of this section, (8) participate in an alternative incarceration program or other program established through the Court Support Services Division, (9) participate in a program of community service, and (10) satisfy any other conditions deemed appropriate by the court. The court shall cause a copy of any such order to be delivered to the child [,] or young adult and, in the case of a child, to the child's parents or guardian and the child's probation officer. If the child or young adult is convicted adjudicated as delinquent for a violation of section 53-247, the court may order, as a condition of probation, that the child or young adult undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the child or young adult.

(d) If the child or young adult has engaged in conduct which results in property damage or personal injury, the court may order the child or young adult, or, in the case of a child, the parent or parents or guardian of

the child, if such parent or parents or guardian had knowledge of and condoned the conduct of the child, or both the child and the parent or parents or guardian, to make restitution to the victim of such offense, provided the liability of such parent or parents or guardian shall be limited to an amount not exceeding the amount such parent or parents or guardian would be liable for in an action under section 52-572. Restitution may consist of monetary reimbursement for the damage or injury, based on the [child's or the parent's, parents' or guardian's] person's ability to pay, [as the case may be,] in the form of a lump sum or installment payments, paid to the court clerk or such other official designated by the court for distribution to the victim.

(e) The court may order the child or young adult to participate in a program of community service under the supervision of the court or any organization designated by the court. Such child or young adult shall not be deemed to be an employee and the services of such child or young adult shall not be deemed employment.

(f) If the court further finds that its probation services or other services available to the court are not adequate for such child or young adult, the court shall commit such child or young adult to the Department of Children and Families in accordance with the provisions of section 46b-141, as amended by this act.

(g) Any child [or youth] coming within the jurisdiction of the court, who is found to be mentally ill, may be committed by said court to the Commissioner of Children and Families and, if the court [convicts] adjudicates a child as delinquent and finds such child to be mentally deficient, the court may commit such child to an institution for mentally deficient children [or youth or delinquents] or delinquent children. No such commitment may be ordered or continued for any child who has attained the age of twenty. Whenever it is found that a child [convicted] adjudicated as delinquent or adjudged to be a member of a family with service needs would benefit from a work-study program or employment with or without continued school attendance, the court may, as a condition of probation or supervision, authorize such child to be employed for part or full-time at some useful occupation that would be favorable to such child's welfare, and the probation officer shall supervise such employment. For the purposes of this section, the limitations of subsection (a) of section 31-23 on the employment of minors under the age of sixteen years shall not apply for the duration of such probation or supervision.

(h) Whenever the court commits a child to the Department of Children and Families, there shall be delivered with the mittimus a copy of the results of the investigations made as required by section 46b-134, as amended by this act. The court may, at any time, require from the department in whose care a child has been placed such report as to such child and such child's treatment.

(i) If the delinquent act for which the child is committed to the Department of Children and Families is a serious juvenile offense, the court may set a minimum period of twelve months during which the child shall be placed in a residential facility operated by or under contract with said department, as determined by the Commissioner of Children and Families. No such commitment may be ordered or continued for any child who has attained the age of twenty. The setting of such minimum period shall be in the form of an order of the court included in the mittimus. For good cause shown in the form of an affidavit annexed thereto, the Department of Children and Families, the parent or guardian of the child or the child may petition the court for modification of any such order.

(j) Except as otherwise provided in this section, the court may order that a child or young adult be (1) committed to the Department of Children and Families and, after consultation with said department, the court may order that the child or young adult be placed directly in a residential facility within this state and under contract with said department, or (2) committed to the Commissioner of Children and Families for

placement by the commissioner, in said commissioner's discretion, (A) with respect to the juvenile offenders determined by the Department of Children and Families to be the highest risk, in the Connecticut Juvenile Training School, if the juvenile offender is a male, or in another state facility, presumptively for a minimum period of twelve months, or (B) in a private residential or day treatment facility within or outside this state, or (C) on parole. No such commitment may be ordered or continued for any child or young adult who has attained the age of twenty. The commissioner shall use a risk and needs assessment classification system to ensure that children who are in the highest risk level will be placed in an appropriate secure treatment setting.

(k) On or after May 21, 2004, no female child or female young adult committed to the Department of Children and Families shall be placed in the Connecticut Juvenile Training School. Any female child placed in the Connecticut Juvenile Training School before May 21, 2004, shall be transferred to another appropriate facility not later than ninety days after May 21, 2004.

(l) Notwithstanding any provisions of the general statutes concerning the confidentiality of records and information, whenever a child [convicted] adjudicated as delinquent is committed to the Department of Children and Families, the Commissioner of Children and Families shall have access to the following information: (1) Educational records of such child; (2) records regarding such child's past treatment for physical or mental illness, including substance abuse; (3) records regarding such child's prior placement in a public or private residential facility; (4) records created or obtained by the Judicial Department regarding such child; and (5) records, as defined in subsection (a) of section 17a-28. The Commissioner of Children and Families shall review such information to determine the appropriate services and placement which will be in the best interest of the child.

Sec. 23. Section 46b-140a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) At any time during the period of probation or suspended commitment, after hearing and for good cause shown, the court may modify or enlarge the conditions, whether originally imposed by the court under this section or otherwise, and may extend the period as deemed appropriate by the court. The court shall cause a copy of any such order to be delivered to the child or [youth and to such child's or youth's parent or guardian and probation officer] young adult, the probation officer of the child or young adult, and, in the case of a child, the child's parent or guardian.

(b) The period of participation in an alternative incarceration program, as a condition of probation or suspended commitment, unless terminated sooner, shall not exceed the original period of probation or suspended commitment.

(c) At any time during the period of probation or suspended commitment, the court may issue a warrant for the arrest of a child or [youth] young adult for violation of any of the conditions of probation or suspended commitment, or may issue a notice to appear to answer to a charge of such violation, which notice shall be personally served upon the child or [youth] young adult. Any such warrant shall authorize all officers named [therein] in such warrant to return the child or [youth] young adult to the custody of the court or to any suitable [juvenile] detention facility designated by the court.

(d) If such violation is established, the court may continue or revoke the order of probation or suspended commitment or modify or enlarge the conditions and, if such order of probation or suspended commitment is revoked, require the child or [youth] young adult to serve the commitment imposed or impose any lesser

commitment. No such revocation shall be ordered, except upon consideration of the whole record and unless such violation is established by reliable and probative evidence.

(e) Upon a determination by the court that a child or [youth] young adult has violated probation by failing to comply with the requirements of electronic monitoring, the Court Support Services Division shall notify the local law enforcement agency of such violation.

Sec. 24. Section 46b-141 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) (1) Except as otherwise limited by subsection (i) of section 46b-140, as amended by this act, and subdivision (2) of this subsection, commitment of children [convicted] or young adults adjudicated as delinquent by the Superior Court to the Department of Children and Families shall be for (A) an indeterminate time up to a maximum of eighteen months, or (B) when so [convicted] adjudicated for a serious juvenile offense, up to a maximum of four years at the discretion of the court, unless extended as [hereinafter] provided in this section.

(2) Commitment of children [convicted] or young adults adjudicated as delinquent by the Superior Court to the Department of Children and Families shall terminate when the child or young adult attains the age of twenty.

(b) The Commissioner of Children and Families may file a motion for an extension of the commitment as provided in subparagraph (A) of subdivision (1) of subsection (a) of this section beyond the eighteen-month period on the grounds that such extension is for the best interest of the child or the community. The court shall give notice to the parent or guardian and to the child at least fourteen days prior to the hearing upon such motion. The court may, after hearing and upon finding that such extension is in the best interest of the child or the community, continue the commitment for an additional period of not more than eighteen months, except that such additional period shall not continue beyond the date the child attains the age of twenty. Not later than twelve months after a child is committed to the Department of Children and Families in accordance with subparagraph (A) of subdivision (1) of subsection (a) of this section, the court shall hold a permanency hearing in accordance with subsection (d) of this section. After the initial permanency hearing, subsequent permanency hearings shall be held not less frequently than every twelve months while the child remains committed to the Department of Children and Families.

(c) The court shall hold a permanency hearing in accordance with subsection (d) of this section for each child [convicted] adjudicated as delinquent for a serious juvenile offense as provided in subparagraph (B) of subdivision (1) of subsection (a) of this section [within] not later than twelve months [of] after commitment to the Department of Children and Families and every twelve months thereafter if the child remains committed to the Department of Children and Families. Such hearing may include the submission of a motion to the court by the commissioner to either (1) modify such commitment, or (2) extend the commitment beyond such four-year period on the grounds that such extension is for the best interest of the child or the community. The court shall give notice to the parent or guardian and to the child at least fourteen days prior to the hearing upon such motion. The court, after hearing, may modify such commitment or, upon finding that such extension is in the best interest of the child or the community, continue the commitment for an additional period of not more than eighteen months.

(d) At least sixty days prior to each permanency hearing required pursuant to subsection (b) or (c) of this section, the Commissioner of Children and Families shall file a permanency plan with the court. At each

permanency hearing, the court shall review and approve a permanency plan that is in the best interest of the child and takes into consideration the child's need for permanency. Such permanency plan may include the goal of: (1) Revocation of commitment and placement of the child with the parent or guardian, (2) transfer of guardianship, (3) adoption, or (4) for any child sixteen years of age or older, such other planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interest of the child for the permanency plan to include the goals in subdivisions (1) to (3), inclusive, of this subsection. Such other planned permanent living arrangement may include, but not be limited to, placement of the child in an independent living program. At any such permanency hearing, the court shall also determine whether the Commissioner of Children and Families has made reasonable efforts to achieve the permanency plan.

(e) (1) If the permanency plan for a child sixteen years of age or older includes such other planned permanent living arrangement pursuant to subdivision (4) of subsection (d) of this section, the department shall document for the court: (A) The manner and frequency of efforts made by the department to return the child home or secure a placement for the child with a fit and willing relative, legal guardian or an adoptive parent; and (B) the steps the department has taken to ensure that (i) the child's foster family home or child care institution is following a reasonable and prudent parent standard, as defined in section 17a-114d; and (ii) the child has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities, as defined in section 17a-114d.

(2) At any such permanency hearing in which the plan for a child sixteen years of age or older is such other planned permanent living arrangement pursuant to subdivision (4) of subsection (d) of this section, the court shall (A) (i) ask the child about his or her desired permanency outcome, or (ii) if the child is unavailable to appear at such hearing, require the attorney for the child to consult with the child regarding the child's desired permanency outcome and report the same to the court; (B) make a judicial determination that, as of the date of hearing, such other planned permanent living arrangement is the best permanency plan for the child; and (C) document the compelling reasons why it is not in the best interest of the child to return home or to be placed with a fit and willing relative, legal guardian or adoptive parent.

(f) All other commitments of delinquent, mentally deficient or mentally ill children by the court pursuant to the provisions of section 46b-140, as amended by this act, may be for an indeterminate time, except that no such commitment may be ordered or continued for any child who has attained the age of twenty. Commitments may be reopened and terminated at any time by said court, provided the Commissioner of Children and Families shall be given notice of such proposed reopening and a reasonable opportunity to present the commissioner's views thereon. The parents or guardian of such child may apply not more than twice in any calendar year for such reopening and termination of commitment. Any order of the court made under the provisions of this section shall be deemed a final order for purposes of appeal, except that no bond shall be required and no costs shall be taxed on such appeal.

Sec. 25. Section 46b-141a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(a) Whenever a child or young adult is [convicted] adjudicated as delinquent, the court, in lieu of committing such child to the Department of Children and Families or such child or young adult to a [juvenile] detention center, may, in its discretion, order an assessment for placement in an alternative incarceration program to be conducted by the Court Support Services Division. If the Court Support Services Division recommends placement in an alternative incarceration program, it shall also submit to the court a proposed alternative

incarceration plan. Upon completion of the assessment, the court shall determine whether such child or young adult shall be ordered to participate in such program as an alternative to commitment. If the court determines that the child or young adult shall participate in such program, the court shall suspend any commitment to the Department of Children and Families or to a juvenile detention center and shall make participation in the alternative incarceration program a condition of probation.

(b) An alternative incarceration program shall include, but not be limited to, fines, restitution, community service, halfway houses, alternative incarceration centers, day incarceration centers, drug, alcohol and mental health programs, electronic monitoring, intensive probation, vocational probation, boot camps, structured wilderness programs, pretrial diversion options aimed at creating alternatives to unnecessary detention, and school and job training programs.

Sec. 26. Section 46b-141d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

Any child or young adult who is arrested and held in a detention center, an alternative detention center or a police station or courthouse lockup prior to the disposition of a juvenile matter shall, if subsequently [convicted] adjudicated as delinquent by the Superior Court and sentenced to a period of probation, earn a reduction of such child's period of probation, including any extensions thereof, equal to the number of days that such child or young adult spent in such detention center or lockup.

Sec. 27. Section 46b-145 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

No child or young adult shall be prosecuted for an offense before the regular criminal docket of the Superior Court except as provided in section 46b-127, as amended by this act, and subsection (f) of section 46b-133c, as amended by this act.

Sec. 28. Section 46b-147 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

The disposition and any order of such disposition of any child or young adult under the provisions of this chapter, evidence given in such cases, except evidence of crime which, if committed by a person [of sufficient age, would be punishable by imprisonment in the Connecticut Correctional Institution, Somers, and all orders therein] who, at the time of the commission of the crime, attained the age for adult jurisdiction, shall be inadmissible as evidence in any criminal proceedings against such child or young adult.

Sec. 29. Section 18-100i of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

[(a)] The Commissioner of Correction, at the commissioner's discretion, may release an inmate from the commissioner's custody, except an inmate convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, for placement in a licensed community-based nursing home under contract with the state for the purpose of providing palliative and end-of-life care to the inmate if the medical director of the Department of Correction determines that the inmate is suffering from a terminal condition, disease or syndrome, or is so debilitated or incapacitated by a terminal condition, disease or syndrome as to (1) require continuous palliative or end-of-life care, or (2) be physically incapable of presenting a danger to

society.

[(b) The Commissioner of Correction may require as a condition of release under subsection (a) of this section that the medical director conduct periodic medical review and diagnosis of the inmate during such release. An inmate released pursuant to subsection (a) of this section shall be returned to the custody of the Commissioner of Correction if the medical director determines that the inmate no longer meets the criteria for release under subsection (a) of this section.]

[(c)] Any inmate released from the custody of the Commissioner of Correction pursuant to [subsection (a) of] this section shall be supervised in the community by the Department of Correction.

Sec. 30. (NEW) *(Effective from passage)* The Criminal Justice Policy and Planning Division, established pursuant to section 4-68m of the general statutes, within the Office of Policy and Management, shall publish monthly statistics on its Internet web site on the number and types of transfers made from the docket for juvenile matters to the regular criminal docket of the Superior Court pursuant to section 46b-127 of the general statutes, as amended by this act.

Sec. 31. Section 54-76b of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2017)*:

(a) For the purposes of [sections 54-76b to 54-76n, inclusive] this section and sections 54-76c to 54-76q, inclusive, as amended by this act:

(1) "Youth" means (A) a [minor who has reached the age of sixteen years but has not reached the age of eighteen years] person who is sixteen years of age or older but under twenty-one years of age at the time of the alleged offense, or (B) a [child] person who has been transferred to the regular criminal docket of the Superior Court pursuant to section 46b-127, as amended by this act; and

(2) "Youthful offender" means a youth who (A) is charged with the commission of a crime which is not a class A felony or a violation of section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between [the youth] a person who is sixteen years of age or older but under eighteen years of age and another person who is thirteen years of age or older but under sixteen years of age, and (B) has not previously been convicted of a felony in the regular criminal docket of the Superior Court or been previously adjudged a serious juvenile offender or serious juvenile repeat offender, as defined in section 46b-120, as amended by this act.

(b) The Interstate Compact for Adult Offender Supervision under section 54-133 shall apply to youthful offenders.

Sec. 32. Subsection (a) of section 54-76h of the general statutes is repealed and the following is substituted in lieu thereof *(Effective October 1, 2017)*:

(a) All of the proceedings [had] under the provisions of sections 54-76b to 54-76n, inclusive, as amended by this act, in which the defendant is under eighteen years of age, shall be private and [shall be] conducted in such parts of the courthouse or the building [wherein] in which the court is located [as shall be] that are separate and apart from [the other parts] any other part of the court [which are] that is then being held for

proceedings pertaining to adults charged with crimes. If the defendant is committed while any examination and investigation under section 54-76d is pending, before trial, during trial or after judgment and before sentence, those persons in charge of the place of detention shall segregate the defendant, to the extent of their facilities, from defendants over the age of eighteen years charged with crime.

Sec. 33. Subsection (b) of section 54-76j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(b) If execution of the sentence is suspended under subdivision (6) of subsection (a) of this section, the defendant may be placed on probation or conditional discharge for a period not to exceed three years, provided, at any time during the period of probation, after hearing and for good cause shown, the court may extend the period as deemed appropriate by the court. If the court places [the person] a person who is under eighteen years of age and who is adjudicated to be a youthful offender on probation, the court may order that, as a condition of such probation, the person be referred for services to a youth service bureau established pursuant to section 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the person is in need of and likely to benefit from such services. If the court places a youthful offender on probation, school and class attendance on a regular basis and satisfactory compliance with school policies on student conduct and discipline may be a condition of such probation and, in such a case, failure to so attend or comply shall be a violation of probation. If the court has reason to believe that the person adjudicated to be a youthful offender is or has been an unlawful user of narcotic drugs, as defined in section 21a-240, and the court places such youthful offender on probation, the conditions of probation, among other things, shall include a requirement that such person shall submit to periodic tests to determine, by the use of "synthetic opiate antinarcotic in action", nalline test or other detection tests, at a hospital or other facility, equipped to make such tests, whether such person is using narcotic drugs. A failure to report for such tests or a determination that such person is unlawfully using narcotic drugs shall constitute a violation of probation. If the court places a person adjudicated as a youthful offender for a violation of section 53-247 on probation, the court may order that, as a condition of such probation, the person undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program, provided such a program exists and is available to the person.

Sec. 34. Subsection (a) of section 54-76l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The records or other information of a youth, other than a youth [arrested for or] charged with the commission of a crime which is a class A felony or a violation of section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between [the youth] a person who is sixteen years of age or older but under eighteen years of age and another person who is thirteen years of age or older but under sixteen years of age, including fingerprints, photographs and physical descriptions, shall be confidential and shall not be open to public inspection or be disclosed except as provided in this section, but such fingerprints, photographs and physical descriptions submitted to the State Police Bureau of Identification of the Division of State Police within the Department of Emergency Services and Public Protection at the time of the arrest of a person subsequently adjudged, or subsequently presumed or determined to be eligible to be adjudged, a youthful offender shall be retained as confidential matter in the files of the bureau and be opened to inspection only as provided in this section. Other data ordinarily received by the bureau, with regard to persons arrested for a crime, shall be forwarded

to the bureau to be filed, in addition to such fingerprints, photographs and physical descriptions, and be retained in the division as confidential information, open to inspection only as provided in this section.

Sec. 35. Section 54-76o of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

Whenever any person has been adjudicated a youthful offender and has subsequently been discharged from the supervision of the court or from the care of any institution or agency to whom [he] such person has been committed by the court, all police and court records pertaining to such youthful offender shall be automatically erased [when such person attains twenty-one years of age] four years after such person was sentenced as a youthful offender, provided such person has not subsequent to being adjudged a youthful offender been convicted of a felony, as defined in section 53a-25, prior to attaining such age. Youthful offender status shall not be deemed conviction of a crime for the purposes of this section. Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files. The persons in charge of such records shall not disclose to any person, except the subject of the record, upon submission of satisfactory proof of the subject's identity in accordance with guidelines prescribed by the Chief Court Administrator, information pertaining to the record so erased. No [youth] person who has been the subject of such an erasure order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the proceedings affecting such [youth] person.

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

Section 1	<i>July 1, 2018</i>	46b-120
Sec. 2	<i>July 1, 2018</i>	46b-121
Sec. 3	<i>from passage</i>	46b-121n
Sec. 4	<i>July 1, 2018</i>	46b-127
Sec. 5	<i>July 1, 2018</i>	46b-133
Sec. 6	<i>July 1, 2018</i>	46b-133c
Sec. 7	<i>July 1, 2018</i>	46b-133d

Sec. 8	<i>July 1, 2018</i>	46b-68m(d) and (e)
Sec. 9	<i>July 1, 2018</i>	46b-124
Sec. 10	<i>July 1, 2018</i>	46b-133g
Sec. 11	<i>July 1, 2018</i>	46b-133h
Sec. 12	<i>July 1, 2018</i>	46b-128
Sec. 13	<i>July 1, 2018</i>	46b-128a
Sec. 14	<i>July 1, 2018</i>	46b-133a
Sec. 15	<i>July 1, 2018</i>	46b-133b
Sec. 16	<i>July 1, 2018</i>	46b-134
Sec. 17	<i>July 1, 2018</i>	46b-135
Sec. 18	<i>July 1, 2018</i>	46b-136
Sec. 19	<i>July 1, 2018</i>	46b-137
Sec. 20	<i>July 1, 2018</i>	46b-138
Sec. 21	<i>July 1, 2018</i>	46b-138b
Sec. 22	<i>July 1, 2018</i>	46b-140
Sec. 23	<i>July 1, 2018</i>	46b-140a
Sec. 24	<i>July 1, 2018</i>	46b-141

Sec. 25	<i>July 1, 2018</i>	46b-141a
Sec. 26	<i>July 1, 2018</i>	46b-141d
Sec. 27	<i>July 1, 2018</i>	46b-145
Sec. 28	<i>July 1, 2018</i>	46b-147
Sec. 29	<i>from passage</i>	18-100i
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>October 1, 2017</i>	54-76b
Sec. 32	<i>October 1, 2017</i>	54-76h(a)
Sec. 33	<i>October 1, 2017</i>	54-76j(b)
Sec. 34	<i>October 1, 2017</i>	54-76l(a)
Sec. 35	<i>October 1, 2017</i>	54-76o

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]