



General Assembly

February Session, 2006

Raised Bill No. 440

LCO No. 2141



Referred to Committee on **JUDICIARY**

Introduced by:  
(JUD)

**AN ACT CONCERNING JUVENILE JUSTICE.**

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

1 Section 1. Section 54-76c of the 2006 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) In any case where an information or complaint has been laid  
5 charging a defendant with the commission of a crime, and where it  
6 appears that the defendant is a youth, such defendant shall be  
7 presumed to be eligible to be adjudged a youthful offender and the  
8 court having jurisdiction shall, but only as to the public, order the  
9 court file sealed, unless such defendant (1) is charged with the  
10 commission of a crime which is a class A felony or a violation of  
11 subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-  
12 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving  
13 consensual sexual intercourse or sexual contact between the youth and  
14 another person who is thirteen years of age or older but under sixteen  
15 years of age, or (2) has been previously convicted of a felony in the  
16 regular criminal docket of the Superior Court or been previously  
17 adjudged a serious juvenile offender or serious juvenile repeat

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18 offender, as defined in section 46b-120, as amended. Except as  
19 provided in subsection (b) of this section, upon motion of the  
20 prosecuting official, the court may order that an investigation be made  
21 of such defendant under section 54-76d, as amended by this act, for the  
22 purpose of determining whether such defendant is ineligible to be  
23 adjudged a youthful offender, provided the court file shall remain  
24 sealed, but only as to the public, during such investigation.

25 (b) (1) Upon motion of the prosecuting official, [and order of] the  
26 court [,] shall order the transfer of the case of any defendant who is a  
27 youth and is charged with the commission of a felony, other than a  
28 felony set forth in subsection (a) of this section, [shall be transferred]  
29 from the youthful offender docket to the regular criminal docket of the  
30 Superior Court, provided the court finds that there is probable cause to  
31 believe the defendant has committed the act for which he or she is  
32 charged or a judge has previously found such probable cause and  
33 issued an arrest warrant for the defendant. The defendant shall be  
34 arraigned in the regular criminal docket of the Superior Court [by the  
35 next court business day following such transfer] in accordance with  
36 section 54-1g, provided any proceedings held prior to the finalization  
37 of such transfer shall be private and shall be conducted in such parts of  
38 the courthouse or the building wherein court is located as shall be  
39 separate and apart from the other parts of the court which are then  
40 being held for proceedings pertaining to adults charged with crimes.  
41 The file of any case so transferred shall remain sealed until [the end of  
42 the tenth working day following] such arraignment. [, unless the  
43 prosecuting official has filed a motion pursuant to subdivision (2) of  
44 this subsection, in which case such file shall remain sealed until the  
45 court makes a decision on the motion.]

46 (2) A prosecuting official may, [not later than ten working days] at  
47 any time after such arraignment, file a motion to transfer the case of  
48 any defendant who is a youth and is charged with the commission of a  
49 felony, other than a felony set forth in subsection (a) of this section,  
50 from the regular criminal docket of the Superior Court to the youthful

51 offender docket for proceedings in accordance with the provisions of  
 52 sections 54-76b to 54-76n, inclusive, as amended. [The] Upon  
 53 agreement of the parties, the court sitting for the regular criminal  
 54 docket of the Superior Court shall [ , after hearing and not later than ten  
 55 working days after the filing of such motion, decide] grant such  
 56 motion and, upon the granting of such motion, the file of the case shall  
 57 again be sealed and the case shall be transferred to such youthful  
 58 offender docket.

59 Sec. 2. Subsection (b) of section 54-76d of the 2006 supplement to the  
 60 general statutes is repealed and the following is substituted in lieu  
 61 thereof (*Effective from passage*):

62 (b) Upon the termination of such examinations, investigation and  
 63 questioning, the court, in its discretion based on the severity of the  
 64 crime, which shall also take into consideration whether or not the  
 65 defendant took advantage of the victim because of the victim's  
 66 advanced age or physical incapacity, and the results of the  
 67 examinations, investigation and questioning, including whether the  
 68 defendant has a record of any conviction or adjudication as a serious  
 69 juvenile offender or repeat serious juvenile offender, shall determine  
 70 whether such defendant is eligible or ineligible to be adjudged a  
 71 youthful offender. If the court determines that the defendant is eligible  
 72 to be so adjudged, no further action shall be taken on the information  
 73 or complaint and the defendant shall be required to enter a plea of  
 74 "guilty" or "not guilty" to the charge of being a youthful offender. If the  
 75 court determines that the defendant is ineligible to be so adjudged, it  
 76 shall order the information or complaint to be unsealed and the  
 77 defendant shall be prosecuted as though the proceedings under  
 78 sections 54-76b to 54-76n, inclusive, as amended, had not been had.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-76c
Sec. 2	<i>from passage</i>	54-76d(b)

**Statement of Purpose:**

To revise the procedures for the transfer of cases from the youthful offender docket to the regular criminal docket and for the return of such transferred cases to the youthful offender docket.

*[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.]*

