



## State of Connecticut

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### TESTIMONY OF CHRISTINE PERRA RAPILLO CHIEF PUBLIC DEFENDER

### RAISED BILL NO. 515 (RAISED) AAC MINOR AND TECHNICAL CHANGES TO VARIOUS STATUTES CONCERNING THE JUVENILE JUSTICE SYSTEM

### JUDICIARY COMMITTEE MARCH 23, 2018

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The Office of the Chief Public Defender (OCPD) is opposed to Sections 1, 4 and 7 and supports Sections 2 and 3 of **RAISED BILL No. 515 - AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO VARIOUS STATUTES CONCERNING THE JUVENILE JUSTICE SYSTEM.**

Section 1 of this bill expands the list of educational institutions that police are required to notify regarding the arrest of a resident/student (ages 7 through 21) for a violation of CGS Sec. 53-206c (Sale/Carrying/Brandishing of a Facsimile Firearm), a Class A misdemeanor or a felony. In addition, it adds language authorizing the police to also inform schools about *any* arrest of a resident/student *regardless* of the charge. Moreover, it further allows the police to provide information about a resident/student *even if an arrest was NOT made* if the person's conduct is a violation of school policy *or* would prompt the school to take precautionary steps to protect the health or safety of any student or employee or to prevent damage to school property. Notably, this language is *not* limited to conduct that occurs at school or at a school-sponsored activity.

This overly broad notification authority is unnecessary and not in the best interests of the student, school or community. One of the primary indicators of success for young people is educational stability and having access to a quality education. Allowing the police to notify schools of a student's conduct that occurs on *or* off school grounds, and is not serious enough to warrant an arrest (or results in an arrest for less than a Class A misdemeanor), is likely to have negative unintended consequences, including, but not limited to, stigmatization and

unwarranted disciplinary action that could impact the student's educational stability and success.

In addition, the discretion given to the police (when an arrest is *not* made) would require them to determine whether the person's conduct is a violation of school policy or would prompt the school to take "precautionary steps" as discussed above prior to notifying the school of the conduct. This assessment falls outside the scope of their area of expertise, and they should not be placed in the position of making that determination, which can have far-reaching and long-standing consequences for the student. For all of the above reasons, OCPD opposes this section of the bill.

Sections 2 and 3 of the bill include technical changes, specifically excluding violations of specific criminal statutes from the definition of a "delinquent" and "delinquent act" to codify existing practice and the public policy that certain behavior that might be criminal for an adult should not give rise to a delinquency conviction for a child. These include violations of certain restraining and protective orders and sexual offender registration (which is not required for a child). OCPD supports these sections.

Section 4 would mandate disclosure of otherwise confidential juvenile court records to the Department of Motor Vehicles (DMV) when a child is adjudicated delinquent for a host of new motor vehicle violations. This change is unnecessary and inappropriately erodes the important confidentiality protections of the juvenile court. There are already numerous motor vehicle violations that mandate disclosure of records to DMV, and these existing provisions (along with the motor vehicle violations that are being proposed here) were all reviewed and considered already as part of the Raise the Age system reform. Accordingly, OCPD opposes this section of the bill.

Section 7 of the bill inappropriately expands the definition of criminal possession of a firearm, ammunition or electronic defense weapon in CGS Sec. 53a-217 to specifically include a person who was previously adjudicated as a youthful offender for *any* offense that would be a felony if committed by an adult. Under existing law, there is a list of elements that could support a conviction under CGS Sec. 53a-217 whenever a person possesses a firearm, ammunition or electronic defense weapon. One of those elements is that the person has also been convicted previously for a specified and limited list of felony offenses. There is no specific inclusion in this existing element for a person who has previously been adjudicated as a youthful offender, which is consistent with the purpose of having a youthful offender system of restorative justice. In addition to being inconsistent with the goals of the youthful offender system, the proposed language would actually make it easier to convict a prior youthful offender (as compared to an adult) under this section because it includes a person adjudicated as a youthful offender for *any* prior felony offense rather than just the enumerated felony offenses that would apply to prior adult convictions. For these reasons, OCPD opposes this section of the bill.

The OCPD appreciates this Committee's interest in promoting and supporting juvenile justice reforms consistent with public safety and the best interests of children, and we look forward to continuing our work with you and others toward that end.