



General Assembly

January Session, 2025

Raised Bill No. 1542

LCO No. 6727



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT RAISING THE AGE OF ARREST OF A CHILD AND THE USE
OF HANDCUFFS ON YOUNG CHILDREN.***

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

1 Section 1. Subdivisions (1) and (2) of section 46b-120 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (1) ["Child"] Except as provided in section 2 of this act, "child" means
5 any person under eighteen years of age who has not been legally
6 emancipated, except that for purposes of delinquency matters and
7 proceedings, "child" means any person who (A) is at least ten years of
8 age at the time of the alleged commission of a delinquent act and who is
9 (i) under eighteen years of age and has not been legally emancipated, or
10 (ii) eighteen years of age or older and committed a delinquent act prior
11 to attaining eighteen years of age, or (B) subsequent to attaining
12 eighteen years of age, (i) violates any order of the Superior Court or any
13 condition of probation ordered by the Superior Court with respect to a
14 delinquency proceeding, or (ii) wilfully fails to appear in response to a
15 summons under section 46b-133 or at any other court hearing in a

16 delinquency proceeding of which the child had notice;

17 (2) (A) [A] Except as provided in section 2 of this act, a child may be
 18 adjudicated as "delinquent" who has, while under sixteen years of age,
 19 (i) violated any federal or state law, except a first or second offense
 20 under subdivision (1) of subsection (b) of section 21a-279a, or except
 21 section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or
 22 violated a municipal or local ordinance, (ii) wilfully failed to appear in
 23 response to a summons under section 46b-133 or at any other court
 24 hearing in a delinquency proceeding of which the child had notice, (iii)
 25 violated any order of the Superior Court in a delinquency proceeding,
 26 or (iv) violated conditions of probation supervision or probation
 27 supervision with residential placement in a delinquency proceeding as
 28 ordered by the court;

29 (B) A child may be adjudicated as "delinquent" who has (i) while
 30 sixteen or seventeen years of age, violated any federal or state law, other
 31 than (I) an infraction, (II) a violation, (III) a motor vehicle offense or
 32 violation under title 14, (IV) a violation of a municipal or local
 33 ordinance, (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-222,
 34 53a-222a, 53a-223 or 53a-223a, or (VI) a first or second offense under
 35 subdivision (1) of subsection (b) of section 21a-279a, (ii) while sixteen
 36 years of age or older, wilfully failed to appear in response to a summons
 37 under section 46b-133 or at any other court hearing in a delinquency
 38 proceeding of which the child had notice, (iii) while sixteen years of age
 39 or older, violated any order of the Superior Court in a delinquency
 40 proceeding, or (iv) while sixteen years of age or older, violated
 41 conditions of probation supervision or probation supervision with
 42 residential placement in a delinquency proceeding as ordered by the
 43 court;

44 Sec. 2. (NEW) (*Effective from passage*) (a) (1) For the period beginning
 45 October 1, 2026, and ending June 30, 2028, inclusive, no child under
 46 twelve years of age may be arrested or adjudicated as delinquent, except
 47 if probable cause exists that the child has committed a capital felony

48 under the provisions of section 53a-54b of the general statutes, in effect
49 prior to April 25, 2012, or a class A or class B felony.

50 (2) On and after July 1, 2028, no child under fourteen years of age may
51 be arrested or adjudicated as delinquent, except if probable cause exists
52 that the child has committed a capital felony under the provisions of
53 section 53a-54b of the general statutes, in effect prior to April 25, 2012,
54 or a class A or class B felony.

55 (b) Any police officer who has contact with a child who cannot be
56 arrested pursuant to subdivision (1) or (2) of subsection (a) of this
57 section and suspects such child has committed an act described in
58 subparagraph (A) of subdivision (2) of section 46b-120 of the general
59 statutes, as amended by this act, shall issue a ticket to such child and the
60 child's parent or guardian, referring such child to a juvenile review
61 board, youth service bureau or other appropriate program or service for
62 management of such child's case. A copy of such ticket shall be sent to
63 such board, bureau or other program or service, as applicable. Such
64 board, bureau or other program or service shall contact the parent or
65 guardian of such child by telephone and in person at such parent or
66 guardian's home to ensure that such parent or guardian has received
67 such ticket. Such board, bureau or other program or service shall assess
68 a child's needs and develop a plan suitable for such child and manage
69 such child's case in a manner that maintains public safety and results in
70 such child taking responsibility for such child's actions, which may
71 include, but need not be limited to, restitution for any harm done by the
72 child or services for substance abuse. Such child and parent or guardian
73 shall agree to complete the requirements set forth in such plan. Failure
74 to successfully complete such plan shall result in another referral
75 pursuant to this subsection. A child may be referred not more than three
76 times to a juvenile review board, youth service bureau or other
77 appropriate program or service pursuant to this subsection. Any
78 subsequent need for a referral shall result in such child's referral
79 pursuant to subsection (c) of this section.

80 (c) Any child who cannot be arrested pursuant to subdivision (1) or
 81 (2) of subsection (a) of this section, and (1) fails to successfully complete
 82 the plan prescribed to such child upon a third referral pursuant to
 83 subsection (b) of this section, or (2) subsequently has contact with a
 84 police officer for a suspected commission of an act described in
 85 subparagraph (A) of subdivision (2) of section 46b-120 of the general
 86 statutes, as amended by this act, shall be referred to the court that has
 87 jurisdiction over juvenile matters where the child resides or the area in
 88 which the suspected commission of such act occurred for a risk and
 89 needs assessment by the Court Support Services Division of the Judicial
 90 Branch. Said division shall use the results of such assessment to refer
 91 such child for nonjudicial handling or, notwithstanding subsection (a)
 92 of this section, judicial handling.

93 Sec. 3. Section 46b-122a of the general statutes is repealed and the
 94 following is substituted in lieu thereof (*Effective October 1, 2025*):

95 (a) There shall be a presumption in juvenile proceedings that all
 96 mechanical restraints shall be removed from a preadjudicated detained
 97 juvenile prior to and throughout the detainee's appearance in court. In
 98 juvenile proceedings, in-court use of mechanical restraints on
 99 preadjudicated detainees shall be by order of the court and pursuant to
 100 Judicial Branch written policy. The Judicial Branch shall keep statistics
 101 on the use of mechanical restraints on juveniles during proceedings and,
 102 notwithstanding any provision of section 46b-124, shall provide such
 103 statistics to any member of the public upon request, provided any
 104 identifying information concerning a juvenile is redacted.

105 (b) Beginning at the point of initial contact with a police officer, no
 106 preadjudicated child under fourteen years of age may be restrained
 107 using handcuffs, except as provided in subsection (a) of this section or
 108 when necessary for purposes of public safety.

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

Section 1	<i>from passage</i>	46b-120(1) and (2)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2025</i>	46b-122a

Statement of Purpose:

To raise the age for arrest of a child under certain circumstances, from ten to twelve years in 2026, and from twelve to fourteen years in 2028, and restrict the use of handcuffs on children under fourteen years of age.

[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.]