



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Renee Cimino, Director of Delinquency Defense and Child Protection Office of Chief Public Defender

JUDICIARY COMMITTEE - MARCH 26, 2025

Raised Bill No. 1542

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

Although the Office of Chief Public Defender (OCPD) supports the underlying intent of *S.B. 1542, An Act Raising the Age of Arrest for a Child and the Use of Handcuffs on Young Children*, it opposes Sections 1 and 2 as drafted together. OCPD supports Section 3 which restricts the use of handcuffs on children under fourteen years of age.

While Section 2 attempts to raise the current minimum age of arrest from ten to fourteen for some criminal offenses, the language of the bill as drafted eliminates Connecticut's current minimum age of arrest for all criminal offenses. In 2021, the legislature increased Connecticut's minimum age of arrest from seven to ten years old. This change was codified based upon the best national practices and trending legislation in states across the country which recognized that young children do not have the requisite intellectual, cognitive or developmental functioning necessary for criminal culpability. OCPD has proposed JFS language within this testimony for insertion into Section 2 which would maintain the current statutory minimum age of arrest. If the Committee decides to adopt the JFS language as proposed by OCPD, OCPD would be in support.

Sections 1 and 2 raise the minimum age of arrest and/or adjudication from ten to twelve in 2026, and then from twelve to fourteen in 2028 for misdemeanors, C, D, E and unclassified felony offenses. This proposed legislation requires police to refer children under the age of twelve (fourteen in 2028) to a Juvenile Review Board, Youth Service Bureau, or other appropriate community-based service instead of court. In Connecticut's current system, most children under

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the age of twelve are already diverted away from the formal judicial process to either community-based programs or non-judicial handling of the case.

In addition, the behaviors most often associated with these arrests are low-risk and more appropriately addressed through supportive behavioral health or other services outside of a formal court process. Given that any unnecessary arrest or court intervention for children can lead to unintended collateral consequences and poor outcomes, this change seeks to ensure that young children's needs are addressed in a more effective and developmentally appropriate way.

However, a serious concern to OCPD is that this legislation lacks a minimum age for police referrals and requires children who are noncompliant with the referral and/or services to be referred to a juvenile court regardless of age. As drafted, a five-year-old child could be referred to a juvenile court for non-compliance with a police referral to a Juvenile Review Board on a misdemeanor offense.

In conclusion, Sections 1 and 2 together, as drafted, eliminates the current minimum age for which a child can be arrested for a criminal offense. This would result in counterproductive backsliding on an existing effective juvenile reform.

OCPD proposes the following JFS language for consideration for insertion into Section 2 of S.B. 1542 which would maintain the current minimum age of ten for any arrest in Connecticut:

Sec. 2. (NEW) (Effective from passage) (a) (1) For the period beginning October 1, 2026, and ending June 30, 2028, inclusive, no child under twelve years of age may be arrested or adjudicated as delinquent, except if the child is at least ten years of age at the time of the commission of the alleged delinquent act and probable cause exists that the child has committed a capital felony under the provisions of section 53a-54b of the general statutes, in effect prior to April 25, 2012, or a class A or class B felony.

(2) On and after July 1, 2028, no child under fourteen years of age may be arrested or adjudicated as delinquent, except if the child is at least ten years of age at the time of the commission of the alleged delinquent act and probable cause exists 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, or a class A or class B felony.

(c) Any child, who is at least ten years of age at the time of the commission of the alleged delinquent act, who cannot be arrested pursuant to subdivision (1) or (2) of subsection (a) of

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this section, and (1) fails to successfully complete the plan prescribed to such child upon a third referral pursuant to subsection (b) of this section, or (2) subsequently has contact with a police officer for a suspected commission of an act described in subparagraph (A) of subdivision (2) of section 46b-120 of the general statutes, as amended by this act, shall be referred to the court that has jurisdiction over juvenile matters where the child resides or the area in which the suspected commission of such act occurred for a risk and needs assessment by the Court Support Services Division of the Judicial Branch. Said division shall use the results of such assessment to refer such child for non-judicial handling or, notwithstanding subsection (a) of this section, judicial handling.

Section 3 is supported by OCPD as it prohibits police officers from using handcuff restraints on pre-adjudicated children under the age fourteen except for purposes of public safety. OCPD has consistently proposed and supported legislation to prevent the unnecessary mechanical restraints of juveniles since 2007. Handcuff restraints are counterproductive to the rehabilitative purpose of the juvenile justice system. Eliminating indiscriminate handcuff restraints by police clarifies that children should be treated in a manner that enhances their ability to reform and rehabilitate.

In conclusion, OCPD requests the insertion of the proposed JFS language to maintain the current statutory minimum age for a child to be arrested. If inserted, OCPD would support this bill. Thank you.