



General Assembly

February Session, 2022

Raised Bill No. 392

LCO No. 3054



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING STATEMENTS MADE BY JUVENILES.

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

1 Section 1. Section 46b-137 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

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

14 [(b) Any admission, confession or statement, written or oral, made by
15 a child sixteen or seventeen years of age to a police officer or Juvenile

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

32 (c) The admissibility of any admission, confession or statement,
33 written or oral, made by a child sixteen or seventeen years of age to a
34 police officer or Juvenile Court official, except an admission, confession
35 or statement, written or oral, made by a child sixteen or seventeen years
36 of age to a police officer in connection with a case transferred to the
37 Juvenile Court from the youthful offender docket, regular criminal
38 docket of the Superior Court or any docket for the presentment of
39 defendants in motor vehicle matters, shall be determined by considering
40 the totality of the circumstances at the time of the making of such
41 admission, confession or statement. When determining the
42 admissibility of such admission, confession or statement, the court shall
43 consider (1) the age, experience, education, background and intelligence
44 of the child, (2) the capacity of the child to understand the advice
45 concerning rights and warnings required under subdivision (2) of
46 subsection (b) of this section, the nature of the privilege against self-
47 incrimination under the United States and Connecticut Constitutions,
48 and the consequences of waiving such rights and privilege, (3) the
49 opportunity the child had to speak with a parent, guardian or some

50 other suitable individual prior to or while making such admission,
51 confession or statement, and (4) the circumstances surrounding the
52 making of the admission, confession or statement, including, but not
53 limited to, (A) when and where the admission, confession or statement
54 was made, (B) the reasonableness of proceeding, or the need to proceed,
55 without a parent or guardian present, and (C) the reasonableness of
56 efforts by the police or Juvenile Court official to attempt to contact a
57 parent or guardian.]

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

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

Section 1	October 1, 2022	46b-137
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Statement of Purpose:

To expand and extend protections concerning statements made to law enforcement officials by a child to those statements made by a child under eighteen 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.]