



House of Representatives

General Assembly

File No. 541

January Session, 2001

Substitute House Joint Resolution No. 58

House of Representatives, May 1, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute joint resolution ought to be adopted.

RESOLUTION REJECTING THE RECOMMENDATION OF THE CLAIMS COMMISSIONER WITH REGARD TO THE CLAIM OF ERIC PERRY.

Resolved by this Assembly:

- 1 That the recommendation of the Claims Commissioner, file number
- 2 12004 of said commissioner, that no award be granted to Eric Perry on
- 3 his claim against the state in excess of seven thousand five hundred
- 4 dollars and that permission to sue be denied, is rejected and Eric Perry
- 5 is authorized to institute and prosecute to final judgment an action
- 6 against the state to recover damages for his wrongful incarceration,
- 7 pending trial.

JUD *Joint Favorable Subst. Resolution*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Significant Cost

Affected Agencies: Claims Commissioner, Attorney General, Public Defender Services Commission

Municipal Impact: None

Explanation

State Impact:

The resolution could result in a cost of up to \$350,000 to the State. The resolution could also result in a workload increase for the Attorney General that can be absorbed within existing resources.

The resolution rejects the recommendation of the Claims Commissioner, that no award be granted to Eric Perry on his claim against the state and that permission to sue be denied. It authorizes Eric Perry to sue the state to recover \$300,000 in damages he is seeking to recover as compensation for ten months' incarceration he experienced. Eric Perry alleges that malpractice by a public defender caused his incarceration.

Under current law, the Attorney General is required to represent state agencies in civil proceedings. He may choose to assign a third party to represent state entities on his behalf, in which case the Public Defender Services Commission (PDSC) could incur a \$25,000 - \$50,000

expense for outside legal services. However, it is anticipated that the Attorney General would represent the PDSC in this matter.

OLR Bill Analysis

sHJ 58

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The Office of Legislative Research does not analyze resolutions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 30 Nay 8