



General Assembly

Substitute Bill No. 1048

January Session, 2001

AN ACT CONCERNING COSTS OF INCARCERATION.

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

1 Section 1. (NEW) (a) In the case of causes of action of any person
2 obligated to pay the costs of such person's incarceration under section
3 18-85a of the general statutes and regulations adopted in accordance
4 with said section, the claim of the state shall be a lien against the
5 proceeds therefrom in the amount of the costs of incarceration or fifty
6 per cent of the proceeds received by such person after payment of all
7 expenses connected with the cause of action, whichever is less, for
8 repayment under said section, and shall have priority over all other
9 claims including any lien of the state for repayment of public
10 assistance except (1) attorney's fees for said causes, (2) expenses of suit,
11 (3) costs of hospitalization connected with the cause of action by
12 whomever paid over and above hospital insurance or other such
13 benefits, and, for such period of hospitalization as was not paid for by
14 the state, physicians' fees for services during any such period as are
15 connected with the cause of action over and above medical insurance
16 or other such benefits, (4) restitution or payment of compensation to a
17 crime victim ordered by a court of competent jurisdiction, and (5)
18 payment of a civil judgment rendered in favor of a crime victim by a
19 court of competent jurisdiction; and such claim shall consist of the total
20 amount of the costs of incarceration under section 18-85a of the general
21 statutes. The proceeds of such causes of action shall be assignable to

22 the state for payment of the amount due under section 18-85a of the
23 general statutes, irrespective of any other provision of law. The state's
24 lien shall constitute an irrevocable direction to the attorney for the
25 inmate to pay the Commissioner of Correction or the commissioner's
26 designee in accordance with its terms, except if, after written notice
27 from the attorney for the inmate informing the commissioner or the
28 commissioner's designee of the settlement of the cause of action or
29 judgment thereon and requesting the amount of the lien to be paid to
30 the commissioner or the commissioner's designee, the commissioner or
31 the commissioner's designee does not inform such attorney of the
32 amount of the state's lien within forty-five days of receipt of the
33 written request of such attorney for such information, such attorney
34 may distribute such proceeds to such inmate and shall not be liable for
35 any loss the state may sustain thereby.

36 (b) In the case of an inheritance of an estate by any person who is
37 obligated to pay the costs of such person's incarceration in accordance
38 with section 18-85a of the general statutes and the regulations adopted
39 under said section, the claim of the state shall be a lien against such
40 inheritance in the amount of the costs of incarceration or fifty per cent
41 of the assets of the estate payable to the inmate, whichever is less. The
42 Court of Probate shall accept any such lien notice filed by the
43 commissioner or the commissioner's designee with the court prior to
44 the distribution of such inheritance, and to the extent of such
45 inheritance not already distributed, the court shall order distribution in
46 accordance therewith.

47 Sec. 2. (NEW) Upon the death of any person obligated to pay the
48 costs of such person's incarceration under section 18-85a of the general
49 statutes and regulations adopted in accordance with said section, the
50 state shall have a claim against such person's estate for all costs of
51 incarceration under the provisions of said section and regulations for
52 which the state has not been reimbursed, to the extent that the amount
53 which the surviving spouse, parent or dependent children of the
54 decedent would otherwise take from such estate is not needed for their
55 support. Such claim shall have priority over all other unsecured claims

56 against such estate, including any lien of the state for repayment of
57 public assistance, except (1) expenses of last sickness not to exceed
58 three hundred seventy-five dollars, (2) funeral and burial expenses in
59 accordance with that allowed under section 17b-84 of the general
60 statutes upon the death of a beneficiary of aid, (3) restitution or
61 payment of compensation to a crime victim ordered by a court of
62 competent jurisdiction, (4) payment of a civil judgment rendered in
63 favor of a crime victim by a court of competent jurisdiction, and (5)
64 administrative expenses, including probate fees and taxes, and
65 including fiduciary fees not exceeding the following commissions on
66 the value of the whole estates accounted for by such fiduciaries: On the
67 first two thousand dollars or portion thereof, five per cent; on the next
68 eight thousand dollars or portion thereof, four per cent; on the excess
69 over ten thousand dollars, three per cent. Upon petition by any
70 fiduciary, the Court of Probate, after a hearing thereon, may authorize
71 compensation in excess of the above schedule for extraordinary
72 services. Notice of any such petition and hearing shall be given to the
73 Commissioner of Correction at least ten days in advance of such
74 hearing. The allowable funeral and burial payment authorized by this
75 section shall be reduced by the amount of any prepaid funeral
76 arrangement. Any amount paid from the estate under this section to
77 any person that exceeds the limits provided in this section shall be
78 repaid to the estate by such person, and such amount may be
79 recovered in a civil action with interest at the legal rate from the date
80 of demand.

81 Sec. 3. This act shall take effect from its passage.

JUD **JOINT FAVORABLE SUBST.**