



General Assembly

January Session, 2005

Raised Bill No. 6974

LCO No. 4984

04984_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE COLLECTION AND ANALYSIS OF
FORENSIC EVIDENCE AND THE REVIEW OF WRONGFUL ARRESTS.***

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

1 Section 1. Subsection (e) of section 19a-112a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2005*):

4 (e) (1) No costs incurred by a health care facility for the examination
5 of a victim of sexual assault, when such examination is performed for
6 the purpose of gathering evidence as prescribed in the protocol,
7 including the costs of testing for pregnancy and sexually transmitted
8 diseases and the costs of prophylactic treatment as provided in the
9 protocol, shall be charged directly or indirectly to such victim. Any
10 such costs shall be charged to the Division of Criminal Justice. The
11 division shall establish a maximum reimbursement amount that shall
12 constitute payment in full for such costs and shall reimburse a health
13 care facility or a physician performing such examination in a health
14 care facility for such costs not to exceed such maximum
15 reimbursement amount.

16 (2) No costs incurred by a health care facility for any toxicology
17 screening of a victim of sexual assault, when such screening is
18 performed as prescribed in the protocol, shall be charged directly or
19 indirectly to such victim. Any such costs shall be charged to the
20 Division of Scientific Services within the Department of Public Safety.

21 Sec. 2. (NEW) (*Effective July 1, 2005*) In order to allow the state and
22 units of local government to receive grants under the Paul Coverdell
23 Forensic Sciences Improvement Grant Program, 42 USC 3797j et seq.,
24 as amended by Section 311 of the Justice for All Act of 2004, the Office
25 of the Chief Public Defender shall establish a process to conduct
26 independent external investigations into allegations of serious
27 negligence or misconduct substantially affecting the integrity of the
28 forensic results committed by employees or contractors of any forensic
29 laboratory system, medical examiner's office, law enforcement storage
30 facility or medical facility in this state that will receive a portion of the
31 grant amount.

32 Sec. 3. Section 54-102pp of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective July 1, 2005*):

34 (a) The Chief Court Administrator shall establish an advisory
35 commission to review any criminal or juvenile case involving a
36 wrongful arrest or conviction and recommend reforms to lessen the
37 likelihood of a similar wrongful arrest or conviction occurring in the
38 future. The advisory commission shall consist of the Chief State's
39 Attorney, the Chief Public Defender and the Victim Advocate, or their
40 designees, a representative from the Connecticut Police Chiefs
41 Association, a representative from the Connecticut Bar Association,
42 and representatives from one or more law schools in this state and one
43 or more institutions of higher education in this state that offer
44 undergraduate programs in criminal justice and forensic science.

45 (b) Whenever a person who has been arrested for the commission of
46 a crime is subsequently determined not to be the person who
47 committed the crime and the charges against him or her are dismissed,

48 or whenever a person who has been convicted of a crime is
49 subsequently determined to be innocent of such crime and exonerated,
50 the advisory commission may conduct an investigation to determine
51 the cause or causes of the wrongful arrest or conviction. Such
52 investigation shall include, but not be limited to, an examination of the
53 nature and circumstances of the crime, the background, character and
54 history of the defendant, and the manner in which the investigation,
55 evidence collection, arrest, prosecution, defense and trial of the case
56 was conducted. Notwithstanding any provision of the general statutes
57 concerning the confidentiality, erasure or destruction of records, the
58 advisory commission shall have access to all police and court records
59 and records of any prosecuting attorney pertaining to the case under
60 investigation. The advisory commission shall not further disclose such
61 records.

62 (c) Upon the conclusion of its investigation, the advisory
63 commission shall report its findings and any recommendations it may
64 have for reforms to lessen the likelihood of similar wrongful arrests or
65 convictions occurring in the future to the joint standing committee of
66 the General Assembly on the judiciary, in accordance with the
67 provisions of section 11-4a, and to other interested persons as deemed
68 appropriate including the Chief Court Administrator, the Chief State's
69 Attorney, the Chief Public Defender, the Commissioner of Public
70 Safety and the chief of any local police department involved in the
71 investigation of the case.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	19a-112a(e)
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	54-102pp

Statement of Purpose:

To establish a maximum reimbursement amount allowed to health care facilities and physicians for their costs in conducting forensic examinations of victims in sexual assault cases, provide for the

independent external investigation of allegations of serious negligence or misconduct in the analysis of forensic evidence and provide for the review of cases involving wrongful arrests.

[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.]