



General Assembly

Amendment

January Session, 2005

LCO No. 5179

HB0601205179HR0

Offered by:

REP. CAFERO, 142nd Dist.

REP. LABRIOLA, 131st Dist.

To: House Bill No. 6012

File No. 40

Cal. No. 79

"AN ACT CONCERNING MURDER WITH SPECIAL CIRCUMSTANCES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any
4 provision of the general statutes, any person convicted of a capital
5 felony and sentenced to death in accordance with section 53a-46a of
6 the general statutes who takes a direct appeal of such conviction to the
7 Supreme Court shall file such appeal not later than twenty-one days
8 after imposition of sentence. The Supreme Court shall consolidate such
9 appeal with the sentence review required pursuant to section 53a-46b
10 of the general statutes as provided in subsection (c) of said section.

11 (b) The defendant's briefs and the state's briefs shall be filed in
12 accordance with a schedule that will ensure that all briefs are filed not
13 later than four months after the date of the imposition of sentence.

14 (c) The Supreme Court shall schedule oral argument not later than
15 six months after the date of the imposition of sentence.

16 Sec. 2. (NEW) (*Effective from passage*) (a) An application for a writ of
17 habeas corpus pursuant to section 52-466 of the general statutes
18 challenging a capital felony conviction or the imposition of a sentence
19 of death pursuant to section 53a-46a of the general statutes shall be
20 brought not later than one hundred eighty days after the date of the
21 imposition of such sentence. Such application shall fully plead all
22 cognizable claims that the defendant's conviction or sentence was
23 entered in violation of the Constitution or laws of the state or the
24 Constitution of the United States.

25 (b) Notwithstanding the provisions of subsection (a) of this section,
26 the filing of a subsequent application for a writ of habeas corpus shall
27 not be barred if (1) the facts underlying the claim were unknown to the
28 defendant or the defendant's attorney and could not have been
29 ascertained by the exercise of due diligence prior to the filing of the
30 earlier application, and (2) the facts underlying the claim, if proven
31 and viewed in light of the evidence as a whole, would have reasonably
32 led the original trier of fact to have either found the defendant not
33 guilty or not sentence the defendant to death. The court shall hold a
34 hearing on such subsequent application not later than one hundred
35 eighty days after the filing of such application.

36 (c) The Chief Court Administrator shall designate one judge of the
37 Superior Court to hear and decide all applications for a writ of habeas
38 corpus filed by a person convicted of a capital felony and sentenced to
39 death in accordance with section 53a-46a of the general statutes.

40 Sec. 3. (NEW) (*Effective from passage*) Notwithstanding the provisions
41 of subsection (b) or (c) of section 54-102kk of the general statutes,
42 whenever any person convicted of a capital felony and sentenced to
43 death in accordance with section 53a-46a of the general statutes files a
44 petition pursuant to subsection (a) of said section 54-102kk requesting
45 DNA testing of evidence, the court shall, without a hearing, order such

46 DNA testing."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section