



Senate

General Assembly

File No. 626

January Session, 2007

Substitute Senate Bill No. 1456

Senate, April 30, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE COMPENSATION OF PERSONS
WRONGFULLY CONVICTED AND INCARCERATED.***

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

1 Section 1. (*Effective from passage*) (a) The advisory commission on
2 wrongful convictions established pursuant to section 54-102pp of the
3 general statutes shall study different procedures for the state to
4 compensate persons who have been wrongfully convicted and
5 incarcerated for a crime which they did not commit. The study shall
6 include, but not be limited to, an examination of the laws and practices
7 of other states and the federal government that authorize the payment
8 of compensation to persons wrongfully convicted and incarcerated.
9 The commission shall consider issues such as eligibility criteria, the
10 application process, the time limitation for filing a claim, the evidence
11 that a claimant must present to support a claim, the standard of proof
12 borne by a claimant, the calculation, amount and method of payment
13 of compensation and whether the claim should be presented to a court
14 or an existing or specially-created agency, board or commission.

15 (b) Not later than February 6, 2008, the commission shall report its
16 findings and recommendations for legislation establishing a procedure
17 for the compensation of persons who are wrongfully convicted and
18 incarcerated to the joint standing committee on judiciary in accordance
19 with section 11-4a of the general statutes.

20 Sec. 2. (*Effective from passage*) (a) Notwithstanding the provisions of
21 subdivision (10) of section 12-806 of the general statutes, the
22 Connecticut Lottery Corporation shall transfer the prize funds
23 attributable to a winning lottery ticket that went unclaimed on
24 February 14, 2007, in the amount of three million five hundred
25 thousand dollars to the State Treasurer. The State Treasurer shall, from
26 such funds, make an initial payment of five hundred thousand dollars
27 to James Calvin Tillman as compensation for his wrongful conviction
28 and incarceration from 1988 to 2006, and shall invest the balance of
29 such funds in a manner to ensure annual payments to James Calvin
30 Tillman for the remainder of his life.

31 (b) The payment of compensation to James Calvin Tillman pursuant
32 to subsection (a) of this section shall constitute full and final settlement
33 of all claims of James Calvin Tillman against the state and any political
34 subdivision of the state, and any officer, agent, employee or official
35 thereof, including claims for loss of liberty and enjoyment of life, loss
36 of income, loss of future earnings, physical injury, mental pain and
37 suffering, psychological injury and loss of familial relationships,
38 arising out of, or in any way related to, his arrest, prosecution,
39 conviction and incarceration from 1988 to 2006 for the crimes of
40 kidnapping and sexual assault, which crimes he did not commit and
41 which convictions were vacated and the charges dismissed on July 11,
42 2006, provided James Calvin Tillman, for and in consideration of the
43 payment of such sum, shall execute a release of liability on behalf of
44 himself and his heirs, successors and assigns, in such form as may be
45 prescribed by the Attorney General, releasing and forever discharging
46 the state of Connecticut and any political subdivision of the state, and
47 any officer, agent, employee or official thereof, from every claim,
48 demand, action, cause of action or liability of whatever nature,

49 whether known or unknown, at law or in equity, and whether under
 50 federal, state or common law, which James Calvin Tillman ever had,
 51 now has or could have in the future arising out of, or in any way
 52 related to, such arrest, prosecution, conviction and incarceration.

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

Statement of Legislative Commissioners:

In section 2(a), "1989" was changed to "1988" for accuracy.

JUD *Joint Favorable Subst.-LCO*

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07	FY 08
Various State Agencies	GF - Cost	None	Minimal
Resources of the General Fund	GF - Revenue Loss	3,500,000	
Treasurer	GF - Cost	Minimal	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 requires the advisory commission on wrongful convictions to study different procedures for the state to compensate persons who have been wrongfully convicted and incarcerated for a crime which they did not commit. This can be done at minimal cost.

Section 2 requires the Connecticut Lottery Corporation (CLC) to transfer \$3.5 million to the State Treasurer for payment of a settlement to James Calvin. The transfer from CLC of \$3.5 will come from operating expenses¹ and prize funds attributed to a winning lottery ticket that went unclaimed on February 17, 2007, worth \$2,267,864.² The bill will result in a revenue loss from CLC transfers to the General Fund of approximately \$3.5 million.

The one-time cost of the Office of the State Treasurer to purchase an annuity based on Mr. Tillman's anticipated life expectancy is minimal.

The Out Years

¹ CLC transfers revenue exceeding their operating budget to the General Fund.

² CLC has historically transferred approximately 90% of unclaimed prizes to the General Fund.

There is no cost to administer these funds in the out years.

OLR Bill Analysis**SB 1456*****AN ACT CONCERNING THE COMPENSATION OF PERSONS
WRONGFULLY CONVICTED AND INCARCERATED.*****SUMMARY:**

This bill requires the advisory commission on wrongful convictions to study the procedure for the state to compensate persons who have been wrongfully convicted and incarcerated for a crime they did not commit. Also, it authorizes payment of compensation to James Calvin Tillman for his wrongful conviction and incarceration from the prize funds attributable to an unclaimed lottery prize ticket in the amount of \$3,500,000. The bill directs that Tillman receive an initial installment of \$500,000, and that he receive the \$3,000,000 balance in annual payments for the rest of his life.

EFFECTIVE DATE: Upon passage

ADVISORY COMMISSION ON WRONGFUL CONVICTIONS

The bill requires the advisory commission on wrongful convictions to study different procedures for the state to compensate people who have been wrongfully convicted and incarcerated. The study must include an examination of the laws and practices of other states and the federal government that authorize the payment of compensation to people wrongfully convicted and incarcerated.

The bill requires the commission to consider issues such as

1. eligibility criteria;
2. the application process;
3. the time limitation for filing a claim;

4. the evidence that a claimant must present to support a claim;
5. the standard of proof a claimant must meet;
6. the calculation, amount, and method of paying compensation;
and
7. whether the claim should be presented to a court or an existing
or specially created agency, board, or commission.

The bill requires the commission to report its findings and legislative recommendations by February 6, 2008 to the Judiciary Committee.

PAYMENT TO JAMES CALVIN TILLMAN

Source and Amount of Payment

The bill requires the Connecticut Lottery Corporation to transfer the prize funds attributable to a winning lottery ticket that went unclaimed on February 14, 2007 in the amount of \$3,500,000 to the State Treasurer. The bill requires the State Treasurer, from such funds, to make an initial payment of \$500,000 to James Calvin Tillman as compensation for his wrongful conviction and incarceration from 1989 to 2006, and to invest the balance of the funds in a way that ensures annual payments to James Calvin Tillman for the rest of his life.

Release of Liability

The bill specifies that the payment of compensation constitutes full and final settlement of all his claims against the state and any political subdivision of the state, and any officer, agent, employee or official thereof.

The bill makes the payments contingent upon James Calvin Tillman, executing a release of liability on behalf of himself and his heirs, successors, and assigns, in whatever form the Attorney General requires. The release must discharge the state of Connecticut and any political subdivision of the state, and any officer, agent, employee or official thereof, from every claim, whether known or unknown, and

whether under federal, state, or common law, which James Calvin Tillman had, has or could have arising out of, or in any way related to, his arrest, prosecution, conviction, and incarceration.

BACKGROUND

Advisory Commission on Wrongful Convictions

The law requires the Chief Court Administrator to establish an advisory commission to review any criminal or juvenile case involving a wrongful conviction and recommend reforms to lessen the likelihood of a similar wrongful conviction occurring in the future. The advisory commission consists of the Chief State's Attorney, the Chief Public Defender, and the Victim Advocate, or their designees, a representative from the Connecticut Police Chiefs Association, a representative from the Connecticut Bar Association, and representatives from one or more law schools in this state and one or more institutions of higher education in this state that offer undergraduate programs in criminal justice and forensic science (CGS § 54-102pp).

Related Legislation

HB 6673 requires the Comptroller to pay James Calvin Tillman \$5,000,000 as full and final settlement of all claims he has against the state and any political subdivision of the state, and any state or local officer, agent, employee or official arising out of, or in any way related to, his arrest, prosecution, conviction and incarceration from 1988 to 2006 for the crimes of kidnapping and sexual assault. The bill specifies that it is not subject to state income tax.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/12/2007)