



General Assembly

January Session, 2007

Raised Bill No. 1387

LCO No. 5103

05103_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING APPELLATE REVIEW OF CERTAIN POST
CONVICTION JUDGMENTS.**

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

1 Section 1. Section 52-470 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The court or judge hearing any habeas corpus shall proceed in a
4 summary way to determine the facts and issues of the case, by hearing
5 the testimony and arguments therein, and inquire fully into the cause
6 of imprisonment, and shall thereupon dispose of the case as law and
7 justice require.

8 (b) No appeal from the judgment rendered in a habeas corpus
9 proceeding brought by or on behalf of a person who has been
10 convicted of a crime in order to obtain such person's release may be
11 taken unless the appellant, within ten days after the case is decided,
12 petitions the judge before whom the case was tried or, if such judge is
13 unavailable, a judge of the Superior Court designated by the Chief
14 Court Administrator, to certify that a question is involved in the
15 decision which ought to be reviewed by the court having jurisdiction

16 and the judge so certifies. There shall be no right to further review of
17 the decision on certification except by motion for review to the
18 Appellate Court or Supreme Court. The motion for review shall
19 address only the issue of whether the decision on certification was
20 proper. The procedure on the motion for review shall, except as
21 otherwise provided, be in accordance with the procedure provided by
22 rule or law for a motion for review of a trial court ruling.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	52-470

Statement of Purpose:

To provide for a more effective utilization of limited state resources.

[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.]