



General Assembly

Amendment

January Session, 2007

LCO No. 8840

SB0147908840HRO

Offered by:
REP. HAMZY, 78th Dist.

To: Subst. Senate Bill No. 1479 File No. 628 Cal. No. 649

"AN ACT CONCERNING RULES OF COURT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) The judicial court system,
4 through judicial court proceedings, shall track and compile the number
5 of requests for hearings for DNA testing from defendants convicted of
6 a capital felony and sentenced to death, and the results of such
7 hearings. The number of requests for such hearings and the results of
8 such hearings shall be reported to the judiciary committee of the
9 General Assembly on an annual basis prior to the start of each
10 legislative session.

11 Sec. 502. (NEW) (*Effective from passage*) (a) Notwithstanding any
12 provision of the general statutes, any person convicted of a capital
13 felony and sentenced to death in accordance with section 53a-46a of
14 the general statutes who takes a direct appeal of such conviction to the
15 Supreme Court shall file such appeal not later than twenty-one days

16 after imposition of sentence. The Supreme Court shall consolidate such
17 appeal with the sentence review required pursuant to section 53a-46b
18 of the general statutes as provided in subsection (c) of said section.

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

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

24 Sec. 503. (NEW) (*Effective from passage*) (a) An application for a writ
25 of habeas corpus pursuant to section 52-466 of the general statutes
26 challenging a capital felony conviction or the imposition of a sentence
27 of death pursuant to section 53a-46a of the general statutes shall be
28 brought not later than one hundred eighty days after the date of the
29 imposition of such sentence. Such application shall fully plead all
30 cognizable claims that the defendant's conviction or sentence was
31 entered in violation of the Constitution or laws of the state or the
32 Constitution of the United States.

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

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

48 Sec. 504. (NEW) (*Effective from passage*) Notwithstanding the
49 provisions of subsection (b) or (c) of section 54-102kk of the general
50 statutes, whenever any person convicted of a capital felony and
51 sentenced to death in accordance with section 53a-46a of the general
52 statutes files a petition pursuant to subsection (a) of said section 54-
53 102kk requesting DNA testing of evidence, the court shall, without a
54 hearing, order such DNA testing."