



General Assembly

February Session, 2008

**Raised Bill No. 5933**

LCO No. 3389

\*03389\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

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

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

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) A person is eligible to  
2 receive compensation for wrongful incarceration if:

3 (1) Such person has been convicted by this state of one or more  
4 crimes, of which the person was innocent, has been sentenced to a term  
5 of imprisonment for such crime or crimes and has served all or part of  
6 such sentence; and

7 (2) Such person's conviction was vacated or reversed and the  
8 complaint or information dismissed on grounds of innocence, or the  
9 complaint or information dismissed on a ground consistent with  
10 innocence.

11 (b) A person who meets the eligibility requirements of subsection (a)  
12 of this section may present a claim against the state for such  
13 compensation with the Claims Commissioner in accordance with the  
14 provisions of chapter 53 of the general statutes. The provisions of said

15 chapter shall be applicable to the presentment, hearing and  
16 determination of such claim except as otherwise provided in this  
17 section.

18 (c) If the Claims Commissioner determines that the person has  
19 established his eligibility under subsection (a) of this section by a  
20 preponderance of the evidence, the Claims Commissioner shall order  
21 the immediate payment of compensation in the amount of one  
22 hundred thousand dollars for each year or the pro rata amount for the  
23 portion of each year of incarceration.

24 (d) In addition to the compensation paid under subsection (c) of this  
25 section, the Claims Commissioner may order payment for the expenses  
26 of employment training and counseling, tuition and fees at any  
27 constituent unit of the state system of higher education and any other  
28 services such person may need to facilitate such person's reintegration  
29 into the community.

30 (e) Any person claiming compensation under this section based on a  
31 pardon that was granted or the dismissal of a complaint or information  
32 that occurred before the effective date of this section shall file such  
33 claim not later than two years after the effective date of this section.  
34 Any person claiming compensation under this section based on a  
35 pardon that was granted or the dismissal of a complaint that occurred  
36 on or after the effective date of this section shall file such claim not  
37 later than two years after the date of such pardon or dismissal.

38 (f) Nothing in this section shall be construed to prevent such person  
39 from pursuing any other action or remedy at law or in equity that such  
40 person may have against the state and any political subdivision of the  
41 state and any officer, agent, employee or official thereof arising out of  
42 such wrongful conviction and incarceration.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2008	New section
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**Statement of Purpose:**

To establish a procedure for the state to compensate persons determined to have been wrongfully convicted and incarcerated for a crime or crimes such persons did not commit.

*[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.]*