



General Assembly

Substitute Bill No. 5933

February Session, 2008

* HB05933APP 041808 *

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) At the hearing on such claim, such person shall have the burden
19 of establishing by a preponderance of the evidence that such person
20 meets the eligibility requirements of subsection (a) of this section. In
21 addition, such person shall present evidence as to the damages
22 suffered by such person which may include, but are not limited to,
23 claims for loss of liberty and enjoyment of life, loss of earnings, loss of
24 earning capacity, loss of familial relationships, loss of reputation,
25 physical pain and suffering, mental pain and suffering and attorney's
26 fees and other expenses arising from or related to such person's arrest,
27 prosecution, conviction and incarceration.

28 (d) If the Claims Commissioner determines that such person has
29 established such person's eligibility under subsection (a) of this section
30 by a preponderance of the evidence, the Claims Commissioner shall
31 order the immediate payment to such person of compensation for such
32 wrongful incarceration. In determining the amount of such
33 compensation, the Claims Commissioner shall consider relevant
34 factors including, but not limited to, the evidence presented by the
35 person under subsection (c) of this section as to the damages suffered
36 by such person and whether any negligence or misconduct by any
37 officer, agent, employee or official of the state or any political
38 subdivision of the state contributed to such person's arrest,
39 prosecution, conviction or incarceration.

40 (e) In addition to the compensation paid under subsection (d) of this
41 section, the Claims Commissioner may order payment for the expenses
42 of employment training and counseling, tuition and fees at any
43 constituent unit of the state system of higher education and any other
44 services such person may need to facilitate such person's reintegration
45 into the community.

46 (f) Any person claiming compensation under this section based on a
47 pardon that was granted or the dismissal of a complaint or information
48 that occurred before the effective date of this section shall file such
49 claim not later than two years after the effective date of this section.
50 Any person claiming compensation under this section based on a

51 pardon that was granted or the dismissal of a complaint that occurred
52 on or after the effective date of this section shall file such claim not
53 later than two years after the date of such pardon or dismissal.

54 (g) Nothing in this section shall be construed to prevent such person
55 from pursuing any other action or remedy at law or in equity that such
56 person may have against the state and any political subdivision of the
57 state and any officer, agent, employee or official thereof arising out of
58 such wrongful conviction and incarceration.

59 Sec. 2. (*Effective from passage*) (a) The advisory commission on
60 wrongful convictions established pursuant to section 54-102pp of the
61 general statutes shall monitor and evaluate the implementation of (1)
62 the procedure for the compensation of wrongfully incarcerated
63 persons established under section 1 of this act, (2) the pilot program to
64 electronically record the interrogations of arrested persons, and (3)
65 eyewitness identification procedures that, when practicable, use a
66 double-blind administration wherein the person conducting the
67 identification procedure is not aware of which person in the photo
68 lineup or live lineup is suspected as being the perpetrator of the crime.

69 (b) Not later than January 7, 2009, the advisory commission shall
70 report its findings and recommendations to the joint standing
71 committee of the General Assembly on judiciary in accordance with
72 section 11-4a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*

APP *Joint Favorable*