



General Assembly

January Session, 2011

**Proposed Bill No. 6087**

LCO No. 1770

Referred to Committee on Judiciary

Introduced by:

REP. CAFERO, 142nd Dist.

REP. LABRIOLA, 131st Dist.

REP. ADINOLFI, 103rd Dist.

**AN ACT CONCERNING POST-CONVICTION PROCEDURES IN DEATH PENALTY CASES.**

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

1 That the general statutes be amended to (1) prohibit an application  
2 for a writ of habeas corpus challenging a conviction under section 53a-  
3 54a of the general statutes and a sentence pursuant to section 53a-46a  
4 of the general statutes if such application is filed more than three years  
5 after the date that the sentence was imposed if no direct appeal was  
6 taken, or more than one year after the date the final order of the last  
7 appellate court in this state to exercise jurisdiction on direct appeal or  
8 the termination of such appellate jurisdiction, or the denial of a  
9 petition for a writ of certiorari to the Supreme Court of the United  
10 States or issuance of that court's final order following the granting of  
11 such petition, whichever is later, except that a court may hear a claim if  
12 the applicant establishes due diligence in presenting the claim and that  
13 (A) the applicant had a physical disability or mental illness that  
14 precluded timely assertion of the claim, (B) there exists newly  
15 discovered evidence that could not have been discovered by the

16 exercise of due diligence, or (C) a new interpretation of federal or state  
17 constitutional law by either the Connecticut Supreme Court or United  
18 States Supreme Court is made retroactively applicable, (2) provide that  
19 in any criminal prosecution in which the defendant has been sentenced  
20 to death, there shall be an automatic stay of specified duration if the  
21 defendant brings a direct appeal, a writ of certiorari to the United  
22 States Supreme Court, an application for a writ of habeas corpus, an  
23 appeal of a denial of a writ of habeas corpus or a petition for  
24 certification to appeal the denial of a writ of habeas corpus, and that  
25 only the first application for a writ of habeas corpus shall give rise to  
26 an automatic stay and, for second or subsequent applications, any  
27 motion for stay of the sentence shall be made to the Connecticut  
28 Supreme Court and shall be granted only upon a showing of a  
29 likelihood of success on the merits, and (3) provide that whenever a  
30 person convicted of a capital felony and sentenced to death files a  
31 petition requesting DNA testing of evidence, the court shall, without a  
32 hearing, order such DNA testing.

***Statement of Purpose:***

To streamline the death penalty appeals process.