



Senate

General Assembly

File No. 516

February Session, 2016

Senate Bill No. 417

Senate, April 6, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF JOANNE AVOLETTA, PETER AVOLETTA AND MATTHEW AVOLETTA.

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

1 Section 1. (*Effective from passage*) (a) Notwithstanding the failure to
2 file a proper notice of a claim against the state with the clerk of the
3 Office of the Claims Commissioner, within the time limitations
4 specified by subsection (a) of section 4-148 of the general statutes,
5 Joanne Avoletta, Peter Avoletta and Matthew Avoletta are authorized
6 pursuant to the provisions of subsection (b) of section 4-148 of the
7 general statutes to present their respective claims against the state to
8 the Claims Commissioner. The General Assembly finds that there is a
9 public purpose served by encouraging accountable state government
10 through the full adjudication of cases involving persons who claim to
11 have been injured by the conduct of state actors. The General
12 Assembly further finds it just and equitable that the time limitations
13 provided for in subsection (a) of section 4-148 of the general statutes be
14 tolled in a case such as this, involving claimants who initially filed

15 notice of their claims against the state with the Claims Commissioner
 16 on May 2, 2007, for injuries that are alleged to have accrued on
 17 September 15, 2006, which allegations, if viewed in a light most
 18 favorable to the claimants, provide notice to the state of their claims
 19 within the statute of limitations for injuries to their person. The
 20 General Assembly deems such authorization to be just and equitable
 21 and finds that such authorization is supported by compelling equitable
 22 circumstances and would serve a public purpose. Such claims shall be
 23 presented to the Claims Commissioner not later than one year after the
 24 effective date of this section.

25 (b) The state shall be barred from setting up the failure to comply
 26 with the provisions of sections 4-147 and 4-148 of the general statutes,
 27 from denying that notice of the claims was properly and timely given
 28 pursuant to sections 4-147 and 4-148 of the general statutes and from
 29 setting up the fact that the claims had previously been considered by
 30 the Claims Commissioner, by the General Assembly or in a judicial
 31 proceeding as defenses to such claims.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$
State Comptroller - Miscellaneous	GF - Cost	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits the claimants to present their claims to the Claims Commissioner for a hearing not later than a year from passage of this bill. This may result in a potential cost to the state related to any future claim award or settlement.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

SB 417

AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF JOANNE AVOLETTA, PETER AVOLETTA AND MATTHEW AVOLETTA.

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 5 (03/21/2016)