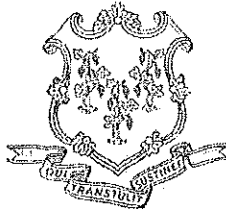


SENATOR MARTIN M. LOONEY
PRESIDENT PRO TEMPORE

Eleventh District
New Haven, Hamden & North Haven



State of Connecticut
SENATE

State Capitol
Hartford, Connecticut 06106-1591
132 Fort Hale Road
New Haven, Connecticut 06512
Home: 203-468-8829
Capitol: 860-240-8600
Toll-free: 1-800-842-1420
www.SenatorLooney.cga.ct.gov

March 6, 2017

Good Morning Senator Doyle, Senator Kissel, Representative Tong, and members of the Judiciary Committee. I would like to express my support for SB 932, AN ACT ESTABLISHING A STATUTORY CAUSE OF ACTION FOR INJURY TO PERSON OR PROPERTY BASED ON NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS.

Connecticut law does not currently recognize negligent infliction of emotional distress (NIED) for loss of property. This was brought to my attention by an article in the Law Tribune¹. The article describes a case in which six rings with both financial and emotional value were stolen from the body of a woman who died at Bridgeport Hospital. Although the family of the decedent could recover the financial value of these items, the emotional distress claims were dismissed. The trial court held "that Connecticut courts do not recognize a cause of action for negligent infliction of emotional distress based solely on damage to property"² this was upheld on appeal.³

Certain kinds of property (such as a keepsake from a grandparent or a beloved family pet) have emotional value far beyond their monetary worth. The loss of this kind of property cannot be replaced by its cash value. SB 932 would allow for claims based on negligent infliction of emotional distress so that victims of this tort could recover for their emotional losses. Last year, SB 457 would have made similar changes, and one of the criticisms was that that bill had a 3 year statute of limitations. In response to that, this bill has a two year statute of limitations. Some of the testimony from last year included concerns regarding a potential effect on the practice of medicine; that is not the intent or the effect of this legislation. This bill does not change statutes on medical malpractice; it simply allows for consideration of the emotional value of property in negligence actions. The Committee might wish to consider capping the amount that a person can recover for NIED claims; I look forward to working with you on this legislation. Thank you for hearing this important bill.

¹ <http://www.ctlawtribune.com/id=1202745312732/Court-Rejects-Emotional-Distress-Claim-Over-Rings-Stolen-From-Dead-Woman-at-Hospital?mcode=0&curindex=0>

² http://ct.findacase.com/research/wfrmDocViewer.aspx/xq/fac.20131213_0001499.CT.htm/qx

³ <https://www.jud.ct.gov/external/supapp/Cases/AR0ap/AP161/161AP61.pdf>