
OLR Bill Analysis

SB 509

AN ACT CONCERNING NEWLY DISCOVERED EVIDENCE.

SUMMARY

The law generally prohibits individuals from petitioning for a new trial in a civil or criminal proceeding if three years or more has passed since the court rendered the judgment or decree. Current law grants an exception to this three-year limit if the petition is based on DNA evidence that was not discoverable or available at the time of the original trial. This bill (1) specifies that the exception based on DNA evidence applies only to criminal proceedings and (2) allows for that exception only if the DNA evidence was not discoverable or available (a) at the original trial or (b) at any previous petition for a new trial based on DNA or other newly discovered evidence. It also allows for additional exceptions to the three-year limit for other newly discovered evidence that was not discoverable or available at the time of the original trial or any such previous petition for a new trial. The bill permits the court to grant these petitions if the court finds that, had such evidence been presented at trial, there is a reasonable likelihood there would have been a different trial outcome.

Under the bill, newly discovered evidence in support of a petition for a new trial may include newly discovered forensic scientific evidence that was not discoverable or available at the time of the original trial or previous petitions for a new trial, as determined by the court, including evidence that might undermine any forensic scientific evidence presented at the original trial.

The bill requires the court to consider whether relevant forensic scientific evidence was not discoverable or available at the time of the original trial based on whether the relevant scientific evidence has changed since the (1) applicable trial date or dates, (2) date a guilty or nolo contendere plea was entered, or (3) date of the most recent

petition for a new trial.

The bill specifies that none of the provisions regarding petitions for a new trial based on new forensic evidence create civil or criminal liability for an expert witness who repudiates the forensic scientific evidence that he or she (1) provided at a previous hearing or trial, (2) included in a previous petition, or (3) offered and that has since been undermined by later scientific research or technological advancements.

EFFECTIVE DATE: October 1, 2018

DEFINITIONS

Under the bill:

1. "forensic" means the application of scientific or technical practices to the recognition, collection, analysis, and interpretation of evidence for criminal and civil law or regulatory issues;
2. "forensic scientific evidence" includes scientific or technical knowledge, reports or testimony by forensic analysts or experts, and scientific standards or a scientific method or technique upon which the relevant scientific evidence is based; and
3. "scientific knowledge" includes knowledge of the general scientific community and all fields of scientific knowledge upon which those fields or disciplines rely.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/04/2018)