



General Assembly

February Session, 2018

Raised Bill No. 509

LCO No. 2556



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING NEWLY DISCOVERED EVIDENCE.

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

1 Section 1. Section 52-582 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) No petition for a new trial in any civil or criminal proceeding
4 shall be brought but within three years next after the rendition of the
5 judgment or decree complained of, except that a petition in a criminal
6 proceeding based on DNA (deoxyribonucleic acid) evidence or other
7 newly discovered evidence, as described in subsection (b) of this
8 section, that was not discoverable or available at the time of the
9 original trial or at the time of any previous petition under this section,
10 may be brought at any time after the discovery or availability of such
11 new evidence, and the court finds that had such evidence been
12 presented at trial, there is a reasonable likelihood there would have
13 been a different outcome at the trial.

14 (b) (1) Such newly discovered evidence in support of a petition for a
15 new trial may include newly discovered forensic scientific evidence

16 that was not discoverable or available at the time of the original trial or
17 original or previous petition for a new trial, as determined by the court
18 under subdivision (2) of this section, including that which might
19 undermine any forensic scientific evidence presented at the original
20 trial.

21 (2) The court shall consider whether relevant forensic scientific
22 evidence was not discoverable or available at the time of the original
23 trial based upon a consideration of whether the relevant scientific
24 evidence has changed since the applicable trial date or dates, or date of
25 entry of a plea of guilty or nolo contendere, or the date of the most
26 recent petition under this section.

27 (c) No provision of this section shall be construed to create a civil or
28 criminal liability for an expert witness who repudiates the forensic
29 scientific evidence such witness provided at a previous hearing or trial
30 or included in a previous petition or who offered such evidence that
31 has since been undermined by later scientific research or technological
32 advancements.

33 (d) For purposes of this section, "forensic" means the application of
34 scientific or technical practices to the recognition, collection, analysis
35 and interpretation of evidence for criminal and civil law or regulatory
36 issues, "forensic scientific evidence" includes scientific knowledge or
37 technical knowledge, reports or testimony by forensic analysts or
38 experts, and scientific standards or a scientific method or technique
39 upon which the relevant scientific evidence is based, and "scientific
40 knowledge" includes knowledge of the general scientific community
41 and all fields of scientific knowledge upon which those fields or
42 disciplines rely.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	52-582

Statement of Purpose:

To permit newly discovered scientific evidence to be considered in the same manner as DNA evidence for the purpose of a petition for a new trial.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]