



General Assembly

Substitute Bill No. 509

February Session, 2018



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 Section 52-582 of the general statutes is repealed and the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 for a new trial
6 in a criminal proceeding based on DNA (deoxyribonucleic acid)
7 evidence or other newly discovered evidence, as described in
8 subsection (b) of this section, that was not discoverable or available at
9 the time of the original trial or at the time of any previous petition
10 under this section, may be brought at any time after the discovery or
11 availability of such new evidence, and the court may grant the petition
12 if the court finds that had such evidence been presented at trial, there
13 is a reasonable likelihood there would have been a different outcome
14 at the trial.

15 (b) (1) Such newly discovered evidence in support of a petition for a
16 new trial may include newly discovered forensic scientific evidence
17 that was not discoverable or available at the time of the original trial or
18 original or previous petition for a new trial, as determined by the court
19 under subdivision (2) of this subsection, including that which might
20 undermine any forensic scientific evidence presented at the original

21 trial.

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

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

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

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

Statement of Legislative Commissioners:

In Section 1(a), language was clarified to provide that a petition is for a new trial in a criminal proceeding and that a court may grant the petition.

JUD *Joint Favorable Subst. -LCO*