AN ACT CONCERNING INMATE CLAIMS THAT ARE FILED WITH THE OFFICE OF THE CLAIMS COMMISSIONER.

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

Section 1. Section 4-165b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(a) Any inmate, as defined in section 18-84, who suffers an injury may file a claim against the state. Such claim shall be heard and decided in accordance with the provisions of this chapter, provided no such claim shall be presented to the Office of the Claims Commissioner until the inmate has exhausted all administrative remedies provided by the Department of Correction. Notwithstanding the provisions of this subsection, the legal representative of the estate of an inmate may present to the Office of the Claims Commissioner a claim against the state prior to having exhausted any administrative remedy provided by the Department of Correction.

(b) In addition to the information required by section 4-147, an inmate's notice of claim shall include a description of the
administrative remedies that have been exhausted. An inmate shall present such claim to the Office of the Claims Commissioner not later than one year after the date on which the inmate exhausted all administrative remedies.

(c) An inmate, his or her legal representative or the legal representative of the estate of an inmate, who has filed a claim with the Office of the Claims Commissioner in connection with a fatal injury suffered by the inmate while incarcerated or an injury that resulted in the inmate suffering a permanent disability while incarcerated, may receive all personnel, protocol or policy reviews, medical files, medical reviews, corrective action plans or summary reports in the possession of the Department of Correction that are relevant to such claim, upon the request of the inmate or his or her legal representative. The Claims Commissioner, pursuant to section 4-157, may adopt rules of procedure necessary to carry out the provisions of this subsection.

[(c)] (d) The Claims Commissioner may not grant a waiver of the filing fee prescribed in section 4-147 to an inmate when, on three or more prior occasions, the inmate filed with the Office of the Claims Commissioner a claim that was dismissed on grounds that it was frivolous, duplicative, malicious or otherwise failed to state a claim upon which relief could be granted.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | July 1, 2019 | 4-165b |

Statement of Purpose:
To provide for the fair and equitable adjudication of a claim filed by or on behalf of an inmate for death or permanent injuries suffered while incarcerated at an institution or facility of the Department of Correction.

[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.]