



House of Representatives

General Assembly

File No. 476

January Session, 2021

House Bill No. 6592

House of Representatives, April 15, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE FILING OF A CIVIL ACTION FOR MALICIOUS PROSECUTION.

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

- 1 Section 1. (NEW) (*Effective July 1, 2021, and applicable to any cause of*
2 *action arising from a criminal proceeding terminating prior to, on or after said*
3 *date*) Notwithstanding the provisions of section 52-577 of the general
4 statutes, no action to recover damages for malicious prosecution may be
5 brought later than three years from the date of the termination of the
6 criminal proceeding that is the subject of such action.

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

Section 1	<i>July 1, 2021, and applicable to any cause of action arising from a criminal proceeding terminating prior to, on or after said date</i>	New section
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JUD Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill extends the statute of limitation for bringing a civil action for malicious prosecution and results in a potential cost to the Office of the Comptroller Adjudicated Claims Account. In the event that this extension results in a case that would previously not have been settled or reach a judgement, the bill results in a potential cost to the state for any monetary settlement that may result. Settlements and decisions made against a state employee while performing his or her duties are the responsibilities of the state and paid from the Office of the Comptroller Adjudicated Claims Account.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of new settlements.

OLR Bill Analysis**HB 6592*****AN ACT CONCERNING THE FILING OF A CIVIL ACTION FOR MALICIOUS PROSECUTION.*****SUMMARY**

This bill extends the statute of limitations for malicious prosecution actions. By law, these tort actions must be brought within three years from the date of the act or omission complained of (CGS § 52-577).

Regardless of the existing law, the bill instead begins the three-year statute of limitations from the date the criminal proceeding that is the subject of the malicious prosecution action ends. In doing so, the bill provides additional time for an aggrieved criminal defender to bring a civil action against the person who falsely prosecuted him or her.

A person commits “malicious prosecution” when he or she falsely prosecutes another person for any criminal charge, without probable cause and with malicious intent unjustly to vex and trouble the other person. Offenders must be fined up to \$100 or imprisoned up to one year (CGS § 53-39).

EFFECTIVE DATE: July 1, 2021, and applicable to any cause of action arising from a criminal proceeding terminating prior to, on, or after that date.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 0 (03/29/2021)