

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6592

AN ACT CONCERNING THE FILING OF A CIVIL ACTION FOR MALICIOUS

Title: PROSECUTION.

Vote Date: 3/29/2021

Vote Action: Joint Favorable

PH Date: 3/12/2021

File No.:

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SPONSORS OF BILL:

The Judiciary Committee

Rep. Craig C. Fishbein, 90th Dist.,

Sen. Marilyn V. Moore, 22nd Dist.

REASONS FOR BILL:

This bill codifies a three-year statute of limitations for claims of malicious prosecution. A private individual will have three years to sue another private individual for malicious prosecution from the date of termination of the proceedings that forms the basis of the claim. The same time limit has been applied at the Federal level for 80 years.

RESPONSE FROM ADMINISTRATION/AGENCY:

None stated.

NATURE AND SOURCES OF SUPPORT:

Trumbull, Connecticut, Resident, Virginia Silano submitted two testimonies, part 1 stating her support of this bill stating that malicious prosecution is the only remedy a private individual to prosecute an abuse of the criminal legal system by another private individual. It is also stated that the proposed legislation puts Connecticut common law prosecution on par with its Federal section 1983 counterpart action with both torts commencing upon favorable termination.

The second submission of testimony is in response to the opposition dated 2/24/21. It is stated that the three year time limit to commence a civil action for malicious prosecution is completely consistent and in harmony with common law as it existed in 1818.

NATURE AND SOURCES OF OPPOSITION:

Del Sole & Del Sole, LLP, Attorney, Michael P. Del Sole opposes this bill stating that the statute as proposed fails to balance the rights of defendants to be free from litigation of stale claims against the right of a plaintiff to institute a cause of action. It is also stated that defendants of civil lawsuits do not retain the same level of recollection as do the plaintiffs who believe that they were wronged.

Reported by: Rose Hirschl

Date: April 9, 2021