



General Assembly

February Session, 2024

Raised Bill No. 439

LCO No. 2978



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING COMPENSATION FOR PERSONS WHO ARE WRONGFULLY INCARCERATED.

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

1 Section 1. Section 54-102uu of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage and*
3 *applicable to claims filed on or after the effective date of this section*):

4 (a) A person is eligible to receive compensation for wrongful
5 incarceration if:

6 (1) Such person has been convicted by this state of one or more crimes
7 and has been sentenced to a term of imprisonment for such crime or
8 crimes and has served all or part of such sentence; and

9 (2) Such person's conviction was vacated or reversed and (A) the
10 complaint or information dismissed on grounds of innocence or
11 grounds consistent with innocence, or (B) the complaint or information
12 dismissed on a ground citing an act or omission that constitutes
13 malfeasance or other serious misconduct by any officer, agent,
14 employee or official of the state that contributed to such person's arrest,

15 prosecution, conviction or incarceration.

16 (b) A person who meets the eligibility requirements of subsection (a)
17 of this section may present a claim against the state for such
18 compensation with the Claims Commissioner in accordance with the
19 provisions of chapter 53. The provisions of said chapter shall be
20 applicable to the presentment, hearing and determination of such claim
21 except as otherwise provided in this section.

22 (c) At the hearing on such claim, such person shall have the burden
23 of establishing by a preponderance of the evidence that such person
24 meets the eligibility requirements of subsection (a) of this section. In
25 addition, such person shall present evidence as to (1) the person's age,
26 income, vocational training and level of education at the time of
27 conviction, (2) loss of familial relationships, (3) damage to reputation,
28 (4) the severity of the crime for which such person was convicted and
29 whether such person was under a sentence of death pursuant to section
30 53a-46a for any period of time, (5) whether such person was required to
31 register pursuant to section 54-251 or 54-252, and for what length of time
32 such person complied with the registration requirements of chapter 969,
33 and (6) any other damages such person may have suffered arising from
34 or related to such person's arrest, prosecution, conviction and
35 incarceration. The Claims Commissioner shall make a determination as
36 to eligibility not later than ninety days after such hearing.

37 (d) (1) If the Claims Commissioner determines that such person has
38 established such person's eligibility under subsection (a) of this section
39 by a preponderance of the evidence, the Claims Commissioner shall
40 order the immediate payment to such person of compensation for such
41 wrongful incarceration in an amount determined pursuant to
42 subdivision (2) of this subsection, unless (A) such compensation award
43 is in an amount exceeding twenty thousand dollars, or (B) such person
44 requests, in accordance with section 4-158, that the General Assembly
45 review such compensation award, in which cases the Claims
46 Commissioner shall submit any such claim to the General Assembly in
47 the same manner as provided under section 4-159, not later than five

48 business days after such award determination is made or such review is
49 requested. The General Assembly shall review any such compensation
50 award and the claim from which it arose not later than forty-five days
51 after such claim is submitted to the General Assembly and may deny
52 such claim or confirm or modify such compensation award. If the
53 General Assembly modifies the amount of the compensation award, the
54 General Assembly may award any amount of compensation the General
55 Assembly deems just and reasonable. If the General Assembly takes no
56 action on such compensation award or the claim from which it arose,
57 the determination made by the Claims Commissioner shall be deemed
58 confirmed.

59 (2) In determining the amount of such compensation, the Claims
60 Commissioner shall award an amount that is at a minimum, but may be
61 up to two hundred per cent of the median [household] family income
62 for the state for each year such person was incarcerated, as determined
63 by the United States Department of Housing and Urban Development,
64 adjusted for inflation using the consumer price index for urban
65 consumers, provided the amount for any partial year shall be prorated
66 in order to compensate only for the portion of such year in which such
67 person was incarcerated. The Claims Commissioner may decrease or
68 further the award amount by twenty-five per cent based on an
69 assessment of relevant factors including, but not limited to, the evidence
70 presented by the person under subdivisions (1) to (6), inclusive, of
71 subsection (c) of this section.

72 (e) In addition to the compensation paid under subsection (d) of this
73 section, the Claims Commissioner may order [payment for the expenses
74 of employment training and counseling, tuition and fees at any
75 constituent unit of the state system of higher education and any other
76 services such person may need to facilitate such person's reintegration
77 into the community] such person receive services to facilitate such
78 person's reintegration into the community, including: (1) Housing,
79 which may include authorizing the prioritization of such person under
80 the federal Housing Choice Voucher Program, 42 USC 1437f(o), (2)
81 secondary or higher education or reimbursement for any tuition paid

82 for the education of such person and any biological children that were
83 conceived prior to such person's incarceration for the wrongful
84 conviction at any constituent unit of the state's system of higher
85 education, including any assistance needed to meet the criteria required
86 for admission, (3) vocational training, (4) transportation, (5) assistance
87 in obtaining government identification documentation, (6) mental,
88 physical and dental health care through the state employees' health care
89 system for the duration of such person's life, (7) compensation for any
90 child support payments owed by such person that came due and
91 interest on child support that accrued during the time served in prison
92 as well as reasonable attorney's fees where legal proceedings are
93 required to remedy outstanding obligations resulting from an order to
94 pay child support, and (8) any other services that the Claims
95 Commissioner may deem appropriate.

96 (f) Any person claiming compensation under this section based on a
97 pardon that was granted or the dismissal of a complaint or information
98 that occurred before October 1, 2008, shall file such claim not later than
99 two years after October 1, 2008. Any person claiming compensation
100 under this section based on a pardon that was granted or the dismissal
101 of a complaint that occurred on or after October 1, 2008, shall file such
102 claim not later than two years after the date of such pardon or dismissal.

103 [(g) Any person who is compensated pursuant to this section shall
104 sign a release providing that such person voluntarily relinquishes any
105 right to pursue any other action or remedy at law or in equity that such
106 person may have arising out of such wrongful conviction and
107 incarceration.]

108 (g) Any future damages awarded to the claimant resulting from an
109 action by the claimant against any unit of government within this state
110 by reason of the same subject of the claim shall be offset by the damage
111 award received under this section.

112 (h) If a person who is deceased would be entitled to compensation
113 under this section if such person were living, including a person whose

114 conviction was vacated or reversed posthumously, the person's estate is
115 entitled to compensation under this section, provided such person's
116 claim was presented to the Claims Commissioner prior to such person's
117 death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to claims filed on or after the effective date of this section</i>	54-102uu

Statement of Purpose:

To permit a person whose conviction is vacated or reversed on grounds consistent with innocence to seek compensation for being wrongfully incarcerated, require the Claims Commissioner to determine eligibility within ninety days of a hearing on a wrongful incarceration claim, change "median household income" to "median family income" within the formula for determining compensation, permit compensation in the form of an array of services designed to assist in reintegration of the claimant, remove the bar against further legal action arising from such claim for any person awarded compensation and provide for an offset of the award amount from any future damages awarded and allow an award of compensation to the estate of a claimant who has died since filing a claim.

[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.]