



General Assembly

**Substitute Bill No. 439**

February Session, 2024



**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 Section 54-102uu of the general statutes is repealed and the  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 pending before the Claims Commissioner on the effective*  
4 *date of this section or filed with the Claims Commissioner on or after the*  
5 *effective date of this section*):

6 (a) A person is eligible to receive compensation for wrongful  
7 incarceration if:

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

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

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

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

41 (d) (1) If the Claims Commissioner determines that such [person]  
42 claimant has established such [person's] claimant's eligibility under  
43 subsection (a) of this section by a preponderance of the evidence, the  
44 Claims Commissioner shall order the immediate payment to such  
45 [person] claimant of compensation for such wrongful incarceration in  
46 an amount determined pursuant to subdivision (2) of this subsection,  
47 unless (A) such compensation award is in an amount exceeding  
48 [twenty] thirty-five thousand dollars, or (B) such [person] claimant  
49 requests, in accordance with section 4-158, that the General Assembly  
50 review such compensation award. [, in which cases the] The Claims  
51 Commissioner shall submit any [such claim] such compensation award

52 described in subparagraph (A) or (B) of this subdivision and the claim  
53 from which such award arose to the General Assembly in the same  
54 manner as provided under section 4-159, not later than five business  
55 days after the commissioner issues such award determination [is made  
56 or such review is requested] or receives such request for review,  
57 whichever is sooner. The General Assembly shall review any such  
58 compensation award and the claim from which [it] such award arose  
59 not later than forty-five days after such award and claim is submitted to  
60 the General Assembly and may deny [such claim] or confirm [or  
61 modify] such compensation award, or remand the claim to the Office of  
62 the Claims Commissioner for such further proceedings as the General  
63 Assembly may direct. [If the General Assembly modifies the amount of  
64 the compensation award, the General Assembly may award any amount  
65 of compensation the General Assembly deems just and reasonable.] If  
66 the General Assembly takes no action on such compensation award, [or  
67 the claim from which it arose,] the determination made by the Claims  
68 Commissioner shall be deemed confirmed.

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

83 (B) The amount of any compensation awarded pursuant to this  
84 subdivision shall be offset by the amount of any damages awarded to  
85 the claimant resulting from an action by the claimant against any other

86 unit of government within this state by reason of the same subject of the  
87 claim.

88 (e) In addition to the compensation paid under subsection (d) of this  
89 section, the Claims Commissioner may order payment for the expenses  
90 of employment training and counseling, tuition and fees at any  
91 constituent unit of the state system of higher education, [and any other  
92 services such person may need to facilitate such person's reintegration  
93 into the community.]

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

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

107 (h) Any damages awarded after an award pursuant to this section to  
108 the claimant resulting from an action by the claimant against any other  
109 unit of government within this state by reason of the same subject of the  
110 claim shall be offset by the amount of the compensation award received  
111 under this section.

112 (i) If a claimant who is deceased would be entitled to compensation  
113 under this section if such claimant were living, including a claimant  
114 whose conviction was vacated or reversed posthumously, the claimant's  
115 estate is entitled to compensation under this section, provided such  
116 claimant's claim was pending before the Claims Commissioner at the  
117 time of such claimant's death.

118 (j) Any compensation award and claim from which such award arose  
119 that is submitted by the Claims Commissioner to the General Assembly  
120 (1) when the General Assembly is not in a regular session, or (2) not  
121 more than thirty days before the end of a regular session and which is  
122 not acted upon dispositively before the end of such session, shall be  
123 deemed to be submitted on the first day of the next regular session.

124 (k) The provisions of this section shall not apply to any agreement or  
125 stipulation pursuant to the provisions of section 3-125a.

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

**Statement of Legislative Commissioners:**

Subsec. (h) was rewritten for clarity.

**JUD**      *Joint Favorable Subst.*