



# House of Representatives

General Assembly

**File No. 807**

January Session, 2025

Substitute House Bill No. 7251

*House of Representatives, April 29, 2025*

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

**AN ACT CONCERNING THE RESOLUTION OF CLAIMS FOR  
WRONGFUL INCARCERATION BY THE CLAIMS COMMISSIONER  
AND OWNER LIABILITY FOR LAND AVAILABLE FOR  
RECREATIONAL USE.**

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 Section 54-102uu of the general statutes is repealed and the  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 July 1, 2025*):

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

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

8 (2) (A) Such person's conviction was [(A)] vacated or reversed, and  
9 (B) the complaint or information was dismissed on (i) grounds of  
10 innocence or grounds consistent with innocence, or (ii) a ground citing  
11 an act or omission that constitutes malfeasance or other serious

12 misconduct by any officer, agent, employee or official of the state that  
13 contributed to such person's arrest, prosecution, conviction or  
14 incarceration.

15 (3) For purposes of this subsection, "grounds consistent with  
16 innocence" includes, but is not limited to, a situation in which a  
17 conviction was vacated or reversed and there is substantial evidence of  
18 innocence, whether such evidence was available at the time of  
19 investigation or trial or is newly discovered.

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

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

42 (d) (1) If the Claims Commissioner determines that such claimant has  
43 established such claimant's eligibility under subsection (a) of this section  
44 by a preponderance of the evidence, the Claims Commissioner shall

45 order the immediate payment to such claimant of compensation for  
46 such wrongful incarceration in an amount determined pursuant to  
47 subdivision (2) of this subsection, unless (A) such compensation award  
48 is in an amount exceeding thirty-five thousand dollars, or (B) such  
49 claimant requests, in accordance with section 4-158, that the General  
50 Assembly review such compensation award. The Claims Commissioner  
51 shall submit any such compensation award described in subparagraph  
52 (A) or (B) of this subdivision or an agreed to or stipulated award  
53 pursuant to subsection (f) of this section in an amount greater than one  
54 million five hundred thousand dollars, and the claim from which such  
55 award arose to the General Assembly in the same manner as provided  
56 under section 4-159, not later than five business days after the  
57 commissioner issues such award determination or receives such request  
58 for review, whichever is sooner. The General Assembly shall review any  
59 such compensation award and the claim from which such award arose  
60 not later than forty-five days after such award and claim is submitted to  
61 the General Assembly and may deny or confirm such compensation  
62 award, or remand the claim to the Office of the Claims Commissioner  
63 for such further proceedings as the General Assembly may direct. If the  
64 General Assembly takes no action on such compensation award, the  
65 determination made by the Claims Commissioner shall be deemed  
66 confirmed.

67 (2) (A) In determining the amount of such compensation, the Claims  
68 Commissioner shall award an amount that is two hundred per cent of  
69 the median family income for the state for each year the claimant was  
70 incarcerated, as determined by the United States Department of  
71 Housing and Urban Development, adjusted for inflation using the  
72 consumer price index for urban consumers, provided the amount for  
73 any partial year shall be prorated in order to compensate only for the  
74 portion of such year in which such claimant was incarcerated. The  
75 Claims Commissioner may decrease or increase the award amount by  
76 twenty-five per cent based on an assessment of relevant factors  
77 including, but not limited to, the evidence presented by the claimant  
78 under subdivisions (1) to [(6)] (5), inclusive, of subsection (c) of this  
79 section.

80 (B) The amount of any compensation awarded pursuant to this  
81 subdivision shall be offset by the amount of any damages awarded to  
82 the claimant resulting from an action by the claimant against any other  
83 unit of government within this state by reason of the same subject of the  
84 claim.

85 (e) In addition to the compensation paid under subsection (d) of this  
86 section, the Claims Commissioner may order payment for the expenses  
87 of employment training and counseling, tuition and fees at any  
88 constituent unit of the state system of higher education.

89 (f) In representing the interests of the state under this section, the  
90 Attorney General may request assistance from any employee of the  
91 office of the Chief State's Attorney to determine facts relating to the  
92 criminal prosecution of the claimant, the conviction that resulted in the  
93 claimant being imprisoned, the subsequent vacating or reversal of such  
94 conviction and the complaint or information being dismissed on any of  
95 the grounds provided for in subparagraph (B) of subdivision (2) of  
96 subsection (a) of this section. The Attorney General and the claimant  
97 may agree or stipulate to facts and a compensation award that is  
98 presented to the Claims Commissioner. The Claims Commissioner shall  
99 determine whether the agreed upon or stipulated facts demonstrate that  
100 the claimant is eligible to receive compensation for wrongful  
101 incarceration pursuant to subsection (a) of this section. If the Claims  
102 Commissioner finds that the claimant is eligible to receive compensation  
103 for wrongful incarceration pursuant to subsection (a) of this section, the  
104 Claims Commissioner shall approve the agreement or stipulation and  
105 order immediate payment of compensation to the claimant for wrongful  
106 incarceration in the amount set forth in such agreement or stipulation  
107 subject to the provisions of subsection (d) of this section, except that  
108 notwithstanding the provisions of subdivision (1) of said subsection (d),  
109 no agreement or stipulation entered into by the Attorney General and a  
110 claimant and approved by the Claims Commissioner under this  
111 subsection that requires an expenditure of one million five hundred  
112 thousand dollars or less from the General Fund shall be submitted to the  
113 General Assembly for review.

114     ~~[(f)]~~ (g) Any claimant claiming compensation under this section  
115     based on a pardon that was granted or the dismissal of a complaint or  
116     information that occurred before October 1, 2008, shall file such claim  
117     not later than two years after October 1, 2008. Any claimant claiming  
118     compensation under this section based on a pardon that was granted or  
119     the dismissal of a complaint or information that occurred on or after  
120     October 1, 2008, shall file such claim not later than two years after the  
121     date of such pardon or dismissal.

122     ~~[(g)]~~ (h) Any person who is compensated pursuant to this section  
123     shall sign a release providing that such person voluntarily relinquishes  
124     any right to pursue any other action or remedy at law or in equity  
125     against the state that such person may have arising out of such wrongful  
126     conviction and incarceration.

127     ~~[(h)]~~ (i) Any damages awarded after an award pursuant to this  
128     section to the claimant resulting from an action by the claimant against  
129     any other unit of government within this state by reason of the same  
130     subject of the claim shall be offset by the amount of the compensation  
131     award received under this section.

132     ~~[(i)]~~ (j) If a claimant who is deceased would be entitled to  
133     compensation under this section if such claimant were living, including  
134     a claimant whose conviction was vacated or reversed posthumously, the  
135     claimant's estate is entitled to compensation under this section,  
136     provided such claimant's claim was pending before the Claims  
137     Commissioner at the time of such claimant's death.

138     ~~[(j)]~~ (k) Any compensation award and claim from which such award  
139     arose that is submitted by the Claims Commissioner to the General  
140     Assembly (1) when the General Assembly is not in a regular session, or  
141     (2) not more than thirty days before the end of a regular session and  
142     which is not acted upon dispositively before the end of such session,  
143     shall be deemed to be submitted on the first day of the next regular  
144     session.

145     ~~[(k)]~~ (l) The provisions of this section shall not apply to any

146 agreement or stipulation pursuant to the provisions of section 3-125a.

147 Sec. 2. Section 52-557f of the general statutes is repealed and the  
148 following is substituted in lieu thereof (*Effective October 1, 2025*):

149 As used in sections 52-557f to 52-557i, inclusive:

150 (1) "Charge" means the admission price or fee asked in return for  
151 invitation or permission to enter or go upon the land;

152 (2) "Land" means land, roads, water, watercourses, private ways and  
153 buildings, structures, and machinery or equipment when attached to the  
154 realty, except that if the owner is a municipality, political subdivision of  
155 the state, municipal corporation, special district or water or sewer  
156 district: (A) "Land" does not include a swimming pool, playing field or  
157 court, playground, building with electrical service, or machinery when  
158 attached to the realty, that is also within the possession and control of  
159 the state, municipality, political subdivision of the state, municipal  
160 corporation, special district or water or sewer district; and (B) "road"  
161 does not include a paved public through road that is open to the public  
162 for the operation of four-wheeled private passenger motor vehicles;

163 (3) "Owner" means the possessor of a fee interest, a tenant, lessee,  
164 occupant or person in control of the premises. "Owner" includes, but is  
165 not limited to, the state, a municipality, political subdivision of the state,  
166 municipal corporation, special district or water or sewer district;

167 (4) "Recreational purpose" includes, but is not limited to, any of the  
168 following, or any combination thereof: Hunting, fishing, swimming,  
169 boating, camping, picnicking, hiking, pleasure driving, nature study,  
170 water skiing, snow skiing, ice skating, sledding, hang gliding, sport  
171 parachuting, hot air ballooning, bicycling and viewing or enjoying  
172 historical, archaeological, scenic or scientific sites.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2025	54-102uu
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Sec. 2	October 1, 2025	52-557f
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**JUD**      *Joint Favorable Subst.*

*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 26 \$	FY 27 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost/Savings	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill exempts certain compensation awards for wrongful incarceration that the claims commissioner approves from being submitted to the General Assembly for review if the required expenditure from the General Fund is \$1.5 million or less. This results in a potential change to the awards provided in such cases to the extent the General Assembly would reject or remand the claim approved by the claims commissioner, and a higher or lower settlement is later agreed to.

The bill also explicitly limits the liability of the state for making certain land available to the public for recreational purposes, which results in potential savings to the extent the limitation reduces costs associated with such cases.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.



**OLR Bill Analysis****sHB 7251*****AN ACT CONCERNING THE RESOLUTION OF CLAIMS FOR WRONGFUL INCARCERATION BY THE CLAIMS COMMISSIONER AND OWNER LIABILITY FOR LAND AVAILABLE FOR RECREATIONAL USE.*****SUMMARY**

This bill establishes a process by which a wrongful incarceration claimant and the attorney general may agree or stipulate to facts and a compensation award that is presented to the claims commissioner. The bill requires the commissioner to then determine if the facts show that the claimant is eligible for compensation.

And, under the bill, if the claims commissioner finds in the affirmative, he must approve the agreement or stipulation and order immediate payment of the amount in it. The bill exempts these agreed or stipulated to compensation awards that the commissioner approves from being submitted to the General Assembly for review if the required expenditure from the General Fund is \$1.5 million or less (see BACKGROUND).

By law, a claimant must present evidence of eligibility for a claim. The bill eliminates a requirement that a claimant present information about his or her age, income, vocational training, and education level at the time of conviction and permits, rather than requires, the claimant to present the following: evidence of familial relationship loss; reputation damage; the severity of the crime for which the claimant was convicted, and whether a death sentence was involved; whether he or she had to register as a sex offender and for how long; and any other damages related to the arrest, prosecution, conviction, and incarceration. By law, the commissioner may change an award by 25% based on an assessment of relevant factors, which includes this presented evidence.

Lastly, the bill explicitly limits the liability of the state for making certain types of land available to the public without charge for recreational purposes (see BACKGROUND). Examples of recreational purposes generally include hunting, fishing, swimming, boating, camping, hiking, and bicycling. The law already limits the liability of municipalities that do this, but their limitation does not apply to (1) swimming pools, playing fields or courts, playgrounds, buildings with electrical service, or machinery attached to the land, if they are in the municipality's possession and control and (2) paved public through roads that are open to the public for the use of certain vehicles.

EFFECTIVE DATE: July 1, 2025, except the change to the recreational land use law is effective October 1, 2025.

### **WRONGFUL INCARCERATION AGREEMENTS OR STIPULATIONS**

The bill allows the attorney general, when representing the state's interests in a wrongful incarceration action, to ask for assistance from any employee of the chief state's attorney's office to determine facts relating to the:

1. claimant's criminal prosecution;
2. conviction that resulted in imprisoning the claimant;
3. subsequent conviction vacating or reversal; and
4. complaint or information dismissal based on innocence, malfeasance, or serious misconduct grounds.

Under the bill, the attorney general and the claimant may agree or stipulate to facts and a compensation award that is then presented to the claims commissioner. The commissioner must (1) determine if those agreed or stipulated to facts show the claimant is eligible for an award and (2) if so, approve the agreement or stipulation and order immediate compensation payment to the claimant in the amount in the agreement or stipulation.

**BACKGROUND*****Landowner Recreational Land Immunity***

By law, a landowner who makes land available to the public for recreational purposes without charging admission generally owes no duty of care to (1) keep the land safe for recreational purposes or (2) give any warning of a dangerous condition, use, structure, or activity on the land to those entering for recreational purposes (CGS § 52-557g).

Additionally, the law provides that in doing so these landowners do not (1) make any representation that the land is safe for any purpose, (2) confer on the person using the land a legal status entitling them to a duty of care by the owner, or (3) assume responsibility or incur liability for any injury to a person or property that is caused by the landowner's act or omission.

This statutory immunity from liability does not apply to (1) willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity or (2) injuries suffered in any case where the landowner charges people who use the land for recreational purposes (CGS § 52-557h).

For purposes of these liability protections, "owner" includes possessors of a fee interest, tenants, lessees, occupants, or persons in control of the premises. A "charge" is the admission price or fee asked in return for an invitation or permission to use the land.

***Legislative Review of Other Wrongful Incarceration Compensation***

By law, the General Assembly must review a compensation award if the claimant requests a review or the award exceeds \$35,000. The claims commissioner must submit these claims to the General Assembly within five business days of his order or the claimant's request, whichever is sooner. The General Assembly then must review the award and the claim from which it arose within 45 days after receiving it and may (1) deny or confirm the award or (2) remand the claim to the claims commissioner's office for any further proceedings the General

Assembly may direct. If it takes no action on an award, the commissioner's determination is deemed confirmed.

Submissions that occur when the General Assembly is not in a regular session or too close to the end of a regular session for it to be acted on are deemed submitted on the first day of the next regular session.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/10/2025)