



General Assembly

January Session, 2025

Raised Bill No. 7251

LCO No. 6757



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE RESOLUTION OF CLAIMS FOR
WRONGFUL INCARCERATION BY THE CLAIMS COMMISSIONER.***

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 Section 54-102uu of the general statutes is repealed and the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) Such person's conviction was (A) vacated or reversed, and (B) the
9 complaint or information dismissed on (i) grounds of innocence or
10 grounds consistent with innocence, or (ii) a ground citing an act or
11 omission that constitutes malfeasance or other serious misconduct by
12 any officer, agent, employee or official of the state that contributed to
13 such person's arrest, prosecution, conviction or incarceration.

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

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

25 (c) At the hearing on such claim, the claimant shall have the burden
26 of establishing by a preponderance of the evidence that such claimant
27 meets the eligibility requirements of subsection (a) of this section. In
28 addition, such claimant shall present evidence as to (1) the claimant's
29 age, income, vocational training and level of education at the time of
30 conviction, (2) loss of familial relationships, (3) damage to reputation,
31 (4) the severity of the crime for which such claimant was convicted and
32 whether such claimant was under a sentence of death pursuant to
33 section 53a-46a for any period of time, (5) whether such claimant was
34 required to register pursuant to section 54-251 or 54-252, and for what
35 length of time such claimant complied with the registration
36 requirements of chapter 969, and (6) any other damages such claimant
37 may have suffered arising from or related to such 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 claimant has
42 established such claimant's eligibility under subsection (a) of this section
43 by a preponderance of the evidence, the Claims Commissioner shall
44 order the immediate payment to such claimant of compensation for
45 such wrongful incarceration in an amount determined pursuant to

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

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

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

79 unit of government within this state by reason of the same subject of the
80 claim.

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

85 (f) The Attorney General and the claimant may agree or stipulate to
86 facts and a compensation award that is presented to the Claims
87 Commissioner. The Claims Commissioner shall determine whether the
88 agreed upon or stipulated facts demonstrate that the claimant is eligible
89 to receive compensation for wrongful incarceration pursuant to
90 subsection (a) of this section. If the Claims Commissioner finds that the
91 claimant is eligible to receive compensation for wrongful incarceration
92 pursuant to subsection (a) of this section, the Claims Commissioner shall
93 approve the agreement or stipulation and order immediate payment of
94 compensation to the claimant for wrongful incarceration in the amount
95 set forth in such agreement or stipulation. Notwithstanding the
96 provisions of subdivision (1) of subsection (d) of this section, any
97 agreement or stipulation entered into by the Attorney General and a
98 claimant and approved by the Claims Commissioner under this
99 subsection that requires an expenditure of two million five hundred
100 thousand dollars or less from the General Fund shall not be submitted
101 to the General Assembly for review.

102 ~~[(f)]~~ (g) Any claimant claiming compensation under this section
103 based on a pardon that was granted or the dismissal of a complaint or
104 information that occurred before October 1, 2008, shall file such claim
105 not later than two years after October 1, 2008. Any claimant claiming
106 compensation under this section based on a pardon that was granted or
107 the dismissal of a complaint or information that occurred on or after
108 October 1, 2008, shall file such claim not later than two years after the
109 date of such pardon or dismissal.

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

115 [(h)] (i) Any damages awarded after an award pursuant to this
 116 section to the claimant resulting from an action by the claimant against
 117 any other unit of government within this state by reason of the same
 118 subject of the claim shall be offset by the amount of the compensation
 119 award received under this section.

120 [(i)] (j) If a claimant who is deceased would be entitled to
 121 compensation under this section if such claimant were living, including
 122 a claimant whose conviction was vacated or reversed posthumously, the
 123 claimant's estate is entitled to compensation under this section,
 124 provided such claimant's claim was pending before the Claims
 125 Commissioner at the time of such claimant's death.

126 [(j)] (k) Any compensation award and claim from which such award
 127 arose that is submitted by the Claims Commissioner to the General
 128 Assembly (1) when the General Assembly is not in a regular session, or
 129 (2) not more than thirty days before the end of a regular session and
 130 which is not acted upon dispositively before the end of such session,
 131 shall be deemed to be submitted on the first day of the next regular
 132 session.

133 [(k)] (l) The provisions of this section shall not apply to any
 134 agreement or stipulation in connection with a lawsuit to which the state
 135 is a party pursuant to the provisions of section 3-125a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2025	54-102uu

Statement of Purpose:

To permit the Attorney General and a claimant to stipulate to facts and a compensation award that may, in certain instances, be approved by the Claims Commissioner without the need for the General Assembly to approve such agreement or stipulation.

[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.]