



General Assembly

Substitute Bill No. 7251

January Session, 2025



**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 Section 54-102uu of the general statutes is repealed and the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.

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

JUD Joint Favorable Subst.