
OLR Bill Analysis

sHB 7251 (as amended by House "A")*

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 favors, which includes this presented evidence.

*House Amendment "A" removes the underlying bill's provision on

the state's liability under the recreational use statute.

EFFECTIVE DATE: July 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

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)