



Substitute Senate Bill No. 509

Public Act No. 18-61

AN ACT CONCERNING NEWLY DISCOVERED EVIDENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 52-582 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) No petition for a new trial in any civil or criminal proceeding shall be brought but within three years next after the rendition of the judgment or decree complained of, except that a petition for a new trial in a criminal proceeding based on DNA (deoxyribonucleic acid) evidence or other newly discovered evidence, as described in subsection (b) of this section, that was not discoverable or available at the time of the original trial or at the time of any previous petition under this section, may be brought at any time after the discovery or availability of such new evidence, and the court may grant the petition if the court finds that had such evidence been presented at trial, there is a reasonable likelihood there would have been a different outcome at the trial.

(b) (1) Such newly discovered evidence in support of a petition for a new trial may include newly discovered forensic scientific evidence that was not discoverable or available at the time of the original trial or original or previous petition for a new trial, as determined by the court under subdivision (2) of this subsection, including that which might undermine any forensic scientific evidence presented at the original trial.

(2) The court shall consider whether relevant forensic scientific evidence was not discoverable or available at the time of the original trial based upon a consideration of whether the relevant scientific evidence has changed since the applicable trial date or dates, or date of entry of a plea of guilty or nolo contendere, or the date of the most recent petition under this section.

(c) No provision of this section shall be construed to create a civil or criminal liability for an expert witness who repudiates the forensic scientific evidence such witness provided at a previous hearing or trial or included in a previous petition or who offered such evidence that has since been undermined by later scientific research or technological advancements.

(d) For purposes of this section, "forensic" means the application of scientific or technical practices to the recognition, collection, analysis and interpretation of evidence for criminal and civil law or regulatory issues, "forensic scientific evidence" includes scientific knowledge or technical knowledge, reports or testimony by forensic analysts or experts, and scientific standards or a scientific method or technique upon which the relevant scientific evidence is based, and "scientific knowledge" includes

[knowledge of the general scientific community and all fields of scientific knowledge upon which those fields or disciplines rely.](#)

Approved June 6, 2018