

Connecticut General Statutes Annotated
Title 54. Criminal Procedure
Chapter 961. Trial and Proceedings After Conviction
Part IIC. Post-Conviction Remedies

C.G.S.A. § 54-102uu

§ 54-102uu. Compensation for wrongful incarceration

Effective: June 9, 2016

[Currentness](#)

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

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

(2) Such person's conviction was vacated or reversed and (A) the complaint or information dismissed on grounds of innocence, or (B) the complaint or information dismissed on a ground citing an act or omission that constitutes malfeasance or other serious misconduct by any officer, agent, employee or official of the state that contributed to such person's arrest, prosecution, conviction or incarceration.

(b) A person who meets the eligibility requirements of subsection (a) of this section may present a claim against the state for such compensation with the Claims Commissioner in accordance with the provisions of chapter 53.¹ The provisions of said chapter shall be applicable to the presentment, hearing and determination of such claim except as otherwise provided in this section.

(c) At the hearing on such claim, such person shall have the burden of establishing by a preponderance of the evidence that such person meets the eligibility requirements of subsection (a) of this section. In addition, such person shall present evidence as to (1) the person's age, income, vocational training and level of education at the time of conviction, (2) loss of familial relationships, (3) damage to reputation, (4) the severity of the crime for which such person was convicted and whether such person was under a sentence of death pursuant to [section 53a-46a](#) for any period of time, (5) whether such person was required to register pursuant to [section 54-251](#) or [54-252](#), and for what length of time such person complied with the registration requirements of chapter 969,² and (6) any other damages such person may have suffered arising from or related to such person's arrest, prosecution, conviction and incarceration.

(d) (1) If the Claims Commissioner determines that such person has established such person's eligibility under subsection (a) of this section by a preponderance of the evidence, the Claims Commissioner shall order the immediate payment to such person of compensation for such wrongful incarceration in an amount determined pursuant to subdivision (2) of this subsection, unless (A) such compensation award is in an amount exceeding twenty thousand dollars, or (B) such person requests, in accordance with [section 4-158](#), that the General Assembly review such compensation award, in which

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cases the Claims Commissioner shall submit any such claim to the General Assembly in the same manner as provided under [section 4-159](#), not later than five business days after such award determination is made or such review is requested. The General Assembly shall review any such compensation award and the claim from which it arose not later than forty-five days after such claim is submitted to the General Assembly and may deny such claim or confirm or modify such compensation award. If the General Assembly modifies the amount of the compensation award, the General Assembly may award any amount of compensation the General Assembly deems just and reasonable. If the General Assembly takes no action on such compensation award or the claim from which it arose, the determination made by the Claims Commissioner shall be deemed confirmed.

(2) In determining the amount of such compensation, the Claims Commissioner shall award an amount that is at a minimum, but may be up to two hundred per cent of the median household income for the state for each year such person was incarcerated, as determined by the United States Department of Housing and Urban Development, adjusted for inflation using the consumer price index for urban consumers, provided the amount for any partial year shall be prorated in order to compensate only for the portion of such year in which such person was incarcerated. The Claims Commissioner may decrease or further the award amount by twenty-five per cent based on an assessment of relevant factors including, but not limited to, the evidence presented by the person under subdivisions (1) to (6), inclusive, of subsection (c) of this section.

(e) In addition to the compensation paid under subsection (d) of this section, the Claims Commissioner may order payment for the expenses of employment training and counseling, tuition and fees at any constituent unit of the state system of higher education and any other services such person may need to facilitate such person's reintegration into the community.

(f) Any person claiming compensation under this section based on a pardon that was granted or the dismissal of a complaint or information that occurred before October 1, 2008, shall file such claim not later than two years after October 1, 2008. Any person claiming compensation under this section based on a pardon that was granted or the dismissal of a complaint that occurred on or after October 1, 2008, shall file such claim not later than two years after the date of such pardon or dismissal.

(g) Any person who is compensated pursuant to this section shall sign a release providing that such person voluntarily relinquishes any right to pursue any other action or remedy at law or in equity that such person may have arising out of such wrongful conviction and incarceration.

Credits

(2008, P.A. 08-143, § 1; 2016, P.A. 16-127, § 29, eff. June 9, 2016.)

Footnotes

1 [C.G.S.A. § 4-141 et seq.](#)

2 [C.G.S.A. § 54-250 et seq.](#)

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The statutes and Constitution are current through General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2017.

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