



Senate

File No. 698

General Assembly

February Session, 2000

(Reprint of File No. 428)

Senate Bill No. 472
As Amended by Senate Amendment
Schedule "A" and House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 29, 2000

An Act Concerning Money Collected By Sheriffs.

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

1 Section 1. Subsection (c) of section 6-32d of the general statutes, as
2 amended by section 1 of substitute house bill 5832 of the current
3 session, as amended, is repealed and the following is substituted in
4 lieu thereof:

5 (c) The Judicial Department [shall] may enter into an agreement
6 with state agencies for the management, training or coordination, or
7 any combination thereof of courthouse security and prisoner custody
8 and transportation functions.

9 Sec. 2. Subsection (a) of section 142 of substitute house bill 5832 of
10 the current session, as amended, is repealed and the following is
11 substituted in lieu thereof:

12 (a) Notwithstanding the provisions of section 6-38 of the general
13 statutes, until the appointment of members of the State [Marshall]

14 Marshal Commission under section 8 of [this act] substitute house bill
15 5832 of the current session, as amended, the Chief Court Administrator
16 is authorized to appoint as a state marshal any eligible individual who
17 applies for such a position. Any eligible individual appointed prior to
18 December 1, 2000, shall have the same powers, duties and liabilities as
19 a deputy sheriff from the date of such individual's appointment until
20 December 1, 2000. For purposes of this section "eligible individual"
21 means an individual who was a deputy sheriff on or after May 31,
22 [1999] 1995, who had served as a deputy sheriff for a period of not less
23 than four years and who has submitted an application to the Chief
24 Court Administrator on or before June 30, 2000.

25 Sec. 3. (NEW) Notwithstanding the provisions of sections 7 and 142
26 of substitute house bill 5832 of the current session, as amended, no
27 high sheriff who appointed himself or herself a deputy sheriff or has
28 been appointed a deputy sheriff by another high sheriff pursuant to
29 section 6-38 of the general statutes shall become a state marshal on or
30 after December 1, 2000, by virtue of being a deputy sheriff, except that
31 a high sheriff may notify the Chief Court Administrator on or before
32 June 30, 2000, of the desire of such high sheriff to be appointed as a
33 state marshal, and such high sheriff may be appointed as a state
34 marshal after December 1, 2000, provided such high sheriff resigns his
35 or her position as high sheriff effective December 1, 2000.

36 Sec. 4. Section 6-33 of the general statutes, as amended by section
37 141 of substitute house bill 5832 of the current session, is repealed and
38 the following is substituted in lieu thereof:

39 The sheriffs elected in the several counties shall receive salaries
40 annually as follows: The sheriffs of the counties of New Haven,
41 Hartford, Fairfield and New London, thirty-seven thousand dollars
42 each; the sheriffs of the counties of Middlesex, Tolland, Litchfield and
43 Windham, thirty-five thousand dollars each. Said salaries shall be paid
44 by the state and shall be in full compensation for the performance of all
45 duties required by law to be performed by any of said sheriffs for the
46 state of Connecticut, except for the service of civil process, for which

47 service any such sheriff shall be entitled to receive and retain the fees
48 therefor provided by law. Said salaries shall be in lieu of all other
49 salaries paid by the state to said sheriffs, and all fees and allowances,
50 except those for the service of civil process, payable by statute to a
51 sheriff elected in any county, shall belong to the state, and shall be
52 collected by such sheriff for its use; provided, in cases where such fees
53 are payable ultimately by the state, no such fee shall be taxed, allowed
54 or paid to any such sheriff. [Commencing December 1, 2000, the
55 Department of Administrative Services shall be responsible for the
56 administrative functions of the Office of the County Sheriffs.]

57 Sec. 5. This act shall take effect from its passage, except that section
58 1 shall take effect December 1, 2000, and section 4 shall cease to be
59 effective on December 1, 2000, if the Secretary of the State certifies that
60 the constitutional amendment eliminating county sheriffs was
61 approved by the voters.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OLR Amended Bill Analysis

SB 472 (as amended by Senate "A" and House "A")*

AN ACT CONCERNING MONEY COLLECTED BY SHERIFFS.**SUMMARY:**

This bill amends sHB 5832 (File 644), which was signed by the governor on April 27. sHB 5832 creates the position of state marshal to perform service of process functions and makes qualified deputy sheriffs on June 30, 2000 state marshals. This bill prohibits a sheriff who appoints himself or is appointed by another sheriff as a deputy sheriff from becoming a state marshal on or after December 1, 2000 unless he (1) notifies the Chief Court Administrator (CCA) by June 30, 2000 that he wants to be a state marshal and (2) resigns as sheriff effective December 1, 2000.

sHB 5832 makes the sheriffs' salaries full compensation for all of their legal duties and eliminates a provision allowing them to keep fees for service of process. This bill returns to prior law and allows them to keep fees. But if the voters approve the constitutional amendment eliminating county sheriffs, the bill eliminates this provision thus prohibiting them from keeping fees on December 1, 2000. Another effect of passage of the constitutional amendment is to make the Department of Administrative Services (DAS) responsible for the administrative functions of the Office of the County Sheriffs on December 1, 2000.

sHB 5832 allows a person who was a deputy sheriff on May 31, 1999 and who has served at least four years to apply by June 30, 2000 to the CCA to be a state marshal. This bill requires the person to have been a deputy sheriff on or after May 31, 1995 instead of on May 31, 1999. It also gives people appointed by the CCA under this provision the powers, duties, and liabilities of a deputy sheriff from their appointment date until December 1, 2000.

sHB 5832 transfers responsibility for prisoner transportation and custody and courthouse security from the sheriffs to the Judicial

Department. This bill allows, rather than requires, the department to form agreements with state agencies on managing, training, and coordinating courthouse security and prisoner custody and transportation.

*Senate Amendment "A" removes the provision requiring sheriffs who collect money on behalf of someone else to pay it to that person within 30 days rather than within 90 days or when \$1,000 is collected, adds the provisions amending sHB 5832, and changes the effective date from October 1, 2000 to upon passage.

*House Amendment "A" makes a person who was a deputy sheriff on or after May 31, 1995 rather than on May 31, 1995 eligible to apply to be a state marshal, eliminates the provision making DAS responsible for administrative functions of the Office of the County Sheriffs, and includes the provisions on sheriffs' fees.

EFFECTIVE DATE: Upon passage, except that the provision on Judicial Department agreements is effective December 1, 2000 and the provision on sheriffs' fees is ineffective on December 1, 2000 if the voters approve the constitutional amendment eliminating sheriffs.

BACKGROUND

sHB 5832

If the constitutional amendment eliminating county sheriffs is approved by the voters, sHB 5832 transfers, on December 1, 2000, (1) responsibility for transporting prisoners to courthouses, custody of prisoners at courthouses, and courthouse security from the county sheriffs to the Judicial Department and (2) service of process functions to state marshals. It also eliminates most statutory references to sheriffs, deputy sheriffs, and special deputy sheriffs.

sHB 5832 passed the House on April 18, 2000 and the Senate on April 25, 2000. The governor signed it on April 27.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0