



# Senate

General Assembly

February Session, 2002

**File No. 356**

Senate Bill No. 555

*Senate, April 8, 2002*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING SERVICE OF PROCESS FOR THE JUDICIAL  
BRANCH AND THE DIVISION OF CRIMINAL JUSTICE.***

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

1 Section 1. Section 52-261a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Any process served by any officer or person for the Judicial  
4 Department or Division of Criminal Justice shall be served in  
5 accordance with the following schedule of fees:

6 [Each] (1) Except as provided in subdivision (3) of this subsection,  
7 each officer or person who serves process shall receive [twenty cents  
8 for each mile of travel, to be computed from the place where he  
9 received the process to the place of service, and thence in the case of  
10 civil process to the place of return;] a fee of not more than thirty dollars  
11 for the service of such process on a person and an additional fee of ten  
12 dollars for the service of such process on each additional person.

13     (2) Except as provided in subdivision (3) of this subsection, in  
14 addition to the fee set forth in subdivision (1) of this subsection, each  
15 officer or person who serves process shall receive, for each mile of  
16 travel, the same amount per mile as provided for state employees  
17 pursuant to section 5-141c, to be computed from the place where such  
18 officer or person received the process to the place of service, and  
19 thence in the case of civil process to the place of return, provided, if  
20 more than one process is served on one person at one time by any such  
21 officer or person, the total cost of travel for such service shall be the  
22 same as for the service of one process only.

23     (3) Each officer or person who serves process to enforce the  
24 obligation of an attorney pursuant to subdivision (2) of subsection (a)  
25 of section 51-81d shall receive twenty cents for each mile of travel, to  
26 be computed from the place where such officer or person received the  
27 process to the place of service, and thence to the place of return.

28     (4) Each officer or person who serves process shall also receive the  
29 moneys actually paid for town clerk's fees on the service of process.

30     (5) Any officer or person required to summon jurors by personal  
31 service of a warrant to attend court shall receive for the first ten miles  
32 of travel while so engaged, such mileage to be computed from the  
33 place where [he] such officer or person receives the process to the place  
34 of service, twenty-five cents for each mile, and for each additional  
35 mile, ten cents.

36     (6) For summoning any juror to attend court otherwise than by  
37 personal service of the warrant, such officer or person shall receive  
38 only the sum of fifty cents and actual disbursements necessarily  
39 expended by [him] such officer or person in making service thereof as  
40 directed.

41     (b) Notwithstanding the provisions of this section, for summoning  
42 grand jurors, such officer or person shall receive only [his] such  
43 officer's or person's actual expenses and such reasonable sum for  
44 services as are taxed by the court.

45       (c) The following fees shall be allowed and paid: [(1) For serving a  
46 summons or attachment by reading or copy, twenty cents, except that  
47 for serving a summons in support enforcement cases, twenty dollars;  
48 (2) for] (1) For taking bail or bail bond, one dollar; [(3)] (2) for copies of  
49 writs and complaints, exclusive of endorsements, sixty cents per page;  
50 [(4)] (3) for endorsements, forty cents per page or fraction thereof; [(5)]  
51 (4) for service of a warrant for the seizure of intoxicating liquors, or for  
52 posting and leaving notices after the seizure, or for the destruction or  
53 delivery of any such liquors under order of court, one dollar; [(6)] (5)  
54 for the removal and custody of such liquors so seized, reasonable  
55 expenses [,] and one dollar; [(7)] (6) for levying an execution, when the  
56 money is actually collected and paid over, or the debt secured by the  
57 officer to the acceptance of the creditor, three per cent on the amount  
58 of the execution; [(8)] (7) on the levy of an execution on real property  
59 and on application for sale of personal property attached, to each  
60 appraiser, for each half day of actual service, two dollars, to surveyors  
61 when necessarily employed, four dollars per day and to each chain  
62 bearer necessarily employed, two dollars per day, which sums, with  
63 those paid to the town clerk, shall be, by the officer levying the  
64 execution, endorsed thereon, together with [his] such officer's own  
65 fees; [(9)] (8) for causing an execution levied on real property to be  
66 recorded, fees for travel [,] and fifty cents; [(10)] (9) for services on an  
67 application for the sale of personal property attached, or in selling  
68 mortgaged property foreclosed under a decree of court, the same fees  
69 as for similar services on executions; [(11)] (10) for committing any  
70 person to a community correctional center, in civil actions, twenty  
71 cents a mile for travel, from the place of the court to the community  
72 correctional center, in lieu of all other expenses; and [(12)] (11) for  
73 summoning and attending a jury for reassessing damages or benefits  
74 on a highway, three dollars a day.

75       (d) The court shall tax as costs a reasonable amount for the care of  
76 property held by any officer under attachment or execution. The  
77 officer serving any attachment or execution may claim compensation  
78 for time and expenses of any person, in keeping, securing or removing  
79 property taken thereon, provided [he] such officer shall make out a

80 bill. The bill shall specify the labor done [,] and by whom, the time  
81 spent, the travel, the money paid, if any, and to whom and for what.  
82 The compensation for the services shall be fixed on the basis of two  
83 dollars per hour and the amount of expenses and shall be taxed by the  
84 court with the costs.

85 (e) The following fees shall be allowed and paid, except to state  
86 employees in the classified service: (1) For each arrest in criminal cases,  
87 one dollar and fifty cents; (2) for any necessary assistants in making  
88 criminal arrests, a reasonable sum, the necessity of such assistance to  
89 be proved by the oath of the officer; (3) for travel with a prisoner to  
90 court or to a community correctional center, forty cents a mile,  
91 provided [,] (A) if more than one prisoner is transported at the same  
92 time, the total cost of travel shall be forty cents per mile for each  
93 prisoner transported up to a maximum of two dollars per mile,  
94 regardless of the number of prisoners transported, and [provided  
95 further,] (B) if a prisoner is transported for commitment on more than  
96 one mittimus, the total cost of travel shall be the same as for the  
97 transportation of one prisoner committed on one mittimus only; (4) for  
98 holding a prisoner in custody upon criminal process for each twelve  
99 hours or fraction thereof, to be taxed as expenses in the case, one  
100 dollar; (5) for holding a prisoner in custody by order of court, one  
101 dollar a day; (6) for keepers, for every twelve hours, in lieu of all other  
102 expenses, except in special cases to be approved by the court, five  
103 dollars; (7) for executing a mittimus of commitment to the Connecticut  
104 Correctional Institution, Somers, for each prisoner, one dollar and fifty  
105 cents; (8) for transporting any prisoner from a community correctional  
106 center to the Connecticut Correctional Institution, Somers, or for  
107 transporting any person under commitment from a community  
108 correctional center to the John R. Manson Youth Institution, Cheshire,  
109 twenty-five cents a mile, to be taxed as expenses, provided, if more  
110 than one prisoner or person is transported, the total cost of travel shall  
111 be twenty-five cents per mile for each prisoner or person transported  
112 up to a maximum of one dollar per mile, regardless of the number of  
113 prisoners or persons transported; (9) for taking samples to a state  
114 chemist by order of court, two dollars, and for each mile of travel in

115 going and returning, ten cents; (10) for service of a mittimus to commit  
116 to the Connecticut Juvenile Training School, necessary expenses and a  
117 reasonable compensation; and (11) for producing any prisoner, held by  
118 criminal process, in court or before a judge under habeas corpus  
119 proceedings, twenty-five cents a mile travel and two dollars and fifty  
120 cents a day for attendance, to be taxed and allowed by the court or  
121 judge.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

**JUD**      *Joint Favorable*

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:

---

**OFA Fiscal Note**

**State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Judicial Dept.	None	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill increases the fee someone receives for serving process for the Judicial Department or the Division of Criminal Justice (DCJ). This would have no impact on the DCJ because its employees (not outside contractors) serve process for the agency. It would incur a minimal cost to the Judicial Department to have certain papers served (including summons in bar grievance proceedings).

**OLR Bill Analysis**

SB 555

***AN ACT CONCERNING SERVICE OF PROCESS FOR THE JUDICIAL BRANCH AND THE DIVISION OF CRIMINAL JUSTICE*****SUMMARY:**

This bill increases the fee an officer or person receives for serving process for the Judicial Department or Division of Criminal Justice. Under current law, someone receives 20 cents per mile for travel from where he receives the process to where he serves it and, for civil process, the same rate for return travel. Under the bill, the fee is (1) up to \$30; (2) an additional \$10 for service on each additional person; and (3) 36.5 cents per mile (the current rate set for travel by state employees) for travel from where he receives the process to where he serves it and, for civil process, the same rate for return travel. But the fee for service of process to enforce an attorney's obligation to pay an annual fee to the Client Security Fund remains 20 cents per mile, the same as the current fee for service of civil process.

The bill also deletes specific fees of 20 cents for serving a summons or attachment by reading or copy and \$20 for serving a summons in support enforcement cases, making them subject to the bill's higher fees.

EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 40      Nay 0