



General Assembly

February Session, 2002

**Bill No. 21**

LCO No. 266

Referred to Committee on Appropriations

Introduced by:

SEN. DELUCA, 32<sup>nd</sup> Dist.

REP. WARD, 86<sup>th</sup> Dist.

**AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET WITH  
RESPECT TO THE JUDICIAL BRANCH.**

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

1 Section 1. Subsection (c) of section 45a-111 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2002*):

4 (c) If a petitioner or applicant to a court of probate claims that unless  
5 his or her obligation to pay the fees and the necessary costs of the  
6 action, including the cost of service of process, is waived, such  
7 petitioner or applicant will be deprived by reason of his or her  
8 indigency of his or her right to bring a petition or application to such  
9 court or that he or she is otherwise unable to pay the fees and  
10 necessary costs of the action, he or she may file with the clerk of such  
11 court of probate an application for waiver of payment of such fees and  
12 necessary costs. Such application shall be signed under penalty of false  
13 statement, shall state the applicant's financial circumstances, and shall  
14 identify the fees and costs sought to be waived and the approximate

15 amount of each. If the court finds that the applicant is unable to pay  
16 such fees and costs, it shall order such fees and costs waived. If such  
17 costs include the cost of service of process, the court, in its order, shall  
18 indicate the method of service authorized and the cost of such service  
19 shall be paid [from funds appropriated to the Judicial Department,  
20 however, if funds have not been included in the budget of the Judicial  
21 Department for such costs, such costs shall be paid] from the Probate  
22 Court Administration Fund. Any fee waived under this section shall be  
23 reimbursed to the court of probate [from the funds appropriated to the  
24 Judicial Department, however, if funds have not been included in the  
25 budget of the Judicial Department for such purposes, such payment  
26 shall be made] from the Probate Court Administration Fund pursuant  
27 to rules and regulations established by the Probate Court  
28 Administrator.

29 Sec. 2. Subsection (h) of section 46b-231 of the general statutes is  
30 repealed and the following is substituted in lieu thereof (*Effective July*  
31 *1, 2002*):

32 (h) (1) On and after April 1, 2000, the Chief Family Support  
33 Magistrate shall receive a salary of ninety-nine thousand five hundred  
34 eighty-seven dollars, and other family support magistrates shall  
35 receive an annual salary of ninety-four thousand five hundred eighty-  
36 seven dollars.

37 (2) On and after April 1, 2001, the Chief Family Support Magistrate  
38 shall receive a salary of one hundred three thousand six hundred  
39 dollars, and other family support magistrates shall receive an annual  
40 salary of ninety-eight thousand six hundred dollars.

41 (3) On and after April 1, 2002, the Chief Family Support Magistrate  
42 shall receive a salary of one hundred eight thousand eight hundred  
43 twenty-one dollars, and other family support magistrates shall receive  
44 an annual salary of one hundred three thousand five hundred sixty-  
45 nine dollars.

46 (4) On and after July 1, 2003, the Chief Family Support Magistrate  
47 shall receive a salary of one hundred seventeen thousand five hundred  
48 twenty-seven dollars, and other family support magistrates shall  
49 receive an annual salary of one hundred eleven thousand eight  
50 hundred fifty-five dollars.

51 (5) On and after April 1, 2004, the Chief Family Support Magistrate  
52 shall receive a salary of one hundred twenty-six thousand two  
53 hundred thirty-two dollars, and other family support magistrates shall  
54 receive an annual salary of one hundred twenty thousand one  
55 hundred forty dollars.

56 (6) On and after April 1, 2005, the Chief Family Support Magistrate  
57 shall receive a salary of one hundred thirty-four thousand nine  
58 hundred thirty-eight dollars, and other family support magistrates  
59 shall receive an annual salary of one hundred twenty-eight thousand  
60 four hundred twenty-six dollars.

61 Sec. 3. Subsection (a) of section 51-47 of the general statutes is  
62 repealed and the following is substituted in lieu thereof (*Effective July*  
63 *1, 2002*):

64 (a) The judges of the Superior Court, judges of the Appellate Court  
65 and judges of the Supreme Court shall receive annually salaries as  
66 follows:

67 (1) On and after April 1, 2000, (A) the Chief Justice of the Supreme  
68 Court, one hundred thirty-five thousand eight hundred sixty-one  
69 dollars; (B) the Chief Court Administrator if a judge of the Supreme  
70 Court, Appellate Court or Superior Court, one hundred thirty  
71 thousand seventeen dollars; (C) each associate judge of the Supreme  
72 Court, one hundred twenty-four thousand six hundred eighty-three  
73 dollars; (D) the Chief Judge of the Appellate Court, one hundred  
74 twenty-three thousand one hundred fifty-two dollars; (E) each judge of  
75 the Appellate Court, one hundred sixteen thousand two hundred  
76 sixty-seven dollars; (F) the Deputy Chief Court Administrator if a

77 judge of the Superior Court, one hundred thirteen thousand eight  
78 hundred ninety-six dollars; and (G) each judge of the Superior Court,  
79 one hundred eleven thousand two hundred seventy-nine dollars.

80 (2) On and after April 1, 2001, (A) the Chief Justice of the Supreme  
81 Court, one hundred forty thousand five hundred eighty-two dollars;  
82 (B) the Chief Court Administrator if a judge of the Supreme Court,  
83 Appellate Court or Superior Court, one hundred thirty-four thousand  
84 seven hundred thirty-eight dollars; (C) each associate judge of the  
85 Supreme Court, one hundred twenty-nine thousand four hundred four  
86 dollars; (D) the Chief Judge of the Appellate Court, one hundred  
87 twenty-seven thousand eight hundred seventy-three dollars; (E) each  
88 judge of the Appellate Court, one hundred twenty thousand nine  
89 hundred eighty-eight dollars; (F) the Deputy Chief Court  
90 Administrator if a judge of the Superior Court, one hundred eighteen  
91 thousand six hundred seventeen dollars; and (G) each judge of the  
92 Superior Court, one hundred sixteen thousand dollars.

93 (3) On and after April 1, 2002, (A) the Chief Justice of the Supreme  
94 Court, one hundred forty-nine thousand five hundred eighty-two  
95 dollars; (B) the Chief Court Administrator if a judge of the Supreme  
96 Court, Appellate Court or Superior Court, one hundred forty-three  
97 thousand seven hundred thirty-eight dollars; (C) each associate judge  
98 of the Supreme Court, one hundred thirty-eight thousand four  
99 hundred four dollars; (D) the Chief Judge of the Appellate Court, one  
100 hundred thirty-six thousand eight hundred seventy-three dollars; (E)  
101 each judge of the Appellate Court, one hundred twenty-nine thousand  
102 nine hundred eighty-eight dollars; (F) the Deputy Chief Court  
103 Administrator if a judge of the Superior Court, one hundred twenty-  
104 seven thousand six hundred seventeen dollars; and (G) each judge of  
105 the Superior Court, one hundred twenty-five thousand dollars.

106 (4) On and after July 1, 2003, (A) the Chief Justice of the Supreme  
107 Court, one hundred sixty-one thousand five hundred forty-nine  
108 dollars; (B) the Chief Court Administrator if a judge of the Supreme

109 Court, Appellate Court or Superior Court, one hundred fifty-five  
110 thousand two hundred thirty-seven dollars; (C) each associate judge of  
111 the Supreme Court, one hundred forty-nine thousand four hundred  
112 seventy-six dollars; (D) the Chief Judge of the Appellate Court, one  
113 hundred forty-seven thousand eight hundred twenty-three dollars; (E)  
114 each judge of the Appellate Court, one hundred forty thousand three  
115 hundred eighty-seven dollars; (F) the Deputy Chief Court  
116 Administrator if a judge of the Superior Court, one hundred thirty-  
117 seven thousand eight hundred twenty-six dollars; and (G) each judge  
118 of the Superior Court, one hundred thirty-five thousand dollars.

119 (5) On and after April 1, 2004, (A) the Chief Justice of the Supreme  
120 Court, one hundred seventy-three thousand five hundred fifteen  
121 dollars; (B) the Chief Court Administrator if a judge of the Supreme  
122 Court, Appellate Court or Superior Court, one hundred sixty-six  
123 thousand seven hundred thirty-six dollars; (C) each associate judge of  
124 the Supreme Court, one hundred sixty thousand five hundred forty-  
125 nine dollars; (D) the Chief Judge of the Appellate Court, one hundred  
126 fifty-eight thousand seven hundred seventy-three dollars; (E) each  
127 judge of the Appellate Court, one hundred fifty thousand seven  
128 hundred eighty-six dollars; (F) the Deputy Chief Court Administrator  
129 if a judge of the Superior Court, one hundred forty-eight thousand  
130 thirty-six dollars; and (G) each judge of the Superior Court, one  
131 hundred forty-five thousand dollars.

132 (6) On and after April 1, 2005, (A) the Chief Justice of the Supreme  
133 Court, one hundred eighty-five thousand four hundred eighty-two  
134 dollars; (B) the Chief Court Administrator if a judge of the Supreme  
135 Court, Appellate Court or Superior Court, one hundred seventy-eight  
136 thousand two hundred thirty-five dollars; (C) each associate judge of  
137 the Supreme Court, one hundred seventy-one thousand six hundred  
138 twenty-one dollars; (D) the Chief Judge of the Appellate Court, one  
139 hundred sixty-nine thousand seven hundred twenty-three dollars; (E)  
140 each judge of the Appellate Court, one hundred sixty-one thousand  
141 one hundred eighty-five dollars; (F) the Deputy Chief Court

142 Administrator if a judge of the Superior Court, one hundred fifty-eight  
143 thousand two hundred forty-five dollars; and (G) each judge of the  
144 Superior Court, one hundred fifty-five thousand dollars.

145 Sec. 4. Section 52-258 of the general statutes is repealed and the  
146 following is substituted in lieu thereof (*Effective July 1, 2002*):

147 The jury fee in civil actions shall be three hundred fifty dollars to be  
148 paid at the time the case is claimed for the jury by the party at whose  
149 request the case is placed upon the jury docket. The jury fee shall be  
150 taxed in favor of the party paying the jury fee in the bill of costs in the  
151 action, if final judgment thereon is rendered in his favor.

152 Sec. 5. Section 52-259 of the general statutes is repealed and the  
153 following is substituted in lieu thereof (*Effective July 1, 2002*):

154 There shall be paid to the clerks for entering each appeal or writ of  
155 error to the Supreme Court, or entering each appeal to the Appellate  
156 Court, as the case may be, two hundred fifty dollars, and for each civil  
157 cause in the Superior Court, one hundred eighty-five dollars; except (1)  
158 seventy-five dollars for entering each case in the Superior Court in  
159 which the sole claim for relief is damages and the amount, legal  
160 interest or property in demand is less than two thousand five hundred  
161 dollars and for summary process, landlord and tenant and paternity  
162 actions, and (2) there shall be no entry fee for making an application to  
163 the Superior Court for relief under section 46b-15, as amended, or for  
164 making an application to modify or extend an order issued pursuant to  
165 section 46b-15, as amended. If the amount, legal interest or property in  
166 demand by the plaintiff is alleged to be less than two thousand five  
167 hundred dollars, a new entry fee of seventy-five dollars shall be  
168 charged if the plaintiff amends his complaint to state that such demand  
169 is not less than two thousand five hundred dollars. The fee for the  
170 entry of a small claims case shall be [thirty] thirty-five dollars. If a  
171 motion is filed to transfer a small claims case to the regular docket, the  
172 moving party shall pay a fee of seventy-five dollars. There shall be  
173 paid to the clerk of the Superior Court by any party who requests a

174 finding of fact by a judge of such court to be used on appeal the sum of  
175 twenty-five dollars, to be paid at the time the request is filed. There  
176 shall be paid to the clerk of the Superior Court a fee of seventy-five  
177 dollars for a petition for certification to the Supreme Court and  
178 Appellate Court. Such clerks shall also receive for receiving and filing  
179 an assessment of damages by appraisers of land taken for public use or  
180 the appointment of a commissioner of the Superior Court, two dollars;  
181 for recording the commission and oath of a notary public or certifying  
182 under seal to the official character of any magistrate, ten dollars; for  
183 certifying under seal, two dollars; for exemplifying, twenty dollars; for  
184 making all necessary records and certificates of naturalization, the fees  
185 allowed under the provisions of the United States statutes for such  
186 services; and for making copies, one dollar a page. There shall be paid  
187 to the clerk of the Superior Court for a copy of a judgment file a fee of  
188 fifteen dollars, inclusive of the fees for certification and copying, for a  
189 certified copy and a fee of ten dollars, inclusive of the fee for copying,  
190 for a copy which is not certified; for a copy of a certificate of judgment  
191 in a foreclosure action, as provided by the rules of practice and  
192 procedure, twenty dollars, inclusive of the fees for certification and  
193 copying. There shall be paid to the clerk of the court a fee of fifty  
194 dollars at the time any application for a prejudgment remedy is filed.  
195 A fee of twenty dollars for any check issued to the court in payment of  
196 any fee which is returned as uncollectible by the bank on which it is  
197 drawn may be imposed. The tax imposed under chapter 219 shall not  
198 be imposed upon any fee charged under the provisions of this section.

199 Sec. 6. Section 52-259c of the general statutes is repealed and the  
200 following is substituted in lieu thereof (*Effective July 1, 2002*):

201 (a) There shall be paid to the clerk of the Superior Court upon the  
202 filing of any motion to open, set aside, modify or extend any civil  
203 judgment rendered in Superior Court a fee of thirty-five dollars for any  
204 housing matter and a fee of [sixty] seventy dollars for any other  
205 matter, except no fee shall be paid upon the filing of any motion to  
206 open, set aside, modify or extend judgments in small claims and

207 juvenile matters or orders issued pursuant to section 46b-15, as  
208 amended. Such fee may be waived by the court.

209 (b) Upon the filing of a motion to open or reargue a judgment in any  
210 civil appeal rendered by the Supreme Court or Appellate Court or to  
211 reconsider any other civil matter decided in either court, the party  
212 filing the motion shall pay a fee of [~~sixty~~] seventy dollars.

213 Sec. 7. Subdivision (1) of subsection (a) of section 52-356a of the  
214 general statutes is repealed and the following is substituted in lieu  
215 thereof (*Effective July 1, 2002*):

216 (a) (1) On application of a judgment creditor or his attorney, stating  
217 that a judgment remains unsatisfied and the amount due thereon, and  
218 subject to the expiration of any stay of enforcement and expiration of  
219 any right of appeal, the clerk of the court in which the money  
220 judgment was rendered shall issue an execution pursuant to this  
221 section against the nonexempt personal property of the judgment  
222 debtor other than debts due from a banking institution or earnings.  
223 The application shall be accompanied by a fee of [~~ten~~] twenty dollars  
224 payable to the clerk of the court for the administrative costs of  
225 complying with the provisions of this section which fee may be  
226 recoverable by the judgment creditor as a taxable cost of the action. In  
227 the case of a consumer judgment, the application shall indicate  
228 whether, pursuant to an installment payment order under subsection  
229 (b) of section 52-356d, the court has entered a stay of execution and, if  
230 such a stay was entered, shall contain a statement of the judgment  
231 creditor or his attorney as to the debtor's default on payments. The  
232 execution shall be directed to any levying officer.

233 Sec. 8. Subsection (a) of section 52-361a of the general statutes is  
234 repealed and the following is substituted in lieu thereof (*Effective July*  
235 *1, 2002*):

236 (a) If a judgment debtor fails to comply with an installment  
237 payment order, the judgment creditor may apply to the court for a

238 wage execution. The application shall contain the judgment creditor's  
239 or his attorney's statement setting forth the particulars of the  
240 installment payment order and of the judgment debtor's failure to  
241 comply. The application shall be accompanied by a fee of [ten] twenty  
242 dollars payable to the clerk of the court for the administrative costs of  
243 complying with the provisions of this section which fee may be  
244 recoverable by the judgment creditor as a taxable cost of the action.

245 Sec. 9. (Effective July 1, 2002) Sections 46b-150f and 46b-150g of the  
246 general statutes are repealed.

This act shall take effect as follows:	
Section 1	July 1, 2002
Sec. 2	July 1, 2002
Sec. 3	July 1, 2002
Sec. 4	July 1, 2002
Sec. 5	July 1, 2002
Sec. 6	July 1, 2002
Sec. 7	July 1, 2002
Sec. 8	July 1, 2002
Sec. 9	July 1, 2002

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*