



General Assembly

February Session, 2002

Amendment

LCO No. 4566

HB0574004566HD0

Offered by:

REP. LAWLOR, 99th Dist.

To: Subst. House Bill No. 5740

File No. 387

Cal. No. 256

"AN ACT CONCERNING STATE MARSHALS."

1 Strike lines 1 to 26, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Section 1. Section 6-38b of the general statutes, as amended by
4 section 8 of public act 01-9 of the June special session, is repealed and
5 the following is substituted in lieu thereof (*Effective October 1, 2002*):

6 (a) There is established a State Marshal Commission which shall
7 consist of [eight] ten members appointed as follows: (1) The Chief
8 Justice shall appoint one member who shall be a judge of the Superior
9 Court; (2) the speaker of the House of Representatives, the president
10 pro tempore of the Senate, the majority and minority leaders of the
11 House of Representatives and the majority and minority leaders of the
12 Senate shall each appoint one member; (3) the State Marshals Advisory
13 Board established pursuant to section 6-38c shall appoint two
14 members, each of whom shall be a state marshal; and [(3)] (4) the
15 Governor shall appoint one member who shall serve as chairperson.

16 No member of the commission other than a member appointed
17 pursuant to subdivision (3) of this subsection shall be a state marshal,
18 [, except that two state marshals appointed by the State Marshals
19 Advisory Board in accordance with section 6-38c shall serve as ex
20 officio, nonvoting members of the commission.]

21 (b) The chairperson of the commission shall serve for a three-year
22 term and all appointments of members to replace those whose terms
23 expire shall be for terms of three years.

24 (c) No more than [four] five of the members of the commission,
25 other than the chairperson, may be members of the same political
26 party. Of the [seven] nine nonjudicial members, other than the
27 chairperson, at least [three] four shall not be members of the bar of any
28 state.

29 (d) If any vacancy occurs on the commission, the appointing
30 authority having the power to make the initial appointment under the
31 provisions of this section shall appoint a person for the unexpired term
32 in accordance with the provisions of this section.

33 (e) Members of the commission shall serve without compensation
34 but shall be reimbursed for actual expenses incurred while engaged in
35 the duties of the commission.

36 (f) The commission, in consultation with the State Marshals
37 Advisory Board, shall adopt regulations₂ in accordance with the
38 provisions of chapter 54₂ to establish professional standards for state
39 marshals, including training requirements and minimum fees for
40 execution and service of process.

41 (g) The commission shall be responsible for the equitable
42 assignment of service of restraining orders to the state marshals in each
43 county and shall ensure that such restraining orders are served
44 expeditiously. Failure of any state marshal to accept for service any
45 restraining order assigned by the commission or to serve such
46 restraining order expeditiously without good cause shall be sufficient

47 for the convening of a hearing for removal under subsection (j) of this
48 section.

49 (h) Any vacancy in the position of state marshal in any county as
50 provided in section 6-38 shall be filled by the commission with an
51 applicant who shall be an elector in the county where such vacancy
52 occurs. Any applicant for such vacancy shall be subject to the
53 application and investigation requirements of the commission. In any
54 proceeding of the commission, the members appointed pursuant to
55 subdivision (3) of subsection (a) of this section shall not be entitled to
56 vote on specific personnel issues related to any state marshal,
57 including the appointment or removal of or any final disciplinary
58 action taken against any state marshal.

59 (i) Except as provided in section 6-38f, as amended, no person may
60 be a state marshal and a state employee at the same time. This
61 subsection shall not apply to any person who was both a state
62 employee and a deputy sheriff or special deputy sheriff on April 27,
63 2000.

64 (j) No state marshal may be removed except by order of the
65 commission for cause after due notice and hearing.

66 (k) The commission may adopt such rules as it deems necessary for
67 the conduct of its internal affairs and shall adopt regulations, in
68 accordance with the provisions of chapter 54, for the application and
69 investigation requirements for filling vacancies in the position of state
70 marshal.

71 (l) The commission shall be within the Department of
72 Administrative Services for administrative purposes only."

73 Strike section 2 in its entirety and renumber the remaining sections
74 accordingly

75 Strike lines 36 to 41, inclusive, in their entirety and insert the
76 following in lieu thereof:

77 "The State Marshal Commission shall periodically review and audit
78 the records and accounts of the state marshals. Upon the"

79 Strike lines 49 to 62, inclusive, in their entirety and insert the
80 following in lieu thereof:

81 "Sec. 3. Subsection (d) of section 11 of public act 01-9 of the June
82 special session is repealed and the following is substituted in lieu
83 thereof (*Effective from passage*):

84 (d) The first two hundred fifty thousand dollars collected each fiscal
85 year, pursuant to subsection (b) of this section, shall be credited to the
86 state marshal account and be available for expenditure by the State
87 Marshal Commission for the operating expenses of the commission.
88 From July 1, 2001, until July 1, 2006, the Secretary of the Office of
89 Policy and Management shall review and approve or disapprove the
90 budget of the commission. For the fiscal year ending June 30, 2003, and
91 each fiscal year thereafter, the State Marshals Advisory Board shall
92 submit to the State Marshal Commission a request for administrative
93 support for such fiscal year. Such request shall be submitted prior to
94 the beginning of such fiscal year."

95 Strike lines 163 to 166, inclusive, in their entirety and insert the
96 following in lieu thereof:

97 "second and each subsequent [defendant upon whom the process is
98 served] service of such process, except that such officer or person shall
99 receive an additional fee of ten dollars for each subsequent service of
100 such process at the same address. Each such officer or"

101 In line 201, strike "(A)"

102 In line 202, strike ", and (B) if demand is made and execution is
103 served by the"

104 Strike lines 203 and 204 in their entirety

105 In line 205, strike "time"

106 In line 252, strike the underscored comma, strike the opening and
107 closing brackets and after "union" strike "or"

108 In line 253, strike "securities brokerage firm"

109 After line 531, insert the following and renumber the remaining
110 section accordingly:

111 "Sec. 13. Section 6-35 of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective October 1, 2002*):

113 Any state marshal shall pay over to the person authorized to receive
114 it, any money collected by such state marshal on behalf or on account
115 of such person, within thirty calendar days from the date of collection
116 of the money or upon the collection of one thousand dollars,
117 whichever first occurs, provided any state marshal who fails to pay
118 over to the person authorized to receive it, any money collected by
119 such state marshal on behalf or for the account of such person, within
120 thirty calendar days from the date of collection of the money or upon
121 the collection of one thousand dollars, shall be liable to such person for
122 the payment of interest on the money at the rate of five per cent per
123 month from the date on which such state marshal received the money,
124 unless otherwise agreed by such person."