



General Assembly

February Session, 2004

Raised Bill No. 510

LCO No. 1926

01926_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE SERVICE OF CAPIAS AND WARRANTS
BY STATE MARSHALS.**

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

1 Section 1. Section 6-38a of the general statutes, as amended by
2 section 2 of public act 03-224, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2004*):

4 (a) For the purposes of the general statutes, "state marshal" means a
5 qualified deputy sheriff incumbent on June 30, 2000, under section 6-38
6 or appointed pursuant to section 6-38b, as amended, who shall have
7 authority to provide legal execution and service of process in the
8 counties in this state pursuant to section 6-38 as an independent
9 contractor compensated on a fee for service basis, determined, subject
10 to any minimum rate promulgated by the state, by agreement with an
11 attorney, court or public agency requiring execution or service of
12 process.

13 (b) Any state marshal [] shall, in the performance of execution or
14 service of process functions, have the right of entry on private property
15 and no such person shall be personally liable for damage or injury, not

16 wanton, reckless or malicious, caused by the discharge of such
17 functions.

18 (c) Any state marshal shall, in the execution or service of any capias
19 issued pursuant to section 52-143, as amended, or 54-2a or any warrant
20 or capias mittimus issued by a court or family support magistrate in a
21 family support matter, have all the powers conferred on state
22 policemen that are granted to special policemen in the Bureau of Child
23 Support Enforcement pursuant to section 29-1g.

24 Sec. 2. Section 52-56 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2004*):

26 (a) If any officer has commenced the service of any civil process
27 within his precinct, he may attach the property of, or serve the process
28 upon, any defendant named in the process outside of his precinct. An
29 officer shall not be deemed to have commenced service in any civil
30 action by process of foreign attachment or garnishment by service on
31 the garnishee therein, unless the garnishee has concealed in his
32 possession, at the time of the service, the property of the defendant or
33 is indebted to him.

34 (b) If there are two or more defendants, any of whom reside outside
35 of the precinct of the officer commencing service or, in any action in
36 case of attachment of property or in case of foreign attachment or
37 garnishment, if any defendant or garnishee resides outside of the
38 precinct of the officer commencing service, any officer may serve the
39 process upon such of the defendants or garnishees as reside within his
40 precinct, and may then (1) complete the service himself upon any
41 defendant or garnishee residing outside his precinct, or (2) deliver the
42 process to an officer of another precinct for service upon any
43 defendant or garnishee residing in the other precinct and each officer
44 serving the same shall endorse his actions thereon. The officer
45 completing the service shall include in his endorsement a copy of the
46 endorsement upon the writ of the officer commencing service and shall
47 return the process to court.

48 (c) In any action where process is permitted to be served upon the
49 Secretary of the State or the Commissioner of Motor Vehicles pursuant
50 to sections 52-57, as amended, 52-59b, 52-62 and 52-63, service of such
51 process may be made by any officer of any precinct having such
52 process in his hands for service.

53 (d) The execution or service of any capias issued pursuant to section
54 52-143, as amended, or 54-2a or any warrant or capias mittimus issued
55 by a court or family support magistrate in a family support matter may
56 be made in any precinct in the state by any officer of any precinct
57 having such capias, warrant or capias mittimus in his hands for
58 service.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

Statement of Purpose:

To specify the powers of state marshals in the execution or service of any capias, warrant or capias mittimus issued by a court or family support magistrate in a family support matter.

[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.]