



General Assembly

Amendment

February Session, 2004

LCO No. 4940

SB0049804940SD0

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. LOONEY, 11th Dist.
SEN. WILLIAMS, 29th Dist.
SEN. PETERS, 20th Dist.
SEN. NEWTON, 23rd Dist.

SEN. MCDONALD, 27th Dist.
SEN. KISSEL, 7th Dist.
REP. STONE, 9th Dist.
REP. SAYERS, 60th Dist.
REP. LABRIOLA, 131st Dist.

To: Subst. Senate Bill No. 498

File No. 594

Cal. No. 418

**"AN ACT CONCERNING THE COMPENSATION OF JUDGES AND
FAMILY SUPPORT MAGISTRATES."**

1 Strike lines 18 to 32, inclusive, in their entirety and substitute the
2 following in lieu thereof:

3 "(2) On and after January 1, 2005, the Chief Family Support
4 Magistrate shall receive a salary of one hundred fourteen thousand
5 eight hundred six dollars, and other family support magistrates shall
6 receive an annual salary of one hundred nine thousand two hundred
7 sixty-five dollars.

8 "(3) On and after January 1, 2006, the Chief Family Support
9 Magistrate shall receive a salary of one hundred twenty-one thousand
10 one hundred twenty dollars, and other family support magistrates
11 shall receive an annual salary of one hundred fifteen thousand two

12 hundred seventy-five dollars.

13 (4) On and after January 1, 2007, the Chief Family Support
14 Magistrate shall receive a salary of one hundred twenty-seven
15 thousand seven hundred eighty-two dollars, and other family support
16 magistrates shall receive an annual salary of one hundred twenty-one
17 thousand six hundred fifteen dollars."

18 In line 38, strike "one hundred eighty-five" and insert "one hundred
19 ninety" in lieu thereof

20 Strike lines 86 to 124, inclusive, in their entirety and substitute the
21 following in lieu thereof:

22 "(2) On and after January 1, 2005, (A) the Chief Justice of the
23 Supreme Court, one hundred fifty-seven thousand eight hundred nine
24 dollars; (B) the Chief Court Administrator if a judge of the Supreme
25 Court, Appellate Court or Superior Court, one hundred fifty-one
26 thousand six hundred forty-four dollars; (C) each associate judge of
27 the Supreme Court, one hundred forty-six thousand sixteen dollars;
28 (D) the Chief Judge of the Appellate Court, one hundred forty-four
29 thousand four hundred one dollars; (E) each judge of the Appellate
30 Court, one hundred thirty-seven thousand one hundred thirty-seven
31 dollars; (F) the Deputy Chief Court Administrator if a judge of the
32 Superior Court, one hundred thirty-four thousand six hundred thirty-
33 six dollars; (G) each judge of the Superior Court, one hundred thirty-
34 one thousand eight hundred seventy-five dollars.

35 (3) On and after January 1, 2006, (A) the Chief Justice of the
36 Supreme Court, one hundred sixty-six thousand four hundred eighty-
37 nine dollars; (B) the Chief Court Administrator if a judge of the
38 Supreme Court, Appellate Court or Superior Court, one hundred fifty-
39 nine thousand nine hundred eighty-four dollars; (C) each associate
40 judge of the Supreme Court, one hundred fifty-four thousand forty-
41 seven dollars; (D) the Chief Judge of the Appellate Court, one hundred
42 fifty-two thousand three hundred forty-three dollars; (E) each judge of
43 the Appellate Court, one hundred forty-four thousand six hundred

44 eighty dollars; (F) the Deputy Chief Court Administrator if a judge of
45 the Superior Court, one hundred forty-two thousand forty-one dollars;
46 (G) each judge of the Superior Court, one hundred thirty-nine
47 thousand one hundred twenty-eight dollars.

48 (4) On and after January 1, 2007, (A) the Chief Justice of the
49 Supreme Court, one hundred seventy-five thousand six hundred forty-
50 five dollars; (B) the Chief Court Administrator if a judge of the
51 Supreme Court, Appellate Court or Superior Court, one hundred sixty-
52 eight thousand seven hundred eighty-three dollars; (C) each associate
53 judge of the Supreme Court, one hundred sixty-two thousand five
54 hundred twenty dollars; (D) the Chief Judge of the Appellate Court,
55 one hundred sixty thousand seven hundred twenty-two dollars; (E)
56 each judge of the Appellate Court, one hundred fifty-two thousand six
57 hundred thirty-seven dollars; (F) the Deputy Chief Court
58 Administrator if a judge of the Superior Court, one hundred forty-nine
59 thousand eight hundred fifty-three dollars; (G) each judge of the
60 Superior Court, one hundred forty-six thousand seven hundred eighty
61 dollars."

62 In line 132, strike "two hundred six" and insert "two hundred
63 eleven" in lieu thereof

64 After the last section, add the following and renumber sections and
65 internal references accordingly:

66 "Sec. 501. Section 4-141 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2004*):

68 As used in this chapter: "Claim" means a petition for the payment or
69 refund of money by the state or for permission to sue the state; "just
70 claim" means a claim which in equity and justice the state should pay,
71 provided the state has caused damage or injury or has received a
72 benefit; "person" means any individual, firm, partnership, corporation,
73 limited liability company, association or other group, including
74 political subdivisions of the state; "state agency" includes every
75 department, division, board, office, commission, arm, agency and

76 institution of the state government, whatever its title or function; []
77 and "state officers and employees" includes every person elected or
78 appointed to or employed in any office, position or post in the state
79 government, whatever such person's title, classification or function
80 and whether such person serves with or without remuneration or
81 compensation, including judges of probate courts and employees of
82 such courts. In addition to the foregoing, "state officers and employees"
83 includes attorneys appointed as victim compensation commissioners,
84 attorneys appointed by the Public [Defenders] Defender Services
85 Commission as public defenders, assistant public defenders or deputy
86 assistant public defenders [] and attorneys appointed by the court as
87 special assistant public defenders, the Attorney General, the Deputy
88 Attorney General and any associate attorney general or assistant
89 attorney general, any other attorneys employed by any state agency,
90 any commissioner of the Superior Court hearing small claims matters
91 or acting as a fact-finder, arbitrator or magistrate or acting in any other
92 quasi-judicial position, any person appointed to a committee
93 established by law for the purpose of rendering services to the Judicial
94 Department, including, but not limited to, the Legal Specialization
95 Screening Committee, the State-Wide Grievance Committee, the Client
96 Security Fund Committee, the advisory committee appointed pursuant
97 to section 51-81d, as amended by this act, and the State Bar Examining
98 Committee, any member of a multidisciplinary team established by the
99 Commissioner of Children and Families pursuant to section 17a-106a,
100 and any physicians or psychologists employed by any state agency.
101 "State officers and employees" shall not include any medical or dental
102 intern, resident or fellow of The University of Connecticut when (1) the
103 intern, resident or fellow is assigned to a hospital affiliated with the
104 university through an integrated residency program, and (2) such
105 hospital provides protection against professional liability claims in an
106 amount and manner equivalent to that provided by the hospital to its
107 full-time physician employees.

108 Sec. 502. Section 4-165 of the general statutes is repealed and the
109 following is substituted in lieu thereof (*Effective October 1, 2004*):

110 No state officer or employee shall be personally liable for damage or
111 injury, not wanton, reckless or malicious, caused in the discharge of his
112 duties or within the scope of his employment. Any person having a
113 complaint for such damage or injury shall present it as a claim against
114 the state under the provisions of this chapter. For the purposes of this
115 section, "scope of employment" shall include, but not be limited to,
116 representation by an attorney appointed by the Public Defender
117 Services Commission as a public defender, assistant public defender or
118 deputy assistant public defender or an attorney appointed by the court
119 as a special assistant public defender of an indigent accused or of a
120 child on a petition of delinquency, representation by such other
121 attorneys, referred to in section 4-141, as amended by this act, of state
122 officers and employees [.] in actions brought against such officers and
123 employees in their official and individual capacities, the discharge of
124 duties as a trustee of the state employees retirement system, the
125 discharge of duties of a commissioner of the Superior Court hearing
126 small claims matters or acting as a fact-finder, arbitrator or magistrate
127 or acting in any other quasi-judicial position, and the discharge of
128 duties of a person appointed to a committee established by law for the
129 purpose of rendering services to the Judicial Department, including,
130 but not limited to, the Legal Specialization Screening Committee, the
131 State-Wide Grievance Committee, the Client Security Fund Committee,
132 the advisory committee appointed pursuant to section 51-81d, as
133 amended by this act, and the State Bar Examining Committee;
134 provided such actions arise out of the discharge of the duties or within
135 the scope of employment of such officers or employees. For the
136 purposes of this section, members or employees of the soil and water
137 district boards established pursuant to section 22a-315 shall be
138 considered state employees.

139 Sec. 503. Section 51-81d of the general statutes, as amended by
140 section 176 of public act 03-6 of the June 30 special session, is repealed
141 and the following is substituted in lieu thereof (*Effective October 1,*
142 *2004*):

143 (a) The Superior Court, in accordance with rules established by the

144 judges of the Superior Court, may (1) establish a Client Security Fund
145 to (A) reimburse claims for losses caused by the dishonest conduct of
146 attorneys admitted to the practice of law in this state and incurred in
147 the course of an attorney-client relationship, and (B) provide for crisis
148 intervention and referral assistance to attorneys admitted to the
149 practice of law in this state who suffer from alcohol or other substance
150 abuse problems or gambling problems, or who have behavioral health
151 problems, and (2) assess any person admitted as an attorney by the
152 Superior Court, in accordance with section 51-80, an annual fee to be
153 deposited in [said] the Client Security Fund. Such crisis intervention
154 and referral assistance (i) shall be provided with the assistance of an
155 advisory committee, to be appointed by the Chief Court
156 Administrator, that includes one or more behavioral health
157 professionals, and (ii) shall not be deemed to constitute the practice of
158 medicine or mental health care.

159 (b) The Commissioner of Revenue Services, or the commissioner's
160 designee, shall collect any fee established pursuant to subsection (a) of
161 this section, record such payments with the State Comptroller and
162 deposit such payments promptly with the State Treasurer, who shall
163 credit such payments to the Client Security Fund. The State Treasurer
164 shall maintain the Client Security Fund separate and apart from all
165 other moneys, funds and accounts and shall credit any interest earned
166 from the Client Security Fund to the fund. Any interest earned from
167 the fund shall be credited to the fund.

168 (c) The Client Security Fund shall be used to satisfy the claims
169 approved in accordance with procedures established pursuant to rules
170 of the Superior Court, to provide funding for crisis intervention and
171 referral assistance provided pursuant to [subparagraph (B) of
172 subdivision (1) of subsection (a) of] this section and to pay the
173 reasonable costs of administration of the fund.

174 (d) No such fee shall be assessed to any attorney described in
175 subsection (g) of section 51-81b, except that any attorney who does not
176 engage in the practice of law as an occupation and receives less than

177 four hundred fifty dollars in legal fees or other compensation for
178 services involving the practice of law during the calendar year shall be
179 obligated to pay one-half of such fee.

180 (e) The Commissioner of Revenue Services shall notify the Chief
181 Court Administrator or his designee of the failure of any person to pay
182 any fee assessed in accordance with subsection (a) of this section.

183 (f) All information given or received in connection with crisis
184 intervention and referral assistance provided pursuant to this section,
185 including the identity of any attorney seeking or receiving such crisis
186 intervention and referral assistance, shall be confidential and shall not
187 be disclosed to any third person other than a person to whom
188 disclosure is reasonably necessary for the accomplishment of the
189 purposes of such crisis intervention and referral assistance, and shall
190 not be disclosed in any civil or criminal case or proceeding or in any
191 legal or administrative proceeding, unless the attorney seeking or
192 obtaining such crisis intervention and referral assistance waives such
193 privilege or unless disclosure is otherwise required by law. Except as
194 otherwise provided in this subsection, no attorney who provides crisis
195 intervention and referral assistance pursuant to this section shall
196 disclose any information given or received in connection with such
197 crisis intervention and referral assistance unless such disclosure is
198 required by the rules governing communications between attorney
199 and client. Unless the privilege under this subsection has been waived
200 or unless disclosure is otherwise required by law, no person in any
201 civil or criminal case or proceeding or in any legal or administrative
202 proceeding may request or require any information given or received
203 in connection with the crisis intervention and referral assistance
204 provided pursuant to this section.

205 Sec. 504. (NEW) (*Effective October 1, 2004*) No attorney appointed by
206 the court pursuant to rules of the Superior Court to inventory the files
207 of an inactive, suspended, disbarred or resigned attorney and to take
208 necessary action to protect the interests of the inactive, suspended,
209 disbarred or resigned attorney's clients shall be liable for damage or

210 injury, not wanton, reckless or malicious, caused in the discharge of
211 the appointed attorney's duties in connection with such inventory and
212 action."