



House of Representatives

General Assembly

File No. 533

January Session, 2005

Substitute House Bill No. 6883

House of Representatives, April 26, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SERVICE OF PROCESS ON THE STATE.

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

1 Section 1. Section 52-64 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 Service of civil process in any civil action or proceeding
4 maintainable against or in any appeal authorized from the actions of,
5 or service of any foreign attachment or garnishment authorized
6 against, the state or against any institution, board, commission,
7 department or administrative tribunal thereof, or against any officer,
8 servant, agent or employee of the state or of any such institution,
9 board, commission, department or administrative tribunal, as such,
10 may be made by a proper officer (1) leaving a true and attested copy of
11 the process, including the declaration or complaint, with the Attorney
12 General or at his office in Hartford, or (2) sending a true and attested
13 copy of the process, including the summons and complaint, by
14 certified mail, return receipt requested, to the institution, board,

15 commission, department or administrative tribunal, and to the
16 Attorney General.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	52-64

JUD *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - Savings	Less than 7,500	Less than 10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes a minor change to the service of process upon the state that would yield minimal savings to the Judicial Department, which pays for the service of process when a plaintiff is indigent.

OLR Bill Analysis

sHB 6883

AN ACT CONCERNING SERVICE OF PROCESS ON THE STATE**SUMMARY:**

This bill specifies that service of process on the state must be made by a proper officer. This applies to civil actions, foreign attachments, and garnishments against (1) the state; (2) a state institution, board, commission, department, or administrative tribunal; or (3) an officer, servant, agent, or employee of one of them.

Under current law, service is made by leaving a true and attested copy of the process, including the declaration or complaint, with the attorney general or at his office in Harford. The bill also gives a proper officer the option of sending a true and attested copy of the process, including the summons and complaint, by certified mail, return receipt requested. The copies must be mailed to the (1) institution, board, commission, department, or administrative tribunal and (2) attorney general.

A proper officer includes a state marshal and constable and other officers authorized by statute.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0