



General Assembly

January Session, 2005

Raised Bill No. 6809

LCO No. 3840

03840_____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 Section 6-38a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

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

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

16 functions.

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

23 Sec. 2. Section 52-56 of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	6-38a
Sec. 2	<i>from passage</i>	52-56

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.]