



General Assembly

January Session, 2007

Committee Bill No. 6057

LCO No. 3803

03803HB06057JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE PROTECTION OF STATE MARSHALS
FROM CIVIL LIABILITY.**

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

1 Section 1. Section 6-30a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) On and after December 1, 2000, each state marshal shall [be
4 required to] carry personal liability insurance for damages caused by
5 reason of such state marshal's tortious acts in not less than the
6 following amounts: (1) For damages caused to any one person or to the
7 property of any one person, one hundred thousand dollars; and (2) for
8 damages caused to more than one person or to the property of more
9 than one person, three hundred thousand dollars. For the purpose of
10 this [section] subsection, "tortious act" means negligent acts, errors or
11 omissions for which [such] a state marshal may become legally
12 obligated to any damages for false arrest, erroneous service of civil
13 papers, false imprisonment, malicious prosecution, libel, slander,
14 defamation of character, violation of property rights or assault and
15 battery if committed while making or attempting to make an arrest or
16 against a person under arrest, [; provided, it shall] but does not include

17 any such act unless committed in the performance of the official duties
18 of such state marshal.

19 (b) No state marshal shall be held liable in any civil action for
20 recovery of damages for personal injury or injury to property brought
21 by, or as a result of the actions of, any person who is lawfully taken
22 into custody by the state marshal, pursuant to a capias issued by
23 Support Enforcement Services of the Superior Court and directed to
24 the state marshal, if such injury occurs when such person, while in
25 such custody, is transported in a private motor vehicle operated by the
26 state marshal. The state shall defend and indemnify the state marshal
27 against any claim for such damages and shall provide for the
28 restoration of any property of the state marshal that is lost or damaged
29 in the course of taking such person into custody or transporting such
30 person in such motor vehicle. The provisions of this subsection do not
31 apply to any such injury caused by the wanton, reckless or malicious
32 conduct of the state marshal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	6-30a

Statement of Purpose:

To protect a state marshal from civil liability for personal injury or property damage occurring when a person lawfully taken into custody by the state marshal is transported in a private motor vehicle operated by the state marshal.

[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.]

Co-Sponsors: REP. GONZALEZ, 3rd Dist.

H.B. 6057