



General Assembly

February Session, 2008

**Raised Bill No. 690**

LCO No. 3163

\*03163\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING STATE MARSHALS AND THE SERVICE OF  
PROCESS AND NOTICE OF LEGISLATIVE SPECIAL SESSIONS.**

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

1 Section 1. Section 34-105 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Any process, notice or demand in connection with any action or  
4 proceeding required or permitted by law to be served upon a limited  
5 liability company which is subject to the provisions of section 34-104,  
6 may be served upon the limited liability company's statutory agent for  
7 service or any member, manager or officer of the limited liability  
8 company by any proper officer or other person lawfully empowered to  
9 make service by leaving a true and attested copy of the process, notice  
10 or demand with such agent, member, manager or officer or [, in the  
11 case of an agent who is a natural person,] by leaving it at such  
12 member's, manager's or officer's or, in the case of an agent who is a  
13 natural person, agent's usual place of abode in this state.

14 (b) If it appears from the records of the Secretary of the State that  
15 such a limited liability company has failed to appoint or maintain a

16 statutory agent for service, or if it appears by affidavit endorsed on the  
17 return of the officer or other proper person directed to serve any  
18 process, notice or demand upon such a limited liability company's  
19 statutory agent for service appearing on the records of the Secretary of  
20 the State that such agent cannot, with reasonable diligence, be found at  
21 the address shown on such records as the agent's address, service of  
22 such process, notice or demand on such limited liability company may,  
23 when timely made, be made by such officer or other proper person by:  
24 (1) Leaving a true and attested copy thereof together with the required  
25 fee at the office of the Secretary of the State or depositing the same in  
26 the United States mails, by registered or certified mail, postage  
27 prepaid, addressed to said office, and (2) depositing in the United  
28 States mails, by registered or certified mail, postage prepaid, a true and  
29 attested copy thereof, together with a statement by such officer that  
30 service is being made pursuant to this section, addressed to such  
31 limited liability company at its principal office.

32 (c) The Secretary of the State shall file the copy of each process,  
33 notice or demand received by him as provided in subsection (b) of this  
34 section and keep a record of the day and hour of such receipt. Service  
35 made as provided in this section shall be effective as of such day and  
36 hour.

37 (d) Nothing contained in this section shall limit or affect the right to  
38 serve any process, notice or demand required or permitted by law to  
39 be served upon a limited liability company in any other manner  
40 permitted by law.

41 Sec. 2. (NEW) (*Effective October 1, 2008*) The Commissioner of Public  
42 Safety may appoint one or more state marshals nominated by the State  
43 Marshal Commission as special policemen for the service of any  
44 warrant or *capias mittimus* issued by the courts. Such appointees,  
45 having been sworn, shall serve at the pleasure of the Commissioner of  
46 Public Safety and the State Marshal Commission and, during such  
47 tenure, shall have all the powers conferred on state policemen.

48 Sec. 3. Section 52-50 of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective October 1, 2008*):

50 (a) All process shall be directed to a state marshal, a constable or  
51 other proper officer authorized by statute, or, subject to the provisions  
52 of subsection (b) of this section, to an indifferent person. A direction on  
53 the process "to any proper officer" shall be sufficient to direct the  
54 process to a state marshal, constable or other proper officer.

55 (b) Process shall not be directed to an indifferent person [unless  
56 more defendants than one are named in the process and are described  
57 to reside in different counties in the state, or] unless, in case of a writ of  
58 attachment, the plaintiff or one of the plaintiffs, or his or their agent or  
59 attorney, makes oath before the authority signing the writ that the  
60 affiant truly believes the plaintiff is in danger of losing his debt or  
61 demand unless an indifferent person is deputed for the immediate  
62 service of the writ or other process. The authority signing the writ shall  
63 certify on the writ that he administered the oath and insert in the writ  
64 the name of the person to whom it is directed, but he need not insert  
65 the reason for such direction. Any process directed to an indifferent  
66 person by reason of such an affidavit shall be abatable on proof that  
67 the party making the affidavit did not have reasonable grounds, at the  
68 time of making it, for believing the statements in the affidavit to be  
69 true.

70 (c) Service of motions for modification, motions for contempt and  
71 wage withholdings in any matter involving a beneficiary of care or  
72 assistance from the state and in other IV-D child support cases may be  
73 made by any investigator employed by the Commissioner of  
74 Administrative Services or the Commissioner of Social Services.

75 (d) Service of motions for modification, motions for contempt and  
76 wage withholdings in any matter involving child support, including,  
77 but not limited to, petitions for support authorized under sections 17b-  
78 745 of the 2008 supplement to the general statutes and 46b-215 of the  
79 2008 supplement to the general statutes, and those matters involving a

80 beneficiary of care or assistance from the state, may be made by a  
81 support enforcement officer or support services investigator of the  
82 Superior Court.

83 (e) Borough bailiffs may, within their respective boroughs, execute  
84 all legal process which state marshals or constables may execute.

85 Sec. 4. Section 52-56 of the general statutes is repealed and the  
86 following is substituted in lieu thereof (*Effective October 1, 2008*):

87 (a) If any officer has commenced the service of any civil process  
88 within his precinct, he may attach the property of, or serve the process  
89 upon, any defendant named in the process outside of his precinct. An  
90 officer shall not be deemed to have commenced service in any civil  
91 action by process of foreign attachment or garnishment by service on  
92 the garnishee therein, unless the garnishee has concealed in his  
93 possession, at the time of the service, the property of the defendant or  
94 is indebted to him.

95 (b) If there are two or more defendants, any of whom reside outside  
96 of the precinct of the officer commencing service or, in any action in  
97 case of attachment of property or in case of foreign attachment or  
98 garnishment, if any defendant or garnishee resides outside of the  
99 precinct of the officer commencing service, any officer may serve the  
100 process upon such of the defendants or garnishees as reside within his  
101 precinct, and may then (1) complete the service himself upon any  
102 defendant or garnishee residing outside his precinct, or (2) deliver the  
103 process to an officer of another precinct for service upon any  
104 defendant or garnishee residing in the other precinct and each officer  
105 serving the same shall endorse his actions thereon. The officer  
106 completing the service shall include in his endorsement a copy of the  
107 endorsement upon the writ of the officer commencing service and shall  
108 return the process to court.

109 (c) In any action where process is permitted to be served upon the  
110 Secretary of the State, [or] the Commissioner of Motor Vehicles,

111 [pursuant to sections 52-57, 52-59b, 52-62 and 52-63] the Attorney  
112 General or the Insurance Commissioner, service of such process may  
113 be made by any officer of any precinct having such process in his  
114 hands for service. Service by an officer upon the Secretary of the State,  
115 the Commissioner of Motor Vehicles, the Attorney General or the  
116 Insurance Commissioner pursuant to this subsection shall constitute  
117 the commencement of service within such officer's precinct and such  
118 officer may then complete service as provided in subsection (a) or (b)  
119 of this section.

120 (d) The execution or service of any *capias* issued pursuant to section  
121 52-143 or 54-2a or any warrant or *capias mittimus* issued by a court or  
122 family support magistrate in a family support matter may be made in  
123 any precinct in the state by any state marshal of any precinct or any  
124 special policeman appointed under section 29-1g, having such *capias*,  
125 warrant or *capias mittimus*, or a copy thereof made by any  
126 photographic, micrographic, electronic imaging or other process,  
127 which clearly and accurately copies such original document, in his  
128 hands for service.

129 (e) Any state marshal of any precinct may serve any person  
130 confined in any correctional institution or community correctional  
131 center in this state.

132 Sec. 5. Section 52-261 of the general statutes is repealed and the  
133 following is substituted in lieu thereof (*Effective October 1, 2008*):

134 (a) Except as provided in subsection (b) of this section and section  
135 52-261a, each officer or person who serves process, summons or  
136 attachments shall receive a fee of not more than [thirty] forty dollars  
137 for each process served and an additional fee of [thirty] forty dollars  
138 for the second and each subsequent service of such process, except that  
139 such officer or person shall receive an additional fee of ten dollars for  
140 each subsequent service of such process at the same address or for  
141 notification of the office of the Attorney General in dissolution and  
142 postjudgment proceedings if a party or child is receiving public

143 assistance. Each such officer or person shall also receive the fee set by  
144 the Department of Administrative Services for state employees for  
145 each mile of travel, to be computed from the place where such officer  
146 or person received the process to the place of service, and thence in the  
147 case of civil process to the place of return. If more than one process is  
148 served on one person at one time by any such officer or person, the  
149 total cost of travel for the service shall be the same as for the service of  
150 one process only. Each officer or person who serves process shall also  
151 receive the moneys actually paid for town clerk's fees on the service of  
152 process. Any officer or person required to summon jurors by personal  
153 service of a warrant to attend court shall receive for the first ten miles  
154 of travel while so engaged, such mileage to be computed from the  
155 place where such officer or person receives the process to the place of  
156 service, twenty-five cents for each mile, and for each additional mile,  
157 ten cents. For summoning any juror to attend court otherwise than by  
158 personal service of the warrant, such officer or person shall receive  
159 only the sum of fifty cents and actual disbursements necessarily  
160 expended by such officer or person in making service thereof as  
161 directed. Notwithstanding the provisions of this section, for  
162 summoning grand jurors, such officer or person shall receive only such  
163 officer's or person's actual expenses and such reasonable sum for  
164 services as are taxed by the court. The following fees shall be allowed  
165 and paid: (1) For taking bail or bail bond, one dollar; (2) for copies of  
166 writs and complaints, exclusive of endorsements, one dollar per page,  
167 not to exceed a total amount of nine hundred dollars in any particular  
168 matter; (3) for endorsements, forty cents per page or fraction thereof;  
169 (4) for service of a warrant for the seizure of intoxicating liquors, or for  
170 posting and leaving notices after the seizure, or for the destruction or  
171 delivery of any such liquors under order of court, twenty dollars; (5)  
172 for the removal and custody of such liquors so seized, reasonable  
173 expenses, and twenty dollars; (6) for the levy of an execution, when the  
174 money is actually collected and paid over, or the debt or a portion of  
175 the debt is secured by the officer, fifteen per cent on the amount of the  
176 execution, provided the minimum fee for such execution shall be thirty

177 dollars; (7) on the levy of an execution on real property and on  
178 application for sale of personal property attached, to each appraiser,  
179 for each half day of actual service, reasonable and customary expenses;  
180 (8) for causing an execution levied on real property to be recorded, fees  
181 for travel, twenty dollars and costs; (9) for services on an application  
182 for the sale of personal property attached, or in selling mortgaged  
183 property foreclosed under a decree of court, the same fees as for  
184 similar services on executions; (10) for committing any person to a  
185 community correctional center, in civil actions, twenty-one cents a mile  
186 for travel, from the place of the court to the community correctional  
187 center, in lieu of all other expenses; [and] (11) for summoning and  
188 attending a jury for reassessing damages or benefits on a highway,  
189 three dollars a day; (12) for services requiring the use of the United  
190 States Postal Service or a commercial delivery service, the cost of  
191 postage or such service; and (13) for service of process from outside  
192 this state, fifty dollars in addition to any fees and expenses authorized  
193 by this subsection. The court shall tax as costs a reasonable amount for  
194 the care of property held by any officer under attachment or execution.  
195 The officer serving any attachment or execution may claim  
196 compensation for time and expenses of any person, in keeping,  
197 securing or removing property taken thereon, provided such officer  
198 shall make out a bill. The bill shall specify the labor done, and by  
199 whom, the time spent, the travel, the money paid, if any, and to whom  
200 and for what. The compensation for the services shall be reasonable  
201 and customary and the amount of expenses and shall be taxed by the  
202 court with the costs.

203 (b) Each officer or person shall receive the following fees: (1) For  
204 service of an execution on a summary process judgment, not more  
205 than fifty dollars; and (2) for removal under section 47a-42 of a  
206 defendant or other occupant bound by a summary process judgment,  
207 and the possessions and personal effects of such defendant or other  
208 occupant, not more than seventy-five dollars per hour.

209 Sec. 6. Section 52-583 of the general statutes is repealed and the

210 following is substituted in lieu thereof (*Effective October 1, 2008*):

211 No civil action shall be brought against any [sheriff, sheriff's  
212 deputy] state marshal or constable, for any neglect or default in his  
213 office or duty, but within two years next after the right of action  
214 accrues.

215 Sec. 7. Section 52-593a of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective from passage*):

217 (a) Except in the case of an appeal from an administrative agency  
218 governed by section 4-183, a cause or right of action shall not be lost  
219 because of the passage of the time limited by law within which the  
220 action may be brought, if the process to be served is personally  
221 delivered to a state marshal, [authorized to serve the process]  
222 constable or other proper officer within such time and the process is  
223 served, as provided by law, within thirty days of the delivery.

224 (b) In any such case, the [state marshal] officer making service shall  
225 endorse under oath on such [state marshal's] officer's return the date of  
226 delivery of the process to such [state marshal] officer for service in  
227 accordance with this section.

228 Sec. 8. Section 2-7 of the general statutes is repealed and the  
229 following is substituted in lieu thereof (*Effective from passage*):

230 (a) Whenever the Governor [,] or the members of the General  
231 Assembly [or the president pro tempore of the Senate and the speaker  
232 of the House of Representatives] call a special session of the General  
233 Assembly, the Secretary of the State shall give notice thereof by (1)  
234 mailing a true copy of the call of such special session, by first class  
235 mail, evidenced by a certificate of mailing, to each member of the  
236 House of Representatives and of the Senate at his or her address as it  
237 appears upon the records of said secretary not less than ten nor more  
238 than fifteen days prior to the date of convening of such special session  
239 or [by] (2) causing a true copy of the call to be delivered personally to

240 each member by a state marshal, constable, state policeman or  
241 indifferent person at least twenty-four hours prior to the time of  
242 convening of such special session. If the state marshal, constable, state  
243 policeman or indifferent person is unable to deliver a true copy of the  
244 call personally to the member, such officer or person shall leave a true  
245 copy of the call at the member's usual place of abode at least twenty-  
246 four hours prior to the time of convening of such special session.

247 (b) Whenever the Secretary of the State is required to reconvene the  
248 General Assembly pursuant to article third of the amendments to the  
249 Constitution of Connecticut, said secretary shall give notice thereof by  
250 (1) mailing a true copy of the call of such reconvened session, by first  
251 class mail, evidenced by a certificate of mailing, to each member of the  
252 House of Representatives and of the Senate at his or her address as it  
253 appears upon the records of said secretary not less than five days prior  
254 to the date of convening of such reconvened session, or [by] (2) causing  
255 a true copy of the call to be delivered personally to each member by a  
256 state marshal, constable, state policeman or indifferent person at least  
257 twenty-four hours prior to the time of convening of such reconvened  
258 session. If the state marshal, constable, state policeman or indifferent  
259 person is unable to deliver a true copy of the call personally to the  
260 member, such officer or person shall leave a true copy of the call at the  
261 member's usual place of abode at least twenty-four hours prior to the  
262 time of convening of such reconvened session.

263 (c) Whenever a state marshal, constable, state policeman or  
264 indifferent person serves notice of a special session pursuant to  
265 subsection (a) of this section or a reconvened session pursuant to  
266 subsection (b) of this section, such officer or person shall file a return of  
267 service with the Secretary of the State indicating the manner in which  
268 the member of the House of Representatives or of the Senate was  
269 served and, if the true copy of the call was left at the member's usual  
270 place of abode, such officer or person shall attach an affidavit setting  
271 forth the efforts made by such officer or person to deliver the true copy  
272 of the call personally to the member. If such officer or person files a

273 return of service indicating that the true copy of the call was left at the  
 274 member's usual place of abode, the Secretary of the State shall  
 275 immediately notify the speaker of the House of Representatives, in the  
 276 case of a member of the House of Representatives, or the president pro  
 277 tempore of the Senate, in the case of a member of the Senate, regarding  
 278 the receipt of such return of service and affidavit, and the speaker of  
 279 the House of Representatives or the president pro tempore of the  
 280 Senate, as the case may be, shall make reasonable efforts to give notice  
 281 of the special or reconvened session to such member.

282 (d) Whenever notice of a special session is served by state marshals,  
 283 constables, state policemen or indifferent persons pursuant to  
 284 subsection (a) of this section, such special session shall not be  
 285 convened until the Secretary of the State certifies that said secretary  
 286 has received a return of service from a state marshal, constable, state  
 287 policeman or indifferent person with respect to each member of the  
 288 House of Representatives and of the Senate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	34-105
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	52-50
Sec. 4	<i>October 1, 2008</i>	52-56
Sec. 5	<i>October 1, 2008</i>	52-261
Sec. 6	<i>October 1, 2008</i>	52-583
Sec. 7	<i>from passage</i>	52-593a
Sec. 8	<i>from passage</i>	2-7

**Statement of Purpose:**

To make certain revisions concerning the authority, jurisdiction and fees of state marshals and revise the manner in which notice is given of special and reconvened sessions of the General Assembly.

*[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.]*

