



General Assembly

**Amendment**

February Session, 2008

LCO No. 6500

\*SB0070306500SD0\*

Offered by:

SEN. MCDONALD, 27<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

SEN. COLEMAN, 2<sup>nd</sup> Dist.

REP. ROLDAN, 4<sup>th</sup> Dist.

To: Subst. Senate Bill No. 703

File No. 544

Cal. No. 357

**"AN ACT CONCERNING COURT OPERATIONS, RELATED MATTERS AND PROTECTION ORDERS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 54-124a of the general statutes,  
4 as amended by section 12 of public act 08-1 of the January special  
5 session, is repealed and the following is substituted in lieu thereof  
6 (*Effective from passage*):

7 (a) (1) There shall be a Board of Pardons and Paroles within the  
8 Department of Correction, for administrative purposes only. On and  
9 after February 1, 2008, and prior to July 1, 2008, the board shall consist  
10 of not more than twenty-five members appointed by the Governor. On  
11 and after July 1, 2008, the board shall consist of eighteen members.

12 (2) On and after February 1, 2008, the Governor shall appoint all

13 members of the board with the advice and consent of both houses of  
14 the General Assembly. On and after July 1, 2008, twelve of the  
15 members shall serve exclusively on parole release panels, five of the  
16 members shall serve exclusively on pardons panels and the  
17 chairperson may serve on both parole release panels and pardons  
18 panels. In the appointment of members on and after February 1, 2008,  
19 the Governor shall specify the member being appointed as  
20 chairperson, the full-time and part-time members being appointed to  
21 serve on parole release panels and the members being appointed to  
22 serve on pardons panels. In the appointment of the members, the  
23 Governor shall comply with the provisions of section 4-9b. The  
24 Governor shall appoint a chairperson from among the membership.  
25 The members of the board appointed on or after February 1, 2008, shall  
26 be qualified by education, experience or training in the administration  
27 of community corrections, parole or pardons, criminal justice,  
28 criminology, the evaluation or supervision of offenders or the  
29 provision of mental health services to offenders.

30 (3) Each appointment of a member of the board submitted by the  
31 Governor to the General Assembly on or after February 1, 2008, shall  
32 be referred, without debate, to the committee on the judiciary which  
33 shall report thereon not later than thirty legislative days after the date  
34 of reference.

35 (4) Notwithstanding the provisions of section 4-19, no vacancy in  
36 the membership of the Board of Pardons and Paroles shall be filled by  
37 the Governor when the General Assembly is not in session unless,  
38 prior to such filling, the Governor submits the name of the proposed  
39 vacancy appointee to the committee on the judiciary. Within forty-five  
40 days, the committee on the judiciary may, upon the call of either  
41 chairperson, hold a special meeting for the purpose of approving or  
42 disapproving such proposed vacancy appointee by majority vote. The  
43 Governor shall not administer the oath of office to such proposed  
44 vacancy appointee until the committee has approved such proposed  
45 vacancy appointee. If the committee determines that it cannot  
46 complete its investigation and act on such proposed vacancy appointee

47 within such forty-five-day period, it may extend such period by an  
48 additional fifteen days. The committee shall notify the Governor in  
49 writing of any such extension. Failure of the committee to act on such  
50 proposed vacancy appointee within such forty-five-day period or any  
51 fifteen-day extension period shall be deemed to be an approval.

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

54 (a) Any process, notice or demand in connection with any action or  
55 proceeding required or permitted by law to be served upon a limited  
56 liability company which is subject to the provisions of section 34-104,  
57 may be served upon the limited liability company's statutory agent for  
58 service by any proper officer or other person lawfully empowered to  
59 make service by leaving a true and attested copy of the process, notice  
60 or demand with such agent or, in the case of an agent who is a natural  
61 person, by leaving it at such agent's usual place of abode in this state.

62 (b) If it appears from the records of the Secretary of the State that  
63 such a limited liability company has failed to appoint or maintain a  
64 statutory agent for service, or if it appears by affidavit endorsed on the  
65 return of the officer or other proper person directed to serve any  
66 process, notice or demand upon such a limited liability company's  
67 statutory agent for service appearing on the records of the Secretary of  
68 the State that such agent cannot, with reasonable diligence, be found at  
69 the address shown on such records as the agent's address, service of  
70 such process, notice or demand on such limited liability company may,  
71 when timely made, be made by such officer or other proper person by:  
72 (1) Leaving a true and attested copy thereof together with the required  
73 fee at the office of the Secretary of the State or depositing the same in  
74 the United States mails, by registered or certified mail, postage  
75 prepaid, addressed to said office, and (2) depositing in the United  
76 States mails, by registered or certified mail, postage prepaid, a true and  
77 attested copy thereof, together with a statement by such officer that  
78 service is being made pursuant to this section, addressed to such  
79 limited liability company at its principal office.

80 (c) The Secretary of the State shall file the copy of each process,  
81 notice or demand received by him as provided in subsection (b) of this  
82 section and keep a record of the [day] date and hour of such receipt.  
83 Service made as provided in this section shall be effective as of such  
84 [day] date and hour.

85 (d) Notwithstanding subsections (a) and (b) of this section, any  
86 process, notice or demand in connection with any action or proceeding  
87 required or permitted by law to be served upon a limited liability  
88 company which is subject to the provisions of section 34-104, may be  
89 served upon any member of the limited liability company in whom  
90 management of the limited liability company is vested or any manager  
91 of the limited liability company by any proper officer or other person  
92 lawfully empowered to make service by leaving a true and attested  
93 copy of the process, notice or demand with such member or manager  
94 or by leaving it at such member's usual place of abode in this state or,  
95 in the case of a manager who is a natural person, at such manager's  
96 usual place of abode in this state.

97 [(d)] (e) Nothing contained in this section shall limit or affect the  
98 right to serve any process, notice or demand required or permitted by  
99 law to be served upon a limited liability company in any other manner  
100 permitted by law.

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

103 (a) All process shall be directed to a state marshal, a constable or  
104 other proper officer authorized by statute, or, subject to the provisions  
105 of subsection (b) of this section, to an indifferent person. A direction on  
106 the process "to any proper officer" shall be sufficient to direct the  
107 process to a state marshal, constable or other proper officer.

108 (b) Process shall not be directed to an indifferent person [unless  
109 more defendants than one are named in the process and are described  
110 to reside in different counties in the state, or] unless, in case of a writ of  
111 attachment, the plaintiff or one of the plaintiffs, or his or their agent or

112 attorney, makes oath before the authority signing the writ that the  
113 affiant truly believes the plaintiff is in danger of losing his debt or  
114 demand unless an indifferent person is deputed for the immediate  
115 service of the writ or other process. The authority signing the writ shall  
116 certify on the writ that he administered the oath and insert in the writ  
117 the name of the person to whom it is directed, but he need not insert  
118 the reason for such direction. Any process directed to an indifferent  
119 person by reason of such an affidavit shall be abatable on proof that  
120 the party making the affidavit did not have reasonable grounds, at the  
121 time of making it, for believing the statements in the affidavit to be  
122 true.

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

128 (d) Service of motions for modification, motions for contempt and  
129 wage withholdings in any matter involving child support, including,  
130 but not limited to, petitions for support authorized under sections 17b-  
131 745 of the 2008 supplement to the general statutes and 46b-215 of the  
132 2008 supplement to the general statutes, and those matters involving a  
133 beneficiary of care or assistance from the state, may be made by a  
134 support enforcement officer or support services investigator of the  
135 Superior Court.

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

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

140 (a) If any officer has commenced the service of any civil process  
141 within his precinct, he may attach the property of, or serve the process  
142 upon, any defendant named in the process outside of his precinct. An  
143 officer shall not be deemed to have commenced service in any civil

144 action by process of foreign attachment or garnishment by service on  
145 the garnishee therein, unless the garnishee has concealed in his  
146 possession, at the time of the service, the property of the defendant or  
147 is indebted to him.

148 (b) If there are two or more defendants, any of whom reside outside  
149 of the precinct of the officer commencing service or, in any action in  
150 case of attachment of property or in case of foreign attachment or  
151 garnishment, if any defendant or garnishee resides outside of the  
152 precinct of the officer commencing service, any officer may serve the  
153 process upon such of the defendants or garnishees as reside within his  
154 precinct, and may then (1) complete the service himself upon any  
155 defendant or garnishee residing outside his precinct, or (2) deliver the  
156 process to an officer of another precinct for service upon any  
157 defendant or garnishee residing in the other precinct and each officer  
158 serving the same shall endorse his actions thereon. The officer  
159 completing the service shall include in his endorsement a copy of the  
160 endorsement upon the writ of the officer commencing service and shall  
161 return the process to court.

162 (c) In any action where process is permitted to be served upon the  
163 Secretary of the State, [or] the Commissioner of Motor Vehicles,  
164 [pursuant to sections 52-57, 52-59b, 52-62 and 52-63] the Attorney  
165 General or the Insurance Commissioner, service of such process may  
166 be made by any officer of any precinct having such process in his  
167 hands for service. Service by an officer upon the Secretary of the State,  
168 the Commissioner of Motor Vehicles, the Attorney General or the  
169 Insurance Commissioner pursuant to this subsection shall constitute  
170 the commencement of service within such officer's precinct and such  
171 officer may then complete service as provided in subsection (a) or (b)  
172 of this section.

173 (d) The execution or service of any capias issued pursuant to section  
174 52-143 or 54-2a or any warrant or capias mittimus issued by a court or  
175 family support magistrate in a family support matter may be made in  
176 any precinct in the state by any state marshal of any precinct or any

177 special policeman appointed under section 29-1g, having such capias,  
178 warrant or capias mittimus, or a copy thereof made by any  
179 photographic, micrographic, electronic imaging or other process,  
180 which clearly and accurately copies such original document, in his  
181 hands for service.

182 (e) Any state marshal of any precinct may serve any person  
183 confined in any correctional institution or community correctional  
184 center in this state.

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

187 (a) Except as provided in subsection (b) of this section and section  
188 52-261a, each officer or person who serves process, summons or  
189 attachments shall receive a fee of not more than [thirty] forty dollars  
190 for each process served and an additional fee of [thirty] forty dollars  
191 for the second and each subsequent service of such process, except that  
192 such officer or person shall receive an additional fee of ten dollars for  
193 each subsequent service of such process at the same address or for  
194 notification of the office of the Attorney General in dissolution and  
195 postjudgment proceedings if a party or child is receiving public  
196 assistance. Each such officer or person shall also receive the fee set by  
197 the Department of Administrative Services for state employees for  
198 each mile of travel, to be computed from the place where such officer  
199 or person received the process to the place of service, and thence in the  
200 case of civil process to the place of return. If more than one process is  
201 served on one person at one time by any such officer or person, the  
202 total cost of travel for the service shall be the same as for the service of  
203 one process only. Each officer or person who serves process shall also  
204 receive the moneys actually paid for town clerk's fees on the service of  
205 process. Any officer or person required to summon jurors by personal  
206 service of a warrant to attend court shall receive for the first ten miles  
207 of travel while so engaged, such mileage to be computed from the  
208 place where such officer or person receives the process to the place of  
209 service, twenty-five cents for each mile, and for each additional mile,

210 ten cents. For summoning any juror to attend court otherwise than by  
211 personal service of the warrant, such officer or person shall receive  
212 only the sum of fifty cents and actual disbursements necessarily  
213 expended by such officer or person in making service thereof as  
214 directed. Notwithstanding the provisions of this section, for  
215 summoning grand jurors, such officer or person shall receive only such  
216 officer's or person's actual expenses and such reasonable sum for  
217 services as are taxed by the court. The following fees shall be allowed  
218 and paid: (1) For taking bail or bail bond, one dollar; (2) for copies of  
219 writs and complaints, exclusive of endorsements, one dollar per page,  
220 not to exceed a total amount of nine hundred dollars in any particular  
221 matter; (3) for endorsements, forty cents per page or fraction thereof;  
222 (4) for service of a warrant for the seizure of intoxicating liquors, or for  
223 posting and leaving notices after the seizure, or for the destruction or  
224 delivery of any such liquors under order of court, twenty dollars; (5)  
225 for the removal and custody of such liquors so seized, reasonable  
226 expenses, and twenty dollars; (6) for the levy of an execution, when the  
227 money is actually collected and paid over, or the debt or a portion of  
228 the debt is secured by the officer, fifteen per cent on the amount of the  
229 execution, provided the minimum fee for such execution shall be thirty  
230 dollars; (7) on the levy of an execution on real property and on  
231 application for sale of personal property attached, to each appraiser,  
232 for each half day of actual service, reasonable and customary expenses;  
233 (8) for causing an execution levied on real property to be recorded, fees  
234 for travel, twenty dollars and costs; (9) for services on an application  
235 for the sale of personal property attached, or in selling mortgaged  
236 property foreclosed under a decree of court, the same fees as for  
237 similar services on executions; (10) for committing any person to a  
238 community correctional center, in civil actions, twenty-one cents a mile  
239 for travel, from the place of the court to the community correctional  
240 center, in lieu of all other expenses; [and] (11) for summoning and  
241 attending a jury for reassessing damages or benefits on a highway,  
242 three dollars a day; and (12) for service of process returnable to an out-  
243 of-state court and requiring a notarized affidavit, fifty dollars in  
244 addition to any fees and expenses authorized by this subsection. The

245 court shall tax as costs a reasonable amount for the care of property  
246 held by any officer under attachment or execution. The officer serving  
247 any attachment or execution may claim compensation for time and  
248 expenses of any person, in keeping, securing or removing property  
249 taken thereon, provided such officer shall make out a bill. The bill shall  
250 specify the labor done, and by whom, the time spent, the travel, the  
251 money paid, if any, and to whom and for what. The compensation for  
252 the services shall be reasonable and customary and the amount of  
253 expenses and shall be taxed by the court with the costs.

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

260 Sec. 6. Subsection (a) of section 52-261a of the general statutes is  
261 repealed and the following is substituted in lieu thereof (*Effective*  
262 *October 1, 2008*):

263 (a) Any process served by any officer or person for the Judicial  
264 Department, [or] the Division of Criminal Justice, the Attorney General  
265 or any state agency shall be served in accordance with the following  
266 schedule of fees:

267 (1) Except as provided in subdivision (3) of this subsection, each  
268 officer or person who serves process shall receive a fee of not more  
269 than thirty dollars for the service of such process on a person and an  
270 additional fee of ten dollars for the service of such process on each  
271 additional person.

272 (2) Except as provided in subdivision (3) of this subsection, in  
273 addition to the fee set forth in subdivision (1) of this subsection, each  
274 officer or person who serves process shall receive, for each mile of  
275 travel, the same amount per mile as provided for state employees  
276 pursuant to section 5-141c, to be computed from the place where such

277 officer or person received the process to the place of service, and  
278 thence in the case of civil process to the place of return, provided, if  
279 more than one process is served on one person at one time by any such  
280 officer or person, the total cost of travel for such service shall be the  
281 same as for the service of one process only.

282 (3) Each officer or person who serves process to enforce the  
283 obligation of an attorney pursuant to subdivision (2) of subsection (a)  
284 of section 51-81d shall receive twenty cents for each mile of travel, to  
285 be computed from the place where such officer or person received the  
286 process to the place of service, and thence to the place of return.

287 (4) Each officer or person who serves process shall also receive the  
288 moneys actually paid for town clerk's fees on the service of process.

289 (5) Any officer or person required to summon jurors by personal  
290 service of a warrant to attend court shall receive for the first ten miles  
291 of travel while so engaged, such mileage to be computed from the  
292 place where such officer or person receives the process to the place of  
293 service, twenty-five cents for each mile, and for each additional mile,  
294 ten cents.

295 (6) For summoning any juror to attend court otherwise than by  
296 personal service of the warrant, such officer or person shall receive  
297 only the sum of fifty cents and actual disbursements necessarily  
298 expended by such officer or person in making service thereof as  
299 directed.

300 Sec. 7. Section 52-583 of the general statutes is repealed and the  
301 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

306 Sec. 8. Section 52-593a of the general statutes is repealed and the

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

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

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

319 Sec. 9. Section 2-7 of the general statutes is repealed and the  
320 following is substituted in lieu thereof (*Effective from passage*):

321 (a) Whenever the Governor, the members of the General Assembly  
322 or the president pro tempore of the Senate and the speaker of the  
323 House of Representatives call a special session of the General  
324 Assembly, the Secretary of the State shall give notice thereof by (1)  
325 mailing a true copy of the call of such special session, by first class  
326 mail, evidenced by a certificate of mailing, to each member of the  
327 House of Representatives and of the Senate at his or her address as it  
328 appears upon the records of said secretary not less than ten nor more  
329 than fifteen days prior to the date of convening of such special session,  
330 or [by] (2) causing a true copy of the call to be delivered personally to  
331 each member by a state marshal, constable, state policeman or  
332 indifferent person at least twenty-four hours prior to the time of  
333 convening of such special session. If the state marshal, constable, state  
334 policeman or indifferent person is unable to deliver a true copy of the  
335 call personally to the member, such officer or person shall leave a true  
336 copy of the call at the member's usual place of abode at least twenty-  
337 four hours prior to the time of convening of such special session.

338 (b) Whenever the Secretary of the State is required to reconvene the

339 General Assembly pursuant to article third of the amendments to the  
340 Constitution of Connecticut, said secretary shall give notice thereof by  
341 (1) mailing a true copy of the call of such reconvened session, by first  
342 class mail, evidenced by a certificate of mailing, to each member of the  
343 House of Representatives and of the Senate at his or her address as it  
344 appears upon the records of said secretary not less than five days prior  
345 to the date of convening of such reconvened session, or [by] (2) causing  
346 a true copy of the call to be delivered personally to each member by a  
347 state marshal, constable, state policeman or indifferent person at least  
348 twenty-four hours prior to the time of convening of such reconvened  
349 session. If the state marshal, constable, state policeman or indifferent  
350 person is unable to deliver a true copy of the call personally to the  
351 member, such officer or person shall leave a true copy of the call at the  
352 member's usual place of abode at least twenty-four hours prior to the  
353 time of convening of such reconvened session.

354 (c) Whenever a state marshal, constable, state policeman or  
355 indifferent person serves notice of a special session pursuant to  
356 subsection (a) of this section or a reconvened session pursuant to  
357 subsection (b) of this section, such officer or person shall file a return of  
358 service with the Secretary of the State endorsing his or her actions  
359 thereon and indicating the manner in which the member of the House  
360 of Representatives or of the Senate was served and, if the true copy of  
361 the call was left at the member's usual place of abode, the efforts made  
362 by such officer or person to deliver the true copy of the call personally  
363 to the member. If such officer or person files a return of service  
364 indicating that the true copy of the call was left at the member's usual  
365 place of abode, the Secretary of the State shall immediately notify by  
366 telephone and electronic mail the speaker of the House of  
367 Representatives, in the case of a member of the House of  
368 Representatives, or the president pro tempore of the Senate, in the case  
369 of a member of the Senate, regarding the receipt of such return of  
370 service, and the speaker of the House of Representatives or the  
371 president pro tempore of the Senate, as the case may be, shall make  
372 reasonable efforts to give notice of the special or reconvened session to

373 such member.

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

381 Sec. 10. (NEW) (*Effective July 1, 2008*) The Department of Correction  
 382 and the Court Support Services Division of the Judicial Branch shall  
 383 notify the police chief and chief elected official of a municipality every  
 384 thirty days of the names and addresses of the persons, if any, released  
 385 from confinement in a correctional facility into that municipality on  
 386 probation or parole or pursuant to any other community release  
 387 program within the previous thirty days and the support and  
 388 assistance that is being provided to such persons to facilitate their  
 389 reentry into the community."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-124a(a)
Sec. 2	<i>October 1, 2008</i>	34-105
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>	52-261a(a)
Sec. 7	<i>October 1, 2008</i>	52-583
Sec. 8	<i>October 1, 2008</i>	52-593a
Sec. 9	<i>from passage</i>	2-7
Sec. 10	<i>July 1, 2008</i>	New section