



House of Representatives

General Assembly

File No. 737

January Session, 2009

House Bill No. 6248

House of Representatives, April 20, 2009

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

AN ACT CONCERNING THE TIME LIMIT FOR ENFORCING A STATE COURT JUDGMENT IN A FOREIGN JURISDICTION.

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

1 Section 1. Section 52-598 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) No execution to enforce a judgment for money damages
4 rendered in any court of this state may be issued after the expiration of
5 twenty years from the date the judgment was entered and no action
6 based upon such a judgment may be instituted after the expiration of
7 twenty-five years from the date the judgment was entered, except that
8 there shall be no time limitation on the issuance of such execution or
9 the institution of such action if the judgment was rendered in an action
10 to recover damages for personal injury caused by sexual assault where
11 the party legally at fault for such injury was convicted of a violation of
12 section 53a-70 or 53a-70a.

13 (b) No execution to enforce a judgment for money damages

14 rendered in a small claims session may be issued after the expiration of
15 ten years from the date the judgment was entered, and no action based
16 upon any such judgment may be instituted after the expiration of
17 fifteen years from the date the judgment was entered.

18 (c) With respect to a judgment for money damages rendered in any
19 court of this state, including, but not limited to, a small claims session,
20 a motion to revive such judgment may be filed with the superior court
21 prior to the expiration of any applicable period of time to enforce such
22 judgment as set forth in this section. The court may grant the motion to
23 revive the judgment if the court finds that the applicable time period to
24 enforce the judgment under this section has not expired. No order to
25 revive a judgment may extend the time period to enforce a judgment
26 beyond the applicable time period set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	52-598

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill would facilitate the recovery of certain judgments against private parties residing in foreign jurisdictions and has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 6248*****AN ACT CONCERNING THE TIME LIMIT FOR ENFORCING A STATE COURT JUDGMENT IN A FOREIGN JURISDICTION.*****SUMMARY:**

This bill allows a party to file a motion to revive a judgment for money damages in Superior Court. The court can grant the motion if it finds that the time period to enforce the judgment has not expired (see BACKGROUND). The bill prohibits an order to revive from extending the time period to enforce the judgment already set by law. The bill applies only to judgments issued by courts of this state, including small claims cases.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Time Periods for Enforcing Judgments***

By law:

1. a court cannot issue an execution to enforce a judgment for money damages more than 20 years after the judgment was entered (10 years for a small claims case) and
2. no action can be instituted based on a judgment more than 25 years after the judgment was entered (15 years for a small claims case).

But there is no time limit for a judgment for damages in a personal injury action based on sexual assault where the party at fault was convicted of 1st degree sexual assault or 1st degree aggravated sexual assault (CGS § 52-598).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (03/31/2009)