



House of Representatives

General Assembly

File No. 775

January Session, 2009

Substitute House Bill No. 6252

House of Representatives, April 21, 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 substitute bill ought to pass.

AN ACT CONCERNING THE SELECTION OF JUDICIAL MARSHALS.

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

1 Section 1. Subsection (b) of section 6-32d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (b) The Judicial Department shall employ judicial marshals for
5 prisoner custody and transportation responsibilities pursuant to this
6 section. The Chief Court Administrator [may] shall establish
7 employment standards and implement appropriate training programs
8 to assure secure prisoner custody and transportation. [Such standards
9 and programs shall be in force and effect by December 1, 2000.] On
10 and after October 1, 2010, the Judicial Department shall make available
11 on its Internet web site a written summary of (1) such employment
12 standards, and (2) the standards for promotion and continuance of
13 employment for such judicial marshals. Any property used by the
14 sheriffs for prisoner transportation shall be transferred to the Judicial
15 Department.

16 Sec. 2. Section 6-32f of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2009*):

18 The Judicial Department shall be responsible for courthouse
19 security and shall employ judicial marshals for such purpose. The
20 Chief Court Administrator [may] shall establish employment
21 standards and implement appropriate training programs to assure
22 court security. On and after October 1, 2010, the Judicial Department
23 shall make available on its Internet web site a written summary of (1)
24 such employment standards, and (2) the standards for promotion and
25 continuance of employment for such judicial marshals. Any property
26 used by the sheriffs for court security shall be transferred to the
27 Judicial Department. The Chief Court Administrator shall be
28 responsible for the custody, care and control of courthouse facilities.
29 As used in this section, "courthouse security" and "court security"
30 include the provision of security services to any judicial facility or to
31 any facility of a state agency pursuant to a written agreement,
32 provided [(1)] (A) such facility is located contiguous to a courthouse,
33 and [(2)] (B) the Chief Court Administrator determines that, based on
34 the proximity and design of the courthouse and the contiguous facility,
35 the security requirements are mutual and best served through the
36 provision of security services by judicial marshals.

37 Sec. 3. Section 6-32g of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2009*):

39 After December 1, 2000, the Chief Court Administrator shall require
40 an applicant for employment as a judicial marshal pursuant to sections
41 6-32d, as amended by this act, and 6-32f, as amended by this act, to
42 submit to a criminal record background investigation, to be conducted
43 by the Department of Public Safety and the Federal Bureau of
44 Investigation. The applicant shall pay all processing fees incurred for
45 such investigation. Except to the extent required by state or federal law
46 for the issuance of a commercial drivers' license, no motor vehicle
47 infraction or violation and no misdemeanor offense occurring more
48 than five years prior to an applicant's date of application for

49 employment as a judicial marshal may be considered by the Judicial
50 Department in determining whether to employ the applicant as a
51 judicial marshal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	6-32d(b)
Sec. 2	<i>October 1, 2009</i>	6-32f
Sec. 3	<i>October 1, 2009</i>	6-32g

JUD *Joint Favorable Subst.*

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's requirements on the Judicial Department have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6252*****AN ACT CONCERNING THE SELECTION OF JUDICIAL MARSHALS.*****SUMMARY:**

This bill prohibits the Judicial Branch from considering any of a judicial marshal applicant's motor vehicle infractions or violations or misdemeanors that occurred more than five years before the date he or she applied in determining whether to employ the applicant, unless state or federal law requires otherwise. Judicial Branch hiring standards, including disqualifications for certain criminal convictions, are currently contained in policy (see BACKGROUND).

Beginning October 1, 2010, the bill requires the Judicial Branch to provide a written summary on its website of standards for employment, promotion, and continued employment of judicial marshals. It also specifies that the chief court administrator must establish employment standards and appropriate training programs.

By law, the Judicial Branch employs judicial marshals for courthouse security and prisoner custody and transportation.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Judicial Marshal Hiring and Criminal Background Checks***

The law requires judicial marshal applicants to submit to criminal record background investigations by the Department of Public Safety and Federal Bureau of Investigation.

Judicial Branch policy excludes an applicant from becoming a judicial marshal trainee if he or she has:

1. a single misdemeanor and it is less than (a) five years since its final disposition or (b) two years after completing any sanctions;
2. multiple misdemeanor convictions and it is less than (a) 10 years after the final disposition of the most recent misdemeanor or (b) five years after completing any sanctions; or
3. a felony conviction (Judicial Branch Policy and Procedure No. 205-04).

The Judicial Branch policy also requires a general background investigation.

The Judicial Branch requires a judicial marshal trainee to obtain and maintain a commercial driver's license (CDL) with appropriate endorsements. State and federal law disqualify someone from holding a CDL for certain motor vehicle and criminal offenses, such as driving under the influence and evading responsibility. These disqualifications apply to someone already holding a CDL but they could also affect someone's initial license application since the law requires a review of an applicant's driving history for the 10 years preceding a CDL application (49 CFR § 383.51 and CGS § 14-44k).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (04/03/2009)