



Senate

General Assembly

File No. 844

January Session, 2009

Senate Bill No. 1000

Senate, April 30, 2009

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING FEES FOR THE LEVY OF AN EXECUTION.

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

1 Section 1. (NEW) (*Effective April 1, 2009*) The State Treasurer shall
2 enter into a cooperative agreement with appropriate officials of the
3 Judicial Department to assist in a program to aid creditors in the levy
4 of executions against the assets of persons to satisfy a judgment
5 awarded pursuant to a judgment of a court. The Judicial Department
6 shall ensure that the State Treasurer may do all things necessary to
7 collect and pay over moneys awarded. The State Treasurer shall collect
8 a fee of twelve and one-half per cent of the amount of any execution.

9 Sec. 2. Section 52-261 of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective July 1, 2009*):

11 (a) Except as provided in subsection (b) of this section and section
12 52-261a, each officer or person who serves process, summons or
13 attachments shall receive a fee of not more than thirty dollars for each
14 process served and an additional fee of thirty dollars for the second

15 and each subsequent service of such process, except that such officer or
16 person shall receive an additional fee of ten dollars for each
17 subsequent service of such process at the same address or for
18 notification of the office of the Attorney General in dissolution and
19 postjudgment proceedings if a party or child is receiving public
20 assistance. Each such officer or person shall also receive the fee set by
21 the Department of Administrative Services for state employees for
22 each mile of travel, to be computed from the place where such officer
23 or person received the process to the place of service, and thence in the
24 case of civil process to the place of return. If more than one process is
25 served on one person at one time by any such officer or person, the
26 total cost of travel for the service shall be the same as for the service of
27 one process only. Each officer or person who serves process shall also
28 receive the moneys actually paid for town clerk's fees on the service of
29 process. Any officer or person required to summon jurors by personal
30 service of a warrant to attend court shall receive for the first ten miles
31 of travel while so engaged, such mileage to be computed from the
32 place where such officer or person receives the process to the place of
33 service, twenty-five cents for each mile, and for each additional mile,
34 ten cents. For summoning any juror to attend court otherwise than by
35 personal service of the warrant, such officer or person shall receive
36 only the sum of fifty cents and actual disbursements necessarily
37 expended by such officer or person in making service thereof as
38 directed. Notwithstanding the provisions of this section, for
39 summoning grand jurors, such officer or person shall receive only such
40 officer's or person's actual expenses and such reasonable sum for
41 services as are taxed by the court. The following fees shall be allowed
42 and paid: (1) For taking bail or bail bond, one dollar; (2) for copies of
43 writs and complaints, exclusive of endorsements, one dollar per page,
44 not to exceed a total amount of nine hundred dollars in any particular
45 matter; (3) for endorsements, forty cents per page or fraction thereof;
46 (4) for service of a warrant for the seizure of intoxicating liquors, or for
47 posting and leaving notices after the seizure, or for the destruction or
48 delivery of any such liquors under order of court, twenty dollars; (5)
49 for the removal and custody of such liquors so seized, reasonable

50 expenses, and twenty dollars; (6) [for the levy of an execution, when
51 the money is actually collected and paid over, or the debt or a portion
52 of the debt is secured by the officer, fifteen per cent on the amount of
53 the execution, provided the minimum fee for such execution shall be
54 thirty dollars; (7)] on the levy of an execution on real property and on
55 application for sale of personal property attached, to each appraiser,
56 for each half day of actual service, reasonable and customary expenses;
57 [(8)] (7) for causing an execution levied on real property to be
58 recorded, fees for travel, twenty dollars and costs; [(9)] (8) for services
59 on an application for the sale of personal property attached, or in
60 selling mortgaged property foreclosed under a decree of court, the
61 same fees as for similar services on executions; [(10)] (9) for committing
62 any person to a community correctional center, in civil actions, twenty-
63 one cents a mile for travel, from the place of the court to the
64 community correctional center, in lieu of all other expenses; and [(11)]
65 (10) for summoning and attending a jury for reassessing damages or
66 benefits on a highway, three dollars a day. The court shall tax as costs a
67 reasonable amount for the care of property held by any officer under
68 attachment or execution. The officer serving any attachment or
69 execution may claim compensation for time and expenses of any
70 person, in keeping, securing or removing property taken thereon,
71 provided such officer shall make out a bill. The bill shall specify the
72 labor done, and by whom, the time spent, the travel, the money paid, if
73 any, and to whom and for what. The compensation for the services
74 shall be reasonable and customary and the amount of expenses and
75 shall be taxed by the court with the costs.

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

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>April 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	52-261

FIN *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:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Treasurer	GF - Cost / Revenue	See Below	See Below
Judicial Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Savings	Indeterminate	Indeterminate

Explanation

The bill transfers, from state marshals to the Office of the State Treasurer (OST), the function of serving executions against the assets of persons to satisfy judgments awarded pursuant to rulings by the court. State marshals, who are independent contractors, generate approximately \$1.7 million annually in revenue to themselves through serving approximately 11,000 executions. Under the bill, the OST would retain approximately \$1.4 million annually to cover the cost of the program initiated by the OST in accordance with the bill. It is unclear whether or not the revenue generated to OST under the bill would be sufficient to cover its cost because of the large volume of executions.

The bill also eliminates the 15% fee for serving alias tax warrants for unpaid municipal taxes or water or sanitation charges: it thereby sets the fee at the minimum statutory amount, which is \$30. This change is anticipated to yield municipal savings.

The Judicial Department would be able to provide, at minimal cost,

the OST with information concerning executions that have been issued.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Office of the State Treasurer
State Ethics revenue reports by State Marshals*

OLR Bill Analysis**SB 1000*****AN ACT CONCERNING FEES FOR THE LEVY OF AN EXECUTION.*****SUMMARY:**

The bill requires the state treasurer and appropriate officials of the Judicial Department to make a cooperative agreement allowing the treasurer to assist in a program to help creditors seize assets pursuant to court orders requiring the assets' owners to pay money to the creditors. It requires the Judicial Department to do whatever is necessary to allow the treasurer to collect and pay over any money awarded ("levy an execution"). It is not clear how the required agreement relates to statutory requirements for levying executions, such as limits on the number of financial institutions an officer may serve at one time for the same judgment debtor (CGS §§ 52-367a and 52-367b).

The bill requires the treasurer to charge a fee for levying an execution equal to 12.5% of the amount collected. It eliminates the required fee charged by any other officer or person, such as a state marshal, who provides the service. That fee is 15% of the amount collected, but no less than \$30. By eliminating the statute setting the 15% fee for levying executions, the bill also eliminates the 15% fee for serving alias tax warrants for unpaid municipal taxes or water or sanitation charges. As a result, under the bill, the fee for serving such warrants would be a flat \$30 (CGS § 12-162(c)).

The bill does not change fees for levying executions in special situations, such as those for serving an execution on real property or on a summary process judgment.

EFFECTIVE DATE: April 1, 2009 for the provisions requiring the agreement and allowing the treasurer to charge a fee; July 1, 2009 for

the provision eliminating the 15% fee.

COMMITTEE ACTION

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 39 Nay 16 (04/16/2009)