



General Assembly

January Session, 2009

Raised Bill No. 6680

LCO No. 4848

04848_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING STATE MARSHALS, JUDICIAL MARSHALS,
WITNESS FEES AND THE SERVICE OF PROCESS.**

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 Section 34-105 of the general statutes is repealed and the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, 2009*):

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 by any proper officer or other person lawfully empowered to
8 make service by leaving a true and attested copy of the process, notice
9 or demand with such agent or, in the case of an agent who is a natural
10 person, by leaving it at such agent's usual place of abode in this state.

11 (b) If it appears from the records of the Secretary of the State that
12 such a limited liability company has failed to appoint or maintain a
13 statutory agent for service, or if it appears by affidavit endorsed on the
14 return of the officer or other proper person directed to serve any
15 process, notice or demand upon such a limited liability company's

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

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

34 (d) Notwithstanding subsections (a) and (b) of this section, any
35 process, notice or demand in connection with any action or proceeding
36 required or permitted by law to be served upon a limited liability
37 company which is subject to the provisions of section 34-104, may be
38 served upon any member of the limited liability company in whom
39 management of the limited liability company is vested or any manager
40 of the limited liability company by any proper officer or other person
41 lawfully empowered to make service by leaving a true and attested
42 copy of the process, notice or demand with such member or manager
43 or by leaving it at such member's usual place of abode in this state or,
44 in the case of a manager who is a natural person, at such manager's
45 usual place of abode in this state.

46 [(d)] (e) Nothing contained in this section shall limit or affect the
47 right to serve any process, notice or demand required or permitted by

48 law to be served upon a limited liability company in any other manner
49 permitted by law.

50 Sec. 2. Section 52-50 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

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

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

77 (d) Service of motions for modification, motions for contempt and
78 wage withholdings in any matter involving child support, including,

79 but not limited to, petitions for support authorized under sections 17b-
80 745 and 46b-215, and those matters involving a beneficiary of care or
81 assistance from the state, may be made by a support enforcement
82 officer or support services investigator of the 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. 3. Section 52-56 of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2009*):

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. 4. Section 52-583 of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

138 Sec. 5. Section 52-593a of the general statutes is repealed and the
139 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

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

151 Sec. 6. Subsection (a) of section 52-260 of the general statutes is
152 repealed and the following is substituted in lieu thereof (*Effective*
153 *October 1, 2009*):

154 (a) The fees of a witness for attendance before any court, the General
155 Assembly or any committee thereof, when summoned by the state, or
156 before any legal authority, shall be fifty cents a day, and for travel to
157 the place of trial, except as provided in section 54-152, shall be the
158 same amount per mile as provided for state employees pursuant to
159 section 5-141c. Whenever a garnishee is required to appear before any
160 court, such garnishee shall receive the same fees as a witness in a civil
161 action and be paid in the same manner. The clerk of the Superior
162 Court, upon request, shall, on the day of attendance, pay the fee of any
163 witness summoned by the state to appear before the court. The fee of
164 any witness shall be paid to the witness by the authority, agency or
165 individual requesting the appearance of the witness at the time of such
166 appearance.

167 Sec. 7. Section 52-261 of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective October 1, 2009*):

169 (a) Except as provided in subsection (b) of this section and section
170 52-261a, each officer or person who serves process, summons or

171 attachments shall receive a fee of not more than thirty dollars for each
172 process served and an additional fee of thirty dollars for the second
173 and each subsequent service of such process, except that such officer or
174 person shall receive an additional fee of ten dollars for each
175 subsequent service of such process at the same address or for
176 notification of the office of the Attorney General in dissolution and
177 postjudgment proceedings if a party or child is receiving public
178 assistance. Each such officer or person shall also receive the fee set by
179 the Department of Administrative Services for state employees for
180 each mile of travel, to be computed from the place where such officer
181 or person received the process to the place of service, and thence in the
182 case of civil process to the place of return. If more than one process is
183 served on one person at one time by any such officer or person, the
184 total cost of travel for the service shall be the same as for the service of
185 one process only. Each officer or person who serves process shall also
186 receive the moneys actually paid for town clerk's fees on the service of
187 process. Any officer or person required to summon jurors by personal
188 service of a warrant to attend court shall receive for the first ten miles
189 of travel while so engaged, such mileage to be computed from the
190 place where such officer or person receives the process to the place of
191 service, twenty-five cents for each mile, and for each additional mile,
192 ten cents. For summoning any juror to attend court otherwise than by
193 personal service of the warrant, such officer or person shall receive
194 only the sum of fifty cents and actual disbursements necessarily
195 expended by such officer or person in making service thereof as
196 directed. Notwithstanding the provisions of this section, for
197 summoning grand jurors, such officer or person shall receive only such
198 officer's or person's actual expenses and such reasonable sum for
199 services as are taxed by the court. The following fees shall be allowed
200 and paid: (1) For taking bail or bail bond, one dollar; (2) for copies of
201 writs and complaints, exclusive of endorsements, one dollar per page,
202 not to exceed a total amount of nine hundred dollars in any particular
203 matter; (3) for endorsements, forty cents per page or fraction thereof;
204 (4) for service of a warrant for the seizure of intoxicating liquors, or for

205 posting and leaving notices after the seizure, or for the destruction or
206 delivery of any such liquors under order of court, twenty dollars; (5)
207 for the removal and custody of such liquors so seized, reasonable
208 expenses, and twenty dollars; (6) for the levy of an execution, when the
209 money is actually collected and paid over, or the debt or a portion of
210 the debt is secured by the officer, fifteen per cent on the amount of the
211 execution, provided the minimum fee for such execution shall be thirty
212 dollars; (7) on the levy of an execution on real property and on
213 application for sale of personal property attached, to each appraiser,
214 for each half day of actual service, reasonable and customary expenses;
215 (8) for causing an execution levied on real property to be recorded, fees
216 for travel, twenty dollars and costs; (9) for services on an application
217 for the sale of personal property attached, or in selling mortgaged
218 property foreclosed under a decree of court, the same fees as for
219 similar services on executions; (10) for committing any person to a
220 community correctional center, in civil actions, twenty-one cents a mile
221 for travel, from the place of the court to the community correctional
222 center, in lieu of all other expenses; [and] (11) for summoning and
223 attending a jury for reassessing damages or benefits on a highway,
224 three dollars a day; and (12) for service of process from outside this
225 state requiring a notarized affidavit of service, fifty dollars in addition
226 to any fees and expenses authorized by this subsection. The court shall
227 tax as costs a reasonable amount for the care of property held by any
228 officer under attachment or execution. The officer serving any
229 attachment or execution may claim compensation for time and
230 expenses of any person, in keeping, securing or removing property
231 taken thereon, provided such officer shall make out a bill. The bill shall
232 specify the labor done, and by whom, the time spent, the travel, the
233 money paid, if any, and to whom and for what. The compensation for
234 the services shall be reasonable and customary and the amount of
235 expenses and shall be taxed by the court with the costs.

236 (b) Each officer or person shall receive the following fees: (1) For
237 service of an execution on a summary process judgment, not more
238 than fifty dollars; and (2) for removal under section 47a-42 of a

239 defendant or other occupant bound by a summary process judgment,
240 and the possessions and personal effects of such defendant or other
241 occupant, not more than seventy-five dollars per hour.

242 Sec. 8. Section 2-7 of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective October 1, 2009*):

244 (a) Whenever the Governor, the members of the General Assembly
245 or the president pro tempore of the Senate and the speaker of the
246 House of Representatives call a special session of the General
247 Assembly, the Secretary of the State shall give notice thereof by (1)
248 mailing a true copy of the call of such special session, by first class
249 mail, evidenced by a certificate of mailing, to each member of the
250 House of Representatives and of the Senate at his or her address as it
251 appears upon the records of said [secretary] Secretary not less than ten
252 nor more than fifteen days prior to the date of convening of such
253 special session, or [by] (2) causing a true copy of the call to be
254 delivered personally to each member by a state marshal, constable,
255 state policeman or indifferent person at least twenty-four hours prior
256 to the time of convening of such special session. If the state marshal,
257 constable, state policeman or indifferent person is unable to deliver a
258 true copy of the call personally to the member, such officer or person
259 shall leave a true copy of the call at the member's usual place of abode
260 at least twenty-four hours prior to the time of convening of such
261 special session.

262 (b) Whenever the Secretary of the State is required to reconvene the
263 General Assembly pursuant to article third of the amendments to the
264 Constitution of Connecticut, said [secretary] Secretary shall give notice
265 thereof by (1) mailing a true copy of the call of such reconvened
266 session, by first class mail, evidenced by a certificate of mailing, to each
267 member of the House of Representatives and of the Senate at his or her
268 address as it appears upon the records of said secretary not less than
269 five days prior to the date of convening of such reconvened session, or
270 [by] (2) causing a true copy of the call to be delivered personally to

271 each member by a state marshal, constable, state policeman or
272 indifferent person at least twenty-four hours prior to the time of
273 convening of such reconvened session. If the state marshal, constable,
274 state policeman or indifferent person is unable to deliver a true copy of
275 the call personally to the member, such officer or person shall leave a
276 true copy of the call at the member's usual place of abode at least
277 twenty-four hours prior to the time of convening of such reconvened
278 session.

279 (c) Whenever a state marshal, constable, state policeman or
280 indifferent person serves notice of a special session pursuant to
281 subsection (a) of this section or a reconvened session pursuant to
282 subsection (b) of this section, such officer or person shall file a return of
283 service with the Secretary of the State endorsing his or her actions
284 thereon and indicating the manner in which the member of the House
285 of Representatives or of the Senate was served and, if the true copy of
286 the call was left at the member's usual place of abode, the efforts made
287 by such officer or person to deliver the true copy of the call personally
288 to the member. If such officer or person files a return of service
289 indicating that the true copy of the call was left at the member's usual
290 place of abode, the Secretary of the State shall immediately notify by
291 telephone and electronic mail the speaker of the House of
292 Representatives, in the case of a member of the House of
293 Representatives, or the president pro tempore of the Senate, in the case
294 of a member of the Senate, regarding the receipt of such return of
295 service, and the speaker of the House of Representatives or the
296 president pro tempore of the Senate, as the case may be, shall make
297 reasonable efforts to give notice of the special or reconvened session to
298 such member.

299 (d) Whenever notice of a special session is served by state marshals,
300 constables, state policemen or indifferent persons pursuant to
301 subsection (a) of this section, such special session shall not be
302 convened until the Secretary of the State certifies that said Secretary
303 has received a return of service from a state marshal, constable, state

304 policeman or indifferent person with respect to each member of the
 305 House of Representatives and of the Senate.

306 Sec. 9. (NEW) (*Effective from passage*) Any member of the state
 307 employees retirement system who is serving as a judicial marshal on
 308 the effective date of this section and who served as a special deputy
 309 sheriff on or after July 1, 1990, may elect to purchase retirement credit
 310 for such prior special deputy sheriff service rendered on or after July 1,
 311 1990, provided such member provides written notification of such
 312 election to the State Employees Retirement Commission on or before
 313 October 1, 2009, and makes retirement contributions for such prior
 314 service in an amount equal to the contributions that would have been
 315 required to be made by the member in accordance with the terms of
 316 the retirement plan to which the member belongs on or after the
 317 effective date of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	34-105
Sec. 2	<i>October 1, 2009</i>	52-50
Sec. 3	<i>October 1, 2009</i>	52-56
Sec. 4	<i>October 1, 2009</i>	52-583
Sec. 5	<i>October 1, 2009</i>	52-593a
Sec. 6	<i>October 1, 2009</i>	52-260(a)
Sec. 7	<i>October 1, 2009</i>	52-261
Sec. 8	<i>October 1, 2009</i>	2-7
Sec. 9	<i>from passage</i>	New section

Statement of Purpose:

To make certain revisions concerning the authority, jurisdiction and fees of state marshals, revise the manner in which notice is given of special and reconvened sessions of the General Assembly and allow certain judicial marshals to purchase retirement credit for prior service as special deputy sheriffs.

[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.]