



General Assembly

January Session, 2009

Raised Bill No. 1157

LCO No. 5121

05121_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING FUNDING FOR LEGAL SERVICES AND
JUDICIAL BRANCH TECHNOLOGY.**

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

1 Section 1. Section 52-258 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 The jury fee in civil actions shall be [three hundred fifty] four
4 hundred dollars to be paid at the time the case is claimed for the jury
5 by the party at whose request the case is placed upon the jury docket.
6 The jury fee shall be taxed in favor of the party paying the jury fee in
7 the bill of costs in the action, if final judgment thereon is rendered in
8 [his] such party's favor.

9 Sec. 2. Section 52-259 of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective July 1, 2009*):

11 (a) There shall be paid to the clerks for entering each appeal or writ
12 of error to the Supreme Court, or entering each appeal to the Appellate
13 Court, as the case may be, two hundred fifty dollars, and for each civil
14 cause in the Superior Court, two hundred [twenty-five] sixty-five

15 dollars, except (1) one hundred [twenty] forty dollars for entering each
16 case in the Superior Court in which the sole claim for relief is damages
17 and the amount, legal interest or property in demand is less than two
18 thousand five hundred dollars and for summary process, landlord and
19 tenant and paternity actions, and (2) there shall be no entry fee for
20 making an application to the Superior Court for relief under section
21 46b-15 or for making an application to modify or extend an order
22 issued pursuant to section 46b-15. If the amount, legal interest or
23 property in demand by the plaintiff is alleged to be less than two
24 thousand five hundred dollars, a new entry fee of seventy-five dollars
25 shall be charged if the plaintiff amends his or her complaint to state
26 that such demand is not less than two thousand five hundred dollars.

27 (b) The fee for the entry of a small claims case shall be [thirty-five]
28 sixty dollars. If a motion is filed to transfer a small claims case to the
29 regular docket, the moving party shall pay a fee of seventy-five
30 dollars.

31 (c) There shall be paid to the clerk of the Superior Court by any
32 party who requests that a matter be designated as a complex litigation
33 case the sum of two hundred [fifty] ninety dollars, to be paid at the
34 time the request is filed.

35 (d) There shall be paid to the clerk of the Superior Court by any
36 party who requests a finding of fact by a judge of such court to be used
37 on appeal the sum of twenty-five dollars, to be paid at the time the
38 request is filed.

39 (e) There shall be paid to the clerk of the Superior Court a fee of
40 seventy-five dollars for a petition for certification to the Supreme
41 Court and Appellate Court.

42 (f) [Such clerks shall also receive] There shall be paid to the clerk of
43 the Superior Court for receiving and filing an assessment of damages
44 by appraisers of land taken for public use or the appointment of a
45 commissioner of the Superior Court, two dollars; for recording the

46 commission and oath of a notary public or certifying under seal to the
47 official character of any magistrate, ten dollars; for certifying under
48 seal, two dollars; for exemplifying, twenty dollars; for making all
49 necessary records and certificates of naturalization, the fees allowed
50 under the provisions of the United States statutes for such services;
51 and for making copies, one dollar a page.

52 (g) There shall be paid to the clerk of the Superior Court for a copy
53 of a judgment file a fee of twenty-five dollars, inclusive of the fees for
54 certification and copying, for a certified copy and a fee of fifteen
55 dollars, inclusive of the fee for copying, for a copy which is not
56 certified; and for a copy of a certificate of judgment in a foreclosure
57 action, as provided by the rules of practice and procedure, twenty-five
58 dollars, inclusive of the fees for certification and copying.

59 (h) There shall be paid to the clerk of the court a fee of one hundred
60 fifty dollars at the time any application for a prejudgment remedy is
61 filed.

62 (i) A fee of twenty dollars for any check issued to the court in
63 payment of any fee which is returned as uncollectible by the bank on
64 which it is drawn may be imposed.

65 (j) The tax imposed under chapter 219 shall not be imposed upon
66 any fee charged under the provisions of this section.

67 Sec. 3. Section 52-259c of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective July 1, 2009*):

69 (a) There shall be paid to the clerk of the Superior Court upon the
70 filing of any motion to open, set aside, modify or extend any civil
71 judgment rendered in Superior Court a fee of [thirty-five] sixty dollars
72 for any housing matter, a fee of twenty-five dollars for any small
73 claims matter and a fee of [seventy] eighty-five dollars for any other
74 matter, except no fee shall be paid upon the filing of any motion to
75 open, set aside, modify or extend judgments in juvenile matters or

76 orders issued pursuant to section 46b-15 or upon the filing of any
77 motion pursuant to subsection (b) of section 46b-63. Such fee may be
78 waived by the court.

79 (b) Upon the filing of a motion to open or reargue a judgment in any
80 civil appeal rendered by the Supreme Court or Appellate Court or to
81 reconsider any other civil matter decided in either court, the party
82 filing the motion shall pay a fee of [~~seventy~~] eighty-five dollars.

83 Sec. 4. Subdivisions (1) and (2) of subsection (a) of section 52-356a of
84 the general statutes are repealed and the following is substituted in
85 lieu thereof (*Effective July 1, 2009*):

86 (1) On application of a judgment creditor or [~~his~~] the judgment
87 creditor's attorney, stating that a judgment remains unsatisfied and the
88 amount due thereon, and subject to the expiration of any stay of
89 enforcement and expiration of any right of appeal, the clerk of the
90 court in which the money judgment was rendered shall issue an
91 execution pursuant to this section against the nonexempt personal
92 property of the judgment debtor other than debts due from a banking
93 institution or earnings. The application shall be accompanied by a fee
94 of [~~thirty-five~~] sixty dollars payable to the clerk of the court for the
95 administrative costs of complying with the provisions of this section
96 which fee may be recoverable by the judgment creditor as a taxable
97 cost of the action. In the case of a consumer judgment, the application
98 shall indicate whether, pursuant to an installment payment order
99 under subsection (b) of section 52-356d, the court has entered a stay of
100 execution and, if such a stay was entered, shall contain a statement of
101 the judgment creditor or [~~his~~] the judgment creditor's attorney as to the
102 debtor's default on payments. In the case of a judgment arising out of
103 services provided at a hospital, no application shall be made until the
104 court has (A) issued an order for installment payments in accordance
105 with section 52-356d, (B) made a finding that the debtor has defaulted
106 on payments under the order, and (C) lifted the mandatory stay issued
107 under section 52-356d. The court shall make a determination

108 concerning noncompliance or default, and decide whether to modify
109 the installment payment plan, continue the installment payment plan,
110 or lift the stay. The execution shall be directed to any levying officer.

111 (2) The property execution shall require a proper levying officer to
112 enforce the money judgment and shall state the names and last-known
113 addresses of the judgment creditor and judgment debtor, the court in
114 which and the date on which the money judgment was rendered, the
115 original amount of the money judgment and the amount due thereon,
116 and any information which the judgment creditor considers necessary
117 or appropriate to identify the judgment debtor. The property execution
118 shall notify any person served therewith that the judgment debtor's
119 nonexempt personal property is subject to levy, seizure and sale by the
120 levying officer pursuant to the execution and, if the judgment debtor is
121 a natural person, shall be accompanied by a notice of judgment debtor
122 rights as prescribed by section 52-361b and a notice to any third person
123 of the manner, as prescribed by subdivision (4) of this subsection, for
124 complying with the execution.

125 Sec. 5. Subsection (a) of section 52-361a of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective July*
127 *1, 2009*):

128 (a) If a judgment debtor fails to comply with an installment
129 payment order, the judgment creditor may apply to the court for a
130 wage execution. The application shall contain the judgment creditor's
131 or [his] the judgment creditor's attorney's statement setting forth the
132 particulars of the installment payment order and of the judgment
133 debtor's failure to comply. The application shall be accompanied by a
134 fee of [thirty-five] sixty dollars payable to the clerk of the court for the
135 administrative costs of complying with the provisions of this section
136 which fee may be recoverable by the judgment creditor as a taxable
137 cost of the action.

138 Sec. 6. Subsection (b) of section 52-367a of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective July*

140 1, 2009):

141 (b) Execution may be granted pursuant to this section against any
142 debts due from any financial institution to a judgment debtor which is
143 not a natural person. If execution is desired against any such debt, the
144 plaintiff requesting the execution shall make application to the clerk of
145 the court. The application shall be accompanied by a fee of [thirty-five]
146 sixty dollars payable to the clerk of the court for the administrative
147 costs of complying with the provisions of this section which fee may be
148 recoverable by the judgment creditor as a taxable cost of the action.
149 The clerk shall issue such execution containing a direction that the
150 officer serving such execution shall make demand (1) upon the main
151 office of any financial institution having its main office within the
152 county of the serving officer, or (2) if such main office is not within the
153 serving officer's county and such financial institution has one or more
154 branch offices within such county, upon an employee of such a branch
155 office, such employee and branch office having been designated by the
156 financial institution in accordance with regulations adopted by the
157 Banking Commissioner, in accordance with chapter 54, for the
158 payment of any debt due to the judgment debtor, and, after having
159 made such demand, shall serve a true and attested copy thereof, with
160 the serving officer's actions thereon endorsed, with the financial
161 institution officer upon whom such demand is made. The serving
162 officer shall not serve more than one financial institution execution per
163 judgment debtor at a time, including copies thereof. After service of an
164 execution on one financial institution, the serving officer shall not
165 serve the same execution or a copy thereof upon another financial
166 institution until receiving confirmation from the preceding financial
167 institution that the judgment debtor had insufficient funds at the
168 preceding financial institution available for collection to satisfy the
169 execution. If the serving officer does not receive within twenty-five
170 days of the service of the demand a response from the financial
171 institution that was served indicating whether or not the taxpayer has
172 funds at the financial institution available for collection, the serving
173 officer may assume that sufficient funds are not available for collection

174 and may proceed to serve another financial institution in accordance
175 with this subsection.

176 Sec. 7. Subsection (b) of section 52-367b of the general statutes is
177 repealed and the following is substituted in lieu thereof (*Effective July*
178 *1, 2009*):

179 (b) If execution is desired against any such debt, the plaintiff
180 requesting the execution shall make application to the clerk of the
181 court. The application shall be accompanied by a fee of [thirty-five]
182 sixty dollars payable to the clerk of the court for the administrative
183 costs of complying with the provisions of this section which fee may be
184 recoverable by the judgment creditor as a taxable cost of the action. In
185 a IV-D case, the request for execution shall be accompanied by an
186 affidavit signed by the serving officer attesting to an overdue support
187 amount of five hundred dollars or more which accrued after the entry
188 of an initial family support judgment. If the papers are in order, the
189 clerk shall issue such execution containing a direction that the officer
190 serving such execution shall, within seven days from the receipt by the
191 serving officer of such execution, make demand (1) upon the main
192 office of any financial institution having its main office within the
193 county of the serving officer, or (2) if such main office is not within the
194 serving officer's county and such financial institution has one or more
195 branch offices within such county, upon an employee of such a branch
196 office, such employee and branch office having been designated by the
197 financial institution in accordance with regulations adopted by the
198 Banking Commissioner, in accordance with chapter 54, for payment of
199 any such nonexempt debt due to the judgment debtor and, after
200 having made such demand, shall serve a true and attested copy of the
201 execution, together with the affidavit and exemption claim form
202 prescribed by subsection (k) of this section, with the serving officer's
203 actions endorsed thereon, with the financial institution officer upon
204 whom such demand is made. The serving officer shall not serve more
205 than one financial institution execution per judgment debtor at a time,
206 including copies thereof. After service of an execution on one financial

207 institution, the serving officer shall not serve the same execution or a
208 copy thereof upon another financial institution until receiving
209 confirmation from the preceding financial institution that the judgment
210 debtor had insufficient funds at the preceding financial institution
211 available for collection to satisfy the execution, provided any such
212 additional service is made not later than forty-five days from the
213 receipt by the serving officer of such execution.

214 Sec. 8. Subsection (a) of section 51-81b of the general statutes is
215 repealed and the following is substituted in lieu thereof (*Effective July*
216 *1, 2009*):

217 (a) Any person who has been admitted as an attorney by the judges
218 of the Superior Court shall annually on or before January fifteenth file
219 an annual return prescribed or furnished by the Commissioner of
220 Revenue Services. If any such person was engaged in the practice of
221 law in the year preceding the year in which an occupational tax is due
222 hereunder, such person, unless exempted under this section, shall
223 annually on or before January fifteenth pay to the Commissioner of
224 Revenue Services a tax in the amount of [four hundred fifty] six
225 hundred dollars. Any person who has been admitted as an attorney
226 pro hac vice by a judge of the Superior, Appellate or Supreme Court in
227 accordance with the rules of said court shall file such return and pay
228 such tax as provided in this subsection with respect to any year in
229 which such person was admitted pro hac vice and engaged in the
230 practice of law in this state. Not later than July 1, 2010, and annually
231 thereafter, the State Treasurer shall transfer to the organization
232 administering the program for the use of interest earned on lawyers'
233 clients' funds account pursuant to section 51-81c, for the purposes of
234 funding the delivery of legal services to the poor, an aggregate amount
235 that represents one hundred fifty dollars of each person's tax paid
236 pursuant to this section.

237 Sec. 9. (NEW) (*Effective July 1, 2009*) The Chief Court Administrator,
238 or a designee, on or before the thirtieth day of January, April, July and

239 October in each year, shall (1) certify the amount of revenue obtained
 240 as a result of any fee increase set forth in section 52-258, 52-259, 52-
 241 259c, 52-356a, 52-361a or 52-367b of the general statutes, each as
 242 amended by this act, and (2) transfer one-half of such amount to the
 243 organization administering the program for the use of interest earned
 244 on lawyers' clients' funds account pursuant to section 51-81c of the
 245 general statutes, for the purposes of funding the delivery of legal
 246 services to the poor, and shall retain the other half of such amount for
 247 the purpose of funding technology projects within the Judicial Branch.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	52-258
Sec. 2	<i>July 1, 2009</i>	52-259
Sec. 3	<i>July 1, 2009</i>	52-259c
Sec. 4	<i>July 1, 2009</i>	52-356a(a)(1) and (2)
Sec. 5	<i>July 1, 2009</i>	52-361a(a)
Sec. 6	<i>July 1, 2009</i>	52-367a(b)
Sec. 7	<i>July 1, 2009</i>	52-367b(b)
Sec. 8	<i>July 1, 2009</i>	51-81b(a)
Sec. 9	<i>July 1, 2009</i>	New section

Statement of Purpose:

To: (1) Increase certain court filing fees and allocate half of the funds generated to the interest earned on lawyers' clients' funds account to provide legal services to the poor, and allocate the remaining funds to technology projects within the Judicial Branch, and (2) increase the occupational tax on attorneys in order to provide additional funds to the interest earned on lawyers' clients' funds account in order to provide legal services to the poor.

[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.]