

TESTIMONY OF ATTORNEY ELIZABETH COLLINS
TO THE APPROPRIATIONS COMMITTEE
RE: STATE MARSHAL COMMISSION
FEBRUARY 23, 2009

The Governor's recommended budget proposes the elimination of the State Marshal Commission and all of its funding. This raises issues from constitutional rights, to separation of powers problems to destabilization and added costs.

State marshals' powers include the power to trespass, arrest, evict, seize money and property and to serve process. Based on 2007 figures, service of process results in approximately 21 million dollars in gross receipts. Additionally, state marshals collect and distribute about 28 million dollars of other people's money through client fund accounts, including about 10 million collected for towns and cities on delinquent tax warrants. They also handle hundreds of thousands, if not more, of documents every year related to civil disputes. They exercise considerable power of the state. As the state regulates attorneys, the state must also regulate the service of process and executions.

Under the Connecticut Constitution, Article 1 Section 10, individuals have a constitutional right to open access to courts and remedies for injuries after due administration of justice. All three branches of government are charged with protecting this right. The State Marshal Commission members are appointed by all three branches of government, which is appropriate.

State marshals are public officers under an oath to uphold the constitution. They are appointed to ensure individuals have access to the courts through proper service of process to commence a suit and maintain an action, as well as to give notice to defendants, and to ensure the execution of court orders, including judgments for money damages. State marshals assist citizens in countless areas from civil and family court matters, housing court and probate court matters and numerous other legal and administrative procedures. Also under the direction of the State Marshal Commission the state marshals cover the service of restraining orders every day, in every courthouse.

The State Marshal Commission oversees, appoints, regulates, audits and trains state marshals, and responds to probably thousands of inquires a year from the courts, government agencies, state marshals and the public on information about the system as well as how to utilize it. Given the scope of the area the State Marshal Commission is extremely cost effective.

In my opinion, every day in our state, the judicial system, with state marshals, runs smoothly, in conjunction with the oversight by the State Marshal Commission. Centralized regulation under the Commission, which represents the three branches of government, is critical to the viability of a system that is clearly working and working well given its scope.

I believe that eliminating the Commission and all funding for regulation would destabilize the system, adversely impact the judicial branch and undermine a critical, constitutional, core government function. Cost savings from elimination would quickly evaporate as the system would need immediate re-stabilization. If any major disruption occurred, I believe the state might also face possible law suits between the branches and by citizens over the destabilization, or interference with effective, accountable access to courts and to the execution of remedies as provided in the constitution.

The Director of Operations of the State Marshal Commission, James Neil, has presented information to the Appropriations Committee on the State Marshal Commission, along with recommendations on budget cutting, and possible revenue sources.

I ask you to vote to maintain the State Marshal Commission with reasonable funding for its operation.