

David Hubbs

State Marshals

On behalf of Connecticut's 220 State Marshals we strongly urge your opposition to **SB 1000 AN ACT CONCERNING FEES FOR THE LEVEY OF AN EXECUTION.**

WHO ARE THE STATE MARSHALS

- There are approximately 220 state marshals in Connecticut who employ another estimated 275 Connecticut residents as support staff. Most of the support staff are directly involved in the collection of executions.
- State Marshals are not State employees and the DO NOT receive any state benefits.
- State Marshals are responsible for ALL COSTS associated with performing their duties with respect to executions including but not limited to: health insurance, retirement benefits, transportation needs, support staff, certified postage, office space and supplies. In addition, they all pay their own malpractice and liability insurance.

WHAT DO STATE MARSHALS DO

- State Marshals are a critical component of Connecticut's court system. In fact, Connecticut's civil litigation system would not be able to function if the services provided by the Marshals were not performed.
- Those services include: collection of debts (execution of judgments), service of court summons, serving restraining orders; taking individuals into custody for court appearances typically for child support matters, serving eviction notices and performing many of the necessary functions associated with executions such as seizure of personal property.

CAN THE STATE PERFORM THE MARSHAL'S FUNCTION MORE EFFICIENTLY

- SB 1000 proposes to require the State Treasurer rather than State Marshals to perform the duty of collecting debts determined by our Connecticut Courts.
- The State Marshals respectfully suggest that the State could not be nearly as effective or efficient as the current State Marshal. Please consider the following:
- Labor intensive - The average Marshal or his staff who's practice includes the collection of judgments spends at least 25-30 per week on bookkeeping functions and an additional 10-12 hours per week on the road making demands or searching for the assets to be seized. In our opinion, transferring the duties to the State Treasurer would surely result in the need to hire additional state employees.
- Commission based vs. wage based - State Marshals are only paid when they are successful in the collection of debts. State employees will be paid a wage regardless of whether a debt is recovered. More than 90% of bank executions result in no funds. As a result, the State of Connecticut could pursue countless unpaid hours as a result of this action.
- Rights of creditors and debtors are ensured by marshal – The potential of liability due to abuse of the process will greatly increase without the benefit of the personal responsibility of the individual Marshal.
- Potentially unconstitutional – There may be a Constitutional issue as to whether the State can collect the private obligations (article 2 and its amendment 18). At the very least, we believe SB 1000 would create a conflict of interests.

ARE STATE MARSHALS OVER PAID

The average Marshal makes less than \$48,000 per year with no benefits.

Collection agencies are allowed by law to make 15% of the amount collected. This is exactly the same amount that the marshals are currently allowed to collect.

For the above stated reasons, we strongly urge your opposition to SB 1000 or any other additional changes to the current State Marshal system. Thank you for your consideration.