



General Assembly

February Session, 2012

Raised Bill No. 353

LCO No. 1930

01930_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING ATTACHMENTS TO SECURE PAYMENT OF
COMPENSATION OWED TO THE STATE'S SECOND INJURY FUND.**

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

1 Section 1. Section 31-323 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 When any person presents in writing to the commissioner a claim
4 for compensation, either for injury sustained by [himself] such person
5 arising out of and in the course of his or her employment or for injury
6 resulting in the death of some person of whom [he] such person is an
7 alleged dependent, [he] or when it appears to the commissioner that
8 the claim may require payment from the Second Injury Fund, such
9 person or the Second Injury Fund, as the case may be, may ask that a
10 writ of attachment issue to secure the payment of the claim or claims
11 for compensation [as may arise out of the injury] or for reimbursement
12 for payments made or to be made by the Second Injury Fund. Unless it
13 appears from the records of the commissioner that there has been a
14 compliance with the provisions of section 31-284, which compliance is
15 then effective, or that the Insurance Commissioner has approved a
16 substitute system of compensation, benefit and insurance, the

17 commissioner may issue a writ of attachment in the manner and form
18 of writs of attachment in civil actions and shall be vested with the same
19 jurisdiction as authorities authorized to issue writs of attachment in
20 civil actions. If a writ is issued under this section and thereafter it
21 appears to the satisfaction of the commissioner that there has been a
22 compliance with the provisions of section 31-284, which compliance
23 was then effective and applicable to the injury in question, or that the
24 Insurance Commissioner has approved a substitute system of
25 compensation, benefit and insurance, the commissioner may vacate the
26 writ of attachment on the payment by the employer of the expense
27 actually incurred under such writ of attachment. The commissioners
28 are vested with the authority of the various courts to dissolve
29 attachments made under this section and, on the dissolution of an
30 attachment, may require the substitution of a bond in the same manner
31 as any court upon the dissolution of attachments in civil actions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	31-323

Statement of Purpose:

To permit the Second Injury Fund to seek writs of attachment from a workers' compensation commissioner against an uninsured employer when it is likely that a finding and award will enter against the Second Injury Fund.

[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.]