



General Assembly

February Session, 2012

Raised Bill No. 423

LCO No. 2354

02354_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING COURT FEES PAID BY THE STATE AND SERVICE OF PROCESS REQUIREMENTS IN CIVIL ACTIONS COMMENCED AGAINST THE STATE BY PERSONS WHO ARE INCARCERATED.

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

1 Section 1. Subsection (e) of section 46b-15 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

4 (e) The applicant shall cause notice of the hearing pursuant to
5 subsection (b) of this section and a copy of the application and the
6 applicant's affidavit and of any ex parte order issued pursuant to
7 subsection (b) of this section to be served on the respondent not less
8 than five days before the hearing. [The cost of such service shall be
9 paid for by the Judicial Branch.] Any proper officer serving such
10 process shall first attempt to effect personal service by delivering a true
11 and attested copy to the respondent and may effect service by leaving
12 a true and attested copy at the respondent's usual place of abode only
13 after an attempt to personally serve the respondent has been made.
14 Notwithstanding the provisions of sections 52-261 and 52-261a, the

15 costs of such service shall be paid by the Judicial Branch in accordance
16 with the following fee schedule: (1) For personal service, the fee shall
17 be sixty dollars; and (2) for abode service, the fee shall be thirty dollars.
18 Such fees shall be inclusive of all costs for service including, but not
19 limited to, copies, mileage, mailing costs, if any, and notifying law
20 enforcement agencies, as required by this subsection. No payment for
21 abode service shall be made if the officer's efforts to effect personal
22 service are not detailed in the officer's return of service. Failure by the
23 proper officer to notify law enforcement agencies in accordance with
24 this subsection shall not impact the validity of service upon the
25 respondent. Upon the granting of an ex parte order, the clerk of the
26 court shall provide two copies of the order to the applicant. Upon the
27 granting of an order after notice and hearing, the clerk of the court
28 shall provide two copies of the order to the applicant and a copy to the
29 respondent. Every order of the court made in accordance with this
30 section after notice and hearing shall be accompanied by a notification
31 that is consistent with the full faith and credit provisions set forth in 18
32 USC 2265(a), as amended from time to time. Immediately after making
33 service on the respondent, the proper officer shall send or cause to be
34 sent, by facsimile or other means, a copy of the application, or the
35 information contained in such application, stating the date and time
36 the respondent was served, to the law enforcement agency or agencies
37 for the town in which the applicant resides, the town in which the
38 applicant is employed and the town in which the respondent resides.
39 The clerk of the court shall send, by facsimile or other means, a copy of
40 any ex parte order and of any order after notice and hearing, or the
41 information contained in any such order, to the law enforcement
42 agency or agencies for the town in which the applicant resides, the
43 town in which the applicant is employed and the town in which the
44 respondent resides, within forty-eight hours of the issuance of such
45 order.

46 Sec. 2. Section 52-64 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2012*):

48 (a) Service of civil process in any civil action or proceeding
49 maintainable against or in any appeal authorized from the actions of,
50 or service of any foreign attachment or garnishment authorized
51 against, the state or against any institution, board, commission,
52 department or administrative tribunal thereof, or against any officer,
53 servant, agent or employee of the state or of any such institution,
54 board, commission, department or administrative tribunal, as [such]
55 the case may be, may be made by a proper officer (1) leaving a true
56 and attested copy of the process, including the declaration or
57 complaint, with the Attorney General at the [Attorney General's] office
58 of the Attorney General in Hartford, or (2) sending a true and attested
59 copy of the process, including the summons and complaint, by
60 certified mail, return receipt requested, to the Attorney General at the
61 [Attorney General's] office of the Attorney General in Hartford.

62 (b) Notwithstanding the provisions of subsection (a) of this section,
63 service of process by any incarcerated person filing a civil action
64 against the state or any institution, board, commission, department or
65 administrative tribunal thereof, or against any officer, servant, agent or
66 employee of the state or of any such institution, board, commission,
67 department or administrative tribunal, as the case may be, shall be
68 made by the incarcerated person: (1) Sending a copy of the summons
69 and complaint by certified mail, return receipt requested, to the
70 Attorney General at the office of the Attorney General in Hartford; or
71 (2) delivering a copy of the summons and complaint to an employee of
72 the Department of Correction, designated by the Commissioner of
73 Correction to receive such process; such employee shall use the state's
74 interagency mail system to deliver the summons and complaint to the
75 Attorney General at the office of the Attorney General in Hartford.

76 Sec. 3. Subsection (a) of section 52-259b of the general statutes is
77 repealed and the following is substituted in lieu thereof (*Effective*
78 *October 1, 2012*):

79 (a) In any civil or criminal matter, if the court finds that a party is

80 indigent and unable to pay a fee or fees payable to the court or to pay
81 the cost of service of process and that the matter is not frivolous, the
82 court shall waive such fee or fees and the cost of service of process
83 shall be paid by the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	46b-15(e)
Sec. 2	<i>October 1, 2012</i>	52-64
Sec. 3	<i>October 1, 2012</i>	52-259b(a)

Statement of Purpose:

To (1) specify the amount of fees paid by the Judicial Branch to proper officers serving process pursuant to section 46b-15 of the general statutes; (2) reduce the service of process expenditures incurred by the state when an incarcerated person files a cause of action against the state or a state entity; and (3) provide the court with the authority to waive court fees in nonfrivolous matters involving indigent parties.

[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.]