



General Assembly

January Session, 2013

Raised Bill No. 6569

LCO No. 3876



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING CIVIL ACTIONS AND SUBPOENAS FILED TO HARASS AN INDIVIDUAL OR AFTER NUMEROUS ACTIONS AGAINST THE INDIVIDUAL HAVE BEEN DISMISSED.

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

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) (1) No civil action
2 shall be filed by a person who has been convicted of a crime
3 committed against the defendant in such civil action unless the
4 complaint or initial pleading contains a certificate, signed and sworn to
5 by the attorney or party filing the action, that a reasonable inquiry has
6 been made and that, in the opinion of the attorney or party, there are
7 grounds for a good faith belief that such action has merit and that such
8 action is not being filed for a malicious purpose or solely to harass the
9 defendant.

10 (2) No civil action shall be filed by a person who has had three or
11 more prior complaints or appeals against the defendant in such civil
12 action dismissed by a state or federal court on the grounds that such
13 complaints or appeals were frivolous or malicious or failed to state a
14 claim upon which relief may be granted unless the complaint or initial

15 pleading contains a certificate, signed and sworn to by the attorney or
16 party filing the action, that a reasonable inquiry has been made and
17 that, in the opinion of the attorney or party, there are grounds for a
18 good faith belief that such action has merit and that such action is not
19 being filed for a malicious purpose or solely to harass the defendant.

20 (3) Such certificate shall include a detailed basis for the formation of
21 such opinion.

22 (b) Upon the filing of the complaint or initial pleading with such
23 certificate, the court shall stay all proceedings against the defendant. If
24 the court finds, after review of the certificate and such other
25 information as it deems relevant to its review, that the plaintiff has
26 been convicted of a crime of which the defendant is a victim, or has
27 had three or more prior complaints or appeals against the defendant
28 dismissed by a state or federal court on the grounds that such
29 complaints or appeals were frivolous or malicious or failed to state a
30 claim upon which relief may be granted, and that the pending civil
31 action is without merit and was filed for a malicious purpose or solely
32 to harass the defendant, the court, on motion of the defendant or on its
33 own motion, may dismiss such action and may impose upon the
34 attorney or party filing the action, or both, an appropriate sanction
35 which may include an order to pay to the defendant the amount of the
36 reasonable expenses incurred because of the filing of the civil action,
37 including a reasonable attorney's fee. The court may also submit the
38 matter to the appropriate authority for disciplinary review of the
39 attorney if the party's attorney submitted the certificate.

40 (c) For the purposes of this section, "crime" includes, but is not
41 limited to, a family violence crime, as defined in section 46b-38a of the
42 general statutes, and "civil action" does not include a habeas corpus
43 proceeding.

44 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) A party in a civil matter,
45 except a habeas corpus proceeding, shall notify the clerk of the court if

46 the party has had three or more prior complaints or appeals against the
47 defendant in the civil matter dismissed by a state or federal court on
48 the grounds that such complaints or appeals were frivolous or
49 malicious or failed to state a claim upon which relief may be granted.

50 (b) A party who has had three or more prior complaints or appeals
51 against the defendant dismissed on such grounds shall not issue a
52 subpoena summoning the defendant to appear and testify at a court
53 hearing or deposition in any civil matter, except a habeas corpus
54 proceeding, unless a court authorizes the issuance of such subpoena in
55 accordance with subsection (c) of this section.

56 (c) Whenever such party intends to issue a subpoena to any such
57 defendant, such party shall provide the clerk of the court with notice of
58 such intention. Upon receipt of such notice, the clerk of the court shall
59 schedule a hearing and provide notice to such party of the date, time
60 and place of such hearing. At such hearing, such party shall make an
61 offer of proof as to the content of the testimony expected to be given by
62 the defendant. If the court finds that the testimony expected to be
63 given by the defendant is relevant and necessary to the civil matter, the
64 court shall authorize such party to issue such subpoena to such
65 defendant. The scope of such party's examination of the defendant
66 shall be limited in accordance with the court's findings on the offer of
67 proof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	New section
Sec. 2	October 1, 2013	New section

Statement of Purpose:

To protect crime victims, and individuals against whom multiple civil actions have been filed and dismissed, by establishing standards for plaintiffs who initiate civil actions against such victims and individuals.

[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.]