

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



PA 13-127—HB 5513

*Judiciary Committee*

**AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW  
BY NOTARIES PUBLIC**

**SUMMARY:** This act prohibits a notary public from offering or providing legal advice in immigration matters, or representing someone in immigration proceedings, unless he or she is (1) an attorney admitted to the Connecticut bar or (2) authorized by federal regulations to practice immigration law or represent people in immigration proceedings (see BACKGROUND). The law already generally prohibits the practice of law by people not admitted to the state bar.

The act also prohibits a notary public from assuming, using, or advertising the title of notario or notario publico (see BACKGROUND) unless he or she (1) is an attorney admitted to the Connecticut bar or (2) indicates in an advertisement or otherwise provides written notice that he or she is not a state-licensed attorney.

Under the act, any notary public who violates these provisions is deemed to have violated the prohibition on the unauthorized practice of law and is subject to the penalties that apply to unauthorized practice. Under existing law, the unauthorized practice of law is a class C misdemeanor (see Table on Penalties). But PA 13-29 generally increased the penalty to a class D felony. Certain violators are exempt from the criminal penalty.

EFFECTIVE DATE: October 1, 2013

**BACKGROUND**

*Related Federal Regulations*

Federal regulations allow nonprofit religious, charitable, social service, or similar organizations established in the United States and recognized as such by the Board of Immigration Appeals to designate one or more representatives to represent people in immigration matters. The organization must establish to the board's satisfaction that it (1) makes only nominal charges and does not assess excessive membership dues for people it assists and (2) has adequate knowledge, information, and experience. Regulations specify how organizations may apply for such recognition, how the board may withdraw recognition, how recognized organizations may apply for accreditation of persons of good moral character as their representatives, and related matters (8 CFR § 292.2).

*Notario Publico*

In many Spanish-speaking countries, a “notario publico” is authorized to perform certain services that in the United States are reserved to lawyers (Office of the Connecticut Secretary of the State, Notary Public Manual, pg. 14).

OLR PUBLIC ACT SUMMARY

*Related Act*

PA 13-29 generally increases the penalty for the unauthorized practice of law and makes other changes to the unauthorized practice statute.

OLR Tracking: JO:KM:VR:RO