



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

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**Testimony of the Honorable Patrick L. Carroll III  
Judiciary Committee Public Hearing  
March 10, 2014**

**S.B. 389, An Act Concerning Court Operations**

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, my name is Patrick Carroll and I am the Chief Court Administrator. I would like to thank you for the opportunity to provide written testimony in support of **S.B. 389, *An Act Concerning Court Operations***, which is one of two bills that the Judicial Branch has submitted as part of our legislative package this year.

This bill makes a variety of changes that are intended to improve the efficiency and effectiveness of the Judicial Branch. Since it covers a variety of topics, I'd like to give you a brief section by section synopsis of the bill:

Section 1 adds supervisory Judicial Marshals and Chief Probation Officers to the list of individuals who may administer oaths. This will allow them to take acknowledgements on forms that are used every day in the ordinary course of business;

Section 2 eliminates the political party requirement for the judge who serves on the State Marshal Commission;

Section 3 amends the State Library Board statute to eliminate the requirement that the Chief Justice's appointee be a judge of the Supreme Court, significantly expanding the pool of potential appointees;

Section 4 deletes the requirement that a judge be a member of the Firearms Permitting Board. Having a judge on that Board creates a conflict, as appeals from the Board's rulings are filed in the Superior Court;

Section 5 addresses the long standing confusion as to whether the court has to schedule a restraining order application for a hearing, regardless of whether the affidavit meets the statutory criteria. A concern regarding the language of the bill has been brought to our attention, and at the end of my testimony I have proposed additional language to address this concern;

Section 6 would provide the Chief Court Administrator with the flexibility to determine within each judicial district whether housing matters shall be heard in the G.A. or the J.D. Please note that we do not believe that this language would authorize the Chief Court Administrator to eliminate any of the current Housing Sessions;

Section 7 would clarify that when a full no-contact restraining order has been issued, if the respondent mails a copy of a subsequent motion or appearance to the protected party, or causes a marshal to serve the protected party with a motion, or contacts the other party indirectly to convey a short calendar marking, those actions would not be considered “contact” that could constitute a criminal violation of the restraining order;

Section 8 would amend the body armor statute to add Judicial Marshals to the list of persons who do not have to personally take delivery of body armor from the seller;

Section 9 would make a number of minor and technical changes to C.G.S. § 54-66a, concerning the automatic termination of bail bonds, to conform it to recent legislative changes and court practice. Specifically, it would:

- Delete a reference to the Community Service Labor Program that is no longer needed because the suspended prosecution option has been eliminated, leaving only the suspended sentence option available;
- Include language to automatically terminate a bond when a prosecutor terminates prosecution by the entry of a nolle prosequi, which is the current court practice;
- Clarify that a bond and conditions of release remain in effect until the sentence imposed by the court is put into effect, even if the sentence is stayed; and
- Insert necessary cross-references to new and amended gun violations that allow suspension of prosecution;

Sections 10 and 11 are conforming sections;

Section 12 repeals the special education pilot program established in 2000 (C.G.S. § 52-434d) and the statute authorizing the Wrongful Conviction Commission.

That is a summary of the current bill.

Finally, I would like to respectfully request that the Committee consider making two changes to the bill as drafted. The first would address the concern with section 5 that I noted above:

- In line 183, after “section,” insert “or the court otherwise deems it appropriate,”

The second would add a section to the bill to amend language regarding emergency ex parte orders of custody that was enacted, at the request of the Judicial Branch, just this past session. The purpose of the proposed amendment is to clarify when a hearing must be held within 14 days. Under the current language, a hearing must be scheduled within 14 days whether ex parte relief is granted or not. The proposed amendment would require that a hearing be scheduled within 14 days only when an ex parte order has been granted.

- Insert the following after line 357:

“Section 12. Subsection (c) of section 46b-56f of the 2014 Supplement to the General Statutes of Connecticut is repealed and the following is substituted in lieu thereof:

(c) [Upon receipt of the application, the court shall order that a hearing on the application be held not later than fourteen days from the date of such order for hearing.] The court shall order a hearing on any application brought pursuant to this section. If, prior to or after such hearing, the court finds that an immediate and present risk of physical danger or psychological harm to the child exists, the court may, in its discretion, issue an emergency [ex parte] order for the protection of the child and may inform the Department of Children and Families of relevant information in the affidavit for investigation purposes. The emergency [ex parte] order may provide temporary child custody or visitation rights and may enjoin the respondent from: (1) Removing the child from the state; (2) interfering with the applicant's custody of the child; (3) interfering with the child's educational program; or (4) taking any other specific action if the court determines that prohibiting such action is in the best interests of the child. If ex parte relief is ordered on the application, the court shall schedule a hearing not later than fourteen days from the date of the order for hearing. If a postponement of a hearing on the application is requested by either party and granted, no ex parte order shall be granted or continued except upon agreement of the parties or by order of the court for good cause shown.”

In conclusion, I urge the Committee to act favorably on these proposals. Thank you again for the opportunity to provide this testimony.