



General Assembly

February Session, 2014

Raised Bill No. 389

LCO No. 2025



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING COURT OPERATIONS.

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

1 Section 1. Section 1-24 of the 2014 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 The following officers may administer oaths: (1) The clerks of the
5 Senate, the clerks of the House of Representatives and the chairpersons
6 of committees of the General Assembly or of either branch thereof,
7 during its session; (2) state officers, as defined in subsection (t) of
8 section 9-1, judges and clerks of any court, family support magistrates,
9 judge trial referees, justices of the peace, commissioners of the Superior
10 Court, notaries public, town clerks and assistant town clerks, in all
11 cases where an oath may be administered, except in a case where the
12 law otherwise requires; (3) commissioners on insolvent estates,
13 auditors, arbitrators and committees, to parties and witnesses, in all
14 cases tried before them; (4) assessors and boards of assessment
15 appeals, in cases coming before them; (5) commissioners appointed by
16 governors of other states to take the acknowledgment of deeds, in the

17 discharge of their official duty; (6) the moderator of a school district
18 meeting, in such meeting, to the clerk of such district, as required by
19 law; (7) the first selectman, in any matter before the board of
20 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
21 and assistant medical examiners of the Office of the Medical Examiner,
22 in any matter before them; (9) registrars of vital statistics, in any matter
23 before them; (10) any chief inspector or inspector appointed pursuant
24 to section 51-286; (11) registrars of voters, deputy registrars, assistant
25 registrars, and moderators, in any matter before them; (12) special
26 assistant registrars, in matters provided for in subsections (b) and (c) of
27 section 9-19b and section 9-19c; (13) the Commissioner of Emergency
28 Services and Public Protection and any sworn member of any local
29 police department or the Division of State Police within the
30 Department of Emergency Services and Public Protection, in all
31 affidavits, statements, depositions, complaints or reports made to or by
32 any member of any local police department or said Division of State
33 Police or any constable who is under the supervision of said
34 commissioner or any of such officers of said Division of State Police
35 and who is certified under the provisions of sections 7-294a to 7-294e,
36 inclusive, and performs criminal law enforcement duties; (14) judge
37 advocates of the United States Army, Navy, Air Force and Marine
38 Corps, law specialists of the United States Coast Guard, adjutants,
39 assistant adjutants, acting adjutants and personnel adjutants,
40 commanding officers, executive officers and officers whose rank is
41 lieutenant commander or major, or above, of the armed forces, as
42 defined in section 27-103, to persons serving with or in the armed
43 forces, as defined in said section, or their spouses; (15) investigators,
44 deputy investigators, investigative aides, secretaries, clerical assistants,
45 social workers, social worker trainees, paralegals and certified legal
46 interns employed by or assigned to the Public Defender Services
47 Commission in the performance of their assigned duties; (16) bail
48 commissioners, [and] intake, assessment and referral specialists,
49 family relations counselors, support enforcement officers and
50 investigators, chief probation officers and supervisory judicial

51 marshals employed by the Judicial Department in the performance of
52 their assigned duties; (17) juvenile matter investigators employed by
53 the Division of Criminal Justice in the performance of their assigned
54 duties; (18) the chairperson of the Connecticut Siting Council or the
55 chairperson's designee; (19) the presiding officer at an agency hearing
56 under section 4-177b; (20) [family relations counselors employed by
57 the Judicial Department and] support enforcement officers and
58 investigators employed by the Department of Social Services Bureau of
59 Child Support Enforcement, [and the Judicial Department,] in the
60 performance of their assigned duties; (21) the chairperson, vice-
61 chairperson, members and employees of the Board of Pardons and
62 Paroles, in the performance of their assigned duties; (22) the
63 Commissioner of Correction or the commissioner's designee; (23)
64 sworn law enforcement officers, appointed under section 26-5, within
65 the Department of Energy and Environmental Protection, in all
66 affidavits, statements, depositions, complaints or reports made to or by
67 any such sworn law enforcement officer; and (24) sworn motor vehicle
68 inspectors acting under the authority of section 14-8.

69 Sec. 2. Section 6-38b of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective October 1, 2014*):

71 (a) There is established a State Marshal Commission which shall
72 consist of eight members appointed as follows: (1) The Chief Justice
73 shall appoint one member who shall be a judge of the Superior Court;
74 (2) the speaker of the House of Representatives, the president pro
75 tempore of the Senate, the majority and minority leaders of the House
76 of Representatives and the majority and minority leaders of the Senate
77 shall each appoint one member; and (3) the Governor shall appoint one
78 member who shall serve as chairperson. Of the seven members
79 appointed pursuant to subdivisions (2) and (3) of this subsection, no
80 more than three of such members may be members of any state bar.
81 No member of the commission shall be a state marshal, except that two
82 state marshals appointed by the State Marshals Advisory Board in
83 accordance with section 6-38c shall serve as ex-officio, nonvoting

84 members of the commission.

85 (b) The chairperson shall serve for a three-year term and all
86 appointments of members to replace those whose terms expire shall be
87 for terms of three years.

88 [(c) No more than four of the members, other than the chairperson,
89 may be members of the same political party. Of the seven nonjudicial
90 members, other than the chairperson, at least three shall not be
91 members of the bar of any state.]

92 [(d)] (c) If any vacancy occurs on the commission, the appointing
93 authority having the power to make the initial appointment under the
94 provisions of this section shall appoint a person for the unexpired term
95 in accordance with the provisions of this section.

96 [(e)] (d) Members shall serve without compensation but shall be
97 reimbursed for actual expenses incurred while engaged in the duties of
98 the commission.

99 [(f)] (e) The commission, in consultation with the State Marshals
100 Advisory Board, shall adopt regulations in accordance with the
101 provisions of chapter 54 to establish professional standards, including
102 training requirements and minimum fees for execution and service of
103 process.

104 [(g)] (f) The commission shall be responsible for the equitable
105 assignment of service of restraining orders to the state marshals in each
106 county and ensure that such restraining orders are served
107 expeditiously. Failure of any state marshal to accept for service any
108 restraining order assigned by the commission or to serve such
109 restraining order expeditiously without good cause shall be sufficient
110 for the convening of a hearing for removal under subsection [(j)] (i) of
111 this section.

112 [(h)] (g) Any vacancy in the position of state marshal in any county

113 as provided in section 6-38 shall be filled by the commission with an
114 applicant who shall be an elector in the county where such vacancy
115 occurs. Any applicant for such vacancy shall be subject to the
116 application and investigation requirements of the commission.

117 [(i)] (h) Except as provided in section 6-38f, no person may be a state
118 marshal and a state employee at the same time. This subsection does
119 not apply to any person who was both a state employee and a deputy
120 sheriff or special deputy sheriff on April 27, 2000.

121 [(j)] (i) No state marshal may be removed except by order of the
122 commission for cause after due notice and hearing.

123 [(k)] (j) The commission may adopt such rules as it deems necessary
124 for conduct of its internal affairs and shall adopt regulations in
125 accordance with the provisions of chapter 54 for the application and
126 investigation requirements for filling vacancies in the position of state
127 marshal.

128 [(l)] (k) The commission shall be within the Department of
129 Administrative Services, provided the commission shall have
130 independent decision-making authority.

131 Sec. 3. Subsection (a) of section 11-1 of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective July*
133 *1, 2014*):

134 (a) The State Library Board shall consist of the Chief Justice of the
135 Supreme Court or his designee, the Chief Court Administrator or his
136 designee, the Commissioner of Education or his designee and five
137 electors to be appointed by the Governor for terms of five years from
138 July first in the year of their appointment. The terms of all members
139 appointed prior to July 1, 1987, shall terminate on June 30, 1987.
140 Commencing on July 1, 1987, appointments to the board shall be made
141 as follows: Five members shall be appointed by the Governor, one of
142 whom shall be an experienced librarian, one of whom shall be an

143 experienced archivist and one of whom shall be an experienced
144 museum professional; and one member each shall be appointed by the
145 president pro tempore of the Senate, the minority leader of the Senate,
146 the speaker of the House of Representatives and the minority leader of
147 the House. The term of each member of the board commencing on or
148 after July 1, 1987, shall be coterminous with the term of the appointing
149 authority. The appointing authority shall fill any vacancy in the office
150 of an appointed member for the unexpired portion of the term. [The
151 Chief Justice may designate any judge of the Supreme Court to serve in
152 his place.]

153 Sec. 4. Subsection (a) of section 29-32b of the 2014 supplement to the
154 general statutes is repealed and the following is substituted in lieu
155 thereof (*Effective July 1, 2014*):

156 (a) There is established a Board of Firearms Permit Examiners,
157 within the Office of Governmental Accountability established under
158 section 1-300, to be comprised of nine members [, eight of whom shall
159 be] appointed by the Governor to serve during the Governor's term
160 and until such members' successors are appointed and qualify. [, and
161 one of whom shall be a retired judge of the Superior Court appointed
162 by the Chief Court Administrator.] With the exception of [two] three
163 public members, the members appointed by the Governor shall be
164 appointed from nominees of the Commissioner of Emergency Services
165 and Public Protection, the Commissioner of Mental Health and
166 Addiction Services, the Connecticut State Association of Chiefs of
167 Police, the Commissioner of Energy and Environmental Protection,
168 The Connecticut State Rifle and Revolver Association, Inc., and Ye
169 Connecticut Gun Guild, Inc., and each of said organizations shall be
170 entitled to representation on the board. At least one member of the
171 board appointed by the Governor shall be a lawyer licensed to practice
172 in this state who shall act as chairman of the board during the hearing
173 of appeals brought under this section.

174 Sec. 5. Subsection (b) of section 46b-15 of the 2014 supplement to the

175 general statutes is repealed and the following is substituted in lieu
176 thereof (*Effective October 1, 2014*):

177 (b) The application form shall allow the applicant, at the applicant's
178 option, to indicate whether the respondent holds a permit to carry a
179 pistol or revolver or possesses one or more firearms or ammunition.
180 The application shall be accompanied by an affidavit made under oath
181 which includes a brief statement of the conditions from which relief is
182 sought. Upon receipt of the application, if the allegations set forth in
183 the affidavit meet the requirements of subsection (a) of this section, the
184 court shall [order that] schedule a hearing on the application be held
185 not later than fourteen days from the date of the [order] application.
186 The court, in its discretion, may make such orders as it deems
187 appropriate for the protection of the applicant and such dependent
188 children or other persons as the court sees fit. In making such orders,
189 the court, in its discretion, may consider relevant court records if the
190 records are available to the public from a clerk of the Superior Court or
191 on the Judicial Branch's Internet web site. Such orders may include
192 temporary child custody or visitation rights, and such relief may
193 include, but is not limited to, an order enjoining the respondent from
194 (1) imposing any restraint upon the person or liberty of the applicant;
195 (2) threatening, harassing, assaulting, molesting, sexually assaulting or
196 attacking the applicant; or (3) entering the family dwelling or the
197 dwelling of the applicant. Such order may include provisions
198 necessary to protect any animal owned or kept by the applicant
199 including, but not limited to, an order enjoining the respondent from
200 injuring or threatening to injure such animal. If an applicant alleges an
201 immediate and present physical danger to the applicant, the court may
202 issue an ex parte order granting such relief as it deems appropriate. If a
203 postponement of a hearing on the application is requested by either
204 party and granted, the ex parte order shall not be continued except
205 upon agreement of the parties or by order of the court for good cause
206 shown. If a hearing on the application is scheduled or an ex parte order
207 is granted and the court is closed on the scheduled hearing date, the

208 hearing shall be held on the next day the court is open and any such ex
209 parte order shall remain in effect until the date of such hearing.

210 Sec. 6. Section 51-348 of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective October 1, 2014*):

212 (a) The geographical areas of the Court of Common Pleas
213 established pursuant to section 51-156a, revised to 1975, shall be the
214 geographical areas of the Superior Court on July 1, 1978. The Chief
215 Court Administrator, after consultation with the judges of the Superior
216 Court, may alter the boundary of any geographical area to provide for
217 a new geographical area provided that each geographical area so
218 altered or so authorized shall remain solely within the boundary of a
219 single judicial district.

220 (b) Such geographical areas shall serve for purposes of establishing
221 venue for the following matters: (1) The presentment of defendants in
222 motor vehicle matters, except as provided in subsection (d) of this
223 section; (2) the arraignment of defendants in criminal matters; (3)
224 housing matters as defined in section 47a-68, except that (A) [in the
225 judicial districts of Hartford, New Britain, New Haven, Fairfield,
226 Waterbury, Middlesex, Tolland and Stamford-Norwalk, venue shall be
227 in the judicial district,] if the Chief Court Administrator determines
228 that the prompt and proper administration of judicial business
229 requires the housing matter to be heard in the judicial district, venue
230 shall be in the judicial district; and (B) in the judicial district of
231 Ansonia-Milford, venue shall be in the geographical area unless (i) the
232 plaintiff requests a change in venue to either the judicial district of
233 New Haven or the judicial district of Waterbury, or (ii) the premises
234 are located in the town of Milford, Orange or West Haven, in which
235 case venue shall be in the judicial district of New Haven; (4) such other
236 matters as the judges of the Superior Court may determine by rule.

237 (c) For the prompt and proper administration of judicial business,
238 any matter and any trial can be heard in any courthouse within a

239 judicial district, at the discretion of the Chief Court Administrator, if
240 the use of such courthouse for such matter or trial is convenient to
241 litigants and their counsel and is a practical use of judicial personnel
242 and facilities, except juvenile matters may be heard as provided in
243 section 46b-122. Whenever practicable family relations matters shall be
244 heard in facilities most convenient to the litigants. Housing matters, as
245 defined in section 47a-68, shall be heard on a docket separate from
246 other matters within the judicial districts of Hartford, New Britain,
247 New Haven, Fairfield, Waterbury and Stamford-Norwalk, provided in
248 the judicial district of New Britain such matters shall be heard by the
249 judge assigned to hear housing matters in the judicial district of
250 Hartford, in the judicial district of Waterbury such matters shall be
251 heard by the judge assigned to hear housing matters in the judicial
252 district of New Haven, and in the judicial district of Stamford-Norwalk
253 such matters shall be heard by the judge assigned to hear housing
254 matters in the judicial district of Fairfield. The records, files and other
255 documents pertaining to housing matters shall be maintained separate
256 from the records, files and other documents of the court. Matters do
257 not have to be heard in the facilities to which the process is returned
258 and the pleadings filed.

259 (d) Venue for infractions and violations that may be heard and
260 decided by a magistrate pursuant to section 51-193u shall be at
261 Superior Court facilities designated by the Chief Court Administrator
262 to hear such matters.

263 Sec. 7. Section 53a-223b of the general statutes is repealed and the
264 following is substituted in lieu thereof (*Effective October 1, 2014*):

265 (a) A person is guilty of criminal violation of a restraining order
266 when (1) (A) a restraining order has been issued against such person
267 pursuant to section 46b-15, or (B) a foreign order of protection, as
268 defined in section 46b-15a, has been issued against such person in a
269 case involving the use, attempted use or threatened use of physical
270 force against another, and (2) such person, having knowledge of the

271 terms of the order, (A) does not stay away from a person or place in
272 violation of the order, (B) contacts a person in violation of the order,
273 (C) imposes any restraint upon the person or liberty of a person in
274 violation of the order, or (D) threatens, harasses, assaults, molests,
275 sexually assaults or attacks a person in violation of the order.

276 (b) No person who is listed as a protected person in such restraining
277 order or foreign order of protection may be criminally liable for (1)
278 soliciting, requesting, commanding, importuning or intentionally
279 aiding in the violation of the restraining order or foreign order of
280 protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy
281 to violate such restraining order or foreign order of protection
282 pursuant to section 53a-48.

283 (c) No person who is listed as a respondent in a restraining order
284 issued pursuant to section 46b-15, or a foreign order of protection
285 issued pursuant to section 46b-15a may be criminally liable for
286 violation of said orders if such person causes legal documents to be
287 sent to the protected person by mail or through a third party.

288 [(c)] (d) Criminal violation of a restraining order is a class D felony.

289 Sec. 8. Section 53-341b of the general statutes is repealed and the
290 following is substituted in lieu thereof (*Effective October 1, 2014*):

291 (a) No person, firm or corporation shall sell or deliver body armor
292 to another person unless the transferee meets in person with the
293 transferor to accomplish the sale or delivery.

294 (b) The provisions of subsection (a) of this section shall not apply to
295 the sale or delivery of body armor to (1) a sworn member or
296 authorized official of an organized local police department, the
297 Division of State Police within the Department of Emergency Services
298 and Public Protection, the Division of Criminal Justice, the Department
299 of Correction, the Board of Pardons and Paroles or the Department of
300 Motor Vehicles, (2) an authorized official of a municipality or the

301 Department of Administrative Services that purchases body armor on
302 behalf of an organized local police department, the Division of State
303 Police within the Department of Emergency Services and Public
304 Protection, the Division of Criminal Justice, the Department of
305 Correction, the Board of Pardons and Paroles or the Department of
306 Motor Vehicles, (3) an authorized official of the Judicial Branch who
307 purchases body armor on behalf of a probation officer or a judicial
308 marshal, or (4) a member of the National Guard or the armed forces
309 reserve.

310 (c) As used in this section, "body armor" means any material
311 designed to be worn on the body and to provide bullet penetration
312 resistance.

313 (d) Any person, firm or corporation that violates the provisions of
314 this section shall be guilty of a class B misdemeanor.

315 Sec. 9. Section 54-66a of the 2014 supplement to the general statutes
316 is repealed and the following is substituted in lieu thereof (*Effective*
317 *October 1, 2014*):

318 Any bail bond posted in any criminal proceeding in this state shall
319 be automatically terminated and released whenever the defendant: (1)
320 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
321 granted admission to the pretrial alcohol education program pursuant
322 to section 54-56g; (3) is granted admission to the pretrial family
323 violence education program pursuant to section 46b-38c; [(4) is granted
324 admission to the community service labor program pursuant to section
325 53a-39c; (5)] (4) is granted admission to the pretrial drug education and
326 community service program pursuant to section 54-56i; [(6)] (5) has the
327 complaint or information filed against such defendant dismissed; (6)
328 has the prosecution of the complaint or information filed against such
329 defendant terminated by entry of a nolle prosequi; (7) is acquitted; (8)
330 is sentenced by the court and a stay of such sentence, if any, is lifted;
331 (9) is granted admission to the pretrial school violence prevention

332 program pursuant to section 54-56j; (10) is charged with a violation of
333 section 29-33, ~~53-202l~~ or ~~53-202w~~, and prosecution has been suspended
334 pursuant to subsection (h) of section 29-33; [or] (11) is charged with a
335 violation of section 29-37a and prosecution has been suspended
336 pursuant to subsection (i) of section 29-37a; or (12) is granted
337 admission to the supervised diversionary program for persons with
338 psychiatric disabilities pursuant to section 54-56l.

339 Sec. 10. Subsection (c) of section 6-38f of the general statutes is
340 repealed and the following is substituted in lieu thereof (*Effective*
341 *October 1, 2014*):

342 (c) Except as provided in subsection (a) of this section, for purposes
343 of the State Marshal Commission filling any vacancy in the position of
344 state marshal in any county in accordance with subsection [(h)] (g) of
345 section 6-38b, as amended by this act, the State Marshal Commission
346 shall not fill a vacancy in any county if the total number of state
347 marshals in such county is equal to or exceeds the number allowed
348 under section 6-38.

349 Sec. 11. Section 6-38n of the general statutes is repealed and the
350 following is substituted in lieu thereof (*Effective October 1, 2014*):

351 Notwithstanding the provisions of sections 6-38, 6-38f and 6-38g,
352 any high sheriff may apply not later than October 1, 2001, to the State
353 Marshal Commission for appointment as a state marshal and may be
354 appointed as a state marshal, provided he or she complies with the
355 provisions of subsection [(h)] (g) of section 6-38b, as amended by this
356 act, and resigns the position of high sheriff on or before appointment
357 as a state marshal.

358 Sec. 12. Sections 52-434d and 54-102 of the general statutes are
359 repealed. (*Effective October 1, 2014*)

| | | |
|---|------------------------|------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2014</i> | 1-24 |
| Sec. 2 | <i>October 1, 2014</i> | 6-38b |
| Sec. 3 | <i>July 1, 2014</i> | 11-1(a) |
| Sec. 4 | <i>July 1, 2014</i> | 29-32b(a) |
| Sec. 5 | <i>October 1, 2014</i> | 46b-15(b) |
| Sec. 6 | <i>October 1, 2014</i> | 51-348 |
| Sec. 7 | <i>October 1, 2014</i> | 53a-223b |
| Sec. 8 | <i>October 1, 2014</i> | 53-341b |
| Sec. 9 | <i>October 1, 2014</i> | 54-66a |
| Sec. 10 | <i>October 1, 2014</i> | 6-38f(c) |
| Sec. 11 | <i>October 1, 2014</i> | 6-38n |
| Sec. 12 | <i>October 1, 2014</i> | Repealer section |

Statement of Purpose:

To authorize chief probation officers and supervisory judicial marshals to administer oaths in the performance of their duties, to remove the political party restriction on who may serve on the State Marshal Commission, to remove the restriction on who the Chief Justice may designate to serve on the State Library Board, to remove a retired judge from the membership of the Board of Firearms Permit Examiners, to clarify whether the court has to schedule a restraining order application for a hearing, regardless of whether the affidavit meets the statutory criteria, to allow the Chief Court Administrator to place venue of housing matters in the judicial district, to clarify that contact by a respondent upon a protected person in certain instances does not constitute a violation of a restraining order, to allow an authorized official of the Judicial Branch to purchase body armor on behalf of a judicial marshal, to make minor and technical changes to bail bonds, to repeal a statute authorizing a special education pilot program, and to repeal the Wrongful Conviction Commission.

[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.]