



General Assembly

Substitute Bill No. 389

February Session, 2014



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2 is repealed and the following is substituted in lieu thereof (*Effective*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, family
49 relations counselors, support enforcement officers and investigators,
50 chief probation officers and supervisory judicial marshals employed
51 by the Judicial Department in the performance of their assigned duties;
52 (17) juvenile matter investigators employed by the Division of
53 Criminal Justice in the performance of their assigned duties; (18) the
54 chairperson of the Connecticut Siting Council or the chairperson's
55 designee; (19) the presiding officer at an agency hearing under section

56 4-177b; (20) [family relations counselors employed by the Judicial
57 Department and] support enforcement officers and investigators
58 employed by the Department of Social Services Bureau of Child
59 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 four of such members may be members of any state bar. No
81 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. (NEW) (*Effective October 1, 2014*) All moneys in an amount of
154 ten dollars or less found by any person in or on the grounds of the
155 Superior Court which is turned over by such person to the clerk of the
156 Superior Court shall be presumed abandoned and deposited into the
157 General Fund by the clerk of the Superior Court.

158 Sec. 5. Section 51-348 of the general statutes is repealed and the
159 following is substituted in lieu thereof (*Effective October 1, 2014*):

160 (a) The geographical areas of the Court of Common Pleas
161 established pursuant to section 51-156a, revised to 1975, shall be the
162 geographical areas of the Superior Court on July 1, 1978. The Chief
163 Court Administrator, after consultation with the judges of the Superior
164 Court, may alter the boundary of any geographical area to provide for
165 a new geographical area provided that each geographical area so
166 altered or so authorized shall remain solely within the boundary of a
167 single judicial district.

168 (b) Such geographical areas shall serve for purposes of establishing
169 venue for the following matters: (1) The presentment of defendants in
170 motor vehicle matters, except as provided in subsection (d) of this
171 section; (2) the arraignment of defendants in criminal matters; (3)
172 housing matters as defined in section 47a-68, except that (A) in the
173 judicial districts of Hartford, New Britain, New Haven, Fairfield,
174 Waterbury, Middlesex, Tolland and Stamford-Norwalk and in any
175 other judicial district for which the Chief Court Administrator
176 determines that the prompt and proper administration of judicial
177 business requires that venue for housing matters be in the judicial
178 district, venue shall be in the judicial district, and (B) in the judicial
179 district of Ansonia-Milford, venue shall be in the geographical area
180 unless (i) the plaintiff requests a change in venue to either the judicial
181 district of New Haven or the judicial district of Waterbury, or (ii) the

182 premises are located in the town of Milford, Orange or West Haven, in
183 which case venue shall be in the judicial district of New Haven; (4)
184 such other matters as the judges of the Superior Court may determine
185 by rule.

186 (c) For the prompt and proper administration of judicial business,
187 any matter and any trial can be heard in any courthouse within a
188 judicial district, at the discretion of the Chief Court Administrator, if
189 the use of such courthouse for such matter or trial is convenient to
190 litigants and their counsel and is a practical use of judicial personnel
191 and facilities, except juvenile matters may be heard as provided in
192 section 46b-122. Whenever practicable family relations matters shall be
193 heard in facilities most convenient to the litigants. Housing matters, as
194 defined in section 47a-68, shall be heard on a docket separate from
195 other matters within the judicial districts of Hartford, New Britain,
196 New Haven, Fairfield, Waterbury and Stamford-Norwalk, provided in
197 the judicial district of New Britain such matters shall be heard by the
198 judge assigned to hear housing matters in the judicial district of
199 Hartford, in the judicial district of Waterbury such matters shall be
200 heard by the judge assigned to hear housing matters in the judicial
201 district of New Haven, and in the judicial district of Stamford-Norwalk
202 such matters shall be heard by the judge assigned to hear housing
203 matters in the judicial district of Fairfield. The records, files and other
204 documents pertaining to housing matters shall be maintained separate
205 from the records, files and other documents of the court. Matters do
206 not have to be heard in the facilities to which the process is returned
207 and the pleadings filed.

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

212 Sec. 6. Section 51-193b of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective October 1, 2014*):

214 Payment of any fees, costs, fines or other charges to the [Superior
215 Court] Judicial Branch may be made by means of a credit card, and the
216 payor may be charged a service fee for any payment made by credit
217 card. The service fee shall not exceed any charge by the credit card
218 issuer, including any discount rate. Payments by credit card shall be
219 made at such time and under such conditions as the Office of the Chief
220 Court Administrator may prescribe.

221 Sec. 7. Section 53-341b of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

226 (b) The provisions of subsection (a) of this section shall not apply to
227 the sale or delivery of body armor to (1) a sworn member or
228 authorized official of an organized local police department, the
229 Division of State Police within the Department of Emergency Services
230 and Public Protection, the Division of Criminal Justice, the Department
231 of Correction, the Board of Pardons and Paroles or the Department of
232 Motor Vehicles, (2) an authorized official of a municipality or the
233 Department of Administrative Services that purchases body armor on
234 behalf of an organized local police department, the Division of State
235 Police within the Department of Emergency Services and Public
236 Protection, the Division of Criminal Justice, the Department of
237 Correction, the Board of Pardons and Paroles or the Department of
238 Motor Vehicles, (3) an authorized official of the Judicial Branch who
239 purchases body armor on behalf of a probation officer or a judicial
240 marshal, or (4) a member of the National Guard or the armed forces
241 reserve.

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

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

247 Sec. 8. Section 54-66a of the 2014 supplement to the general statutes
248 is repealed and the following is substituted in lieu thereof (*Effective*
249 *October 1, 2014*):

250 Any bail bond posted in any criminal proceeding in this state shall
251 be automatically terminated and released whenever the defendant: (1)
252 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
253 granted admission to the pretrial alcohol education program pursuant
254 to section 54-56g; (3) is granted admission to the pretrial family
255 violence education program pursuant to section 46b-38c; [(4) is granted
256 admission to the community service labor program pursuant to section
257 53a-39c; (5)] (4) is granted admission to the pretrial drug education and
258 community service program pursuant to section 54-56i; [(6)] (5) has the
259 complaint or information filed against such defendant dismissed; (6)
260 has the prosecution of the complaint or information filed against such
261 defendant terminated by entry of a nolle prosequi; (7) is acquitted; (8)
262 is sentenced by the court and a stay of such sentence, if any, is lifted;
263 (9) is granted admission to the pretrial school violence prevention
264 program pursuant to section 54-56j; (10) is charged with a violation of
265 section 29-33, 53-202l or 53-202w, and prosecution has been suspended
266 pursuant to subsection (h) of section 29-33; [or] (11) is charged with a
267 violation of section 29-37a and prosecution has been suspended
268 pursuant to subsection (i) of section 29-37a; or (12) is granted
269 admission to the supervised diversionary program for persons with
270 psychiatric disabilities pursuant to section 54-56l.

271 Sec. 9. Subsection (c) of section 46b-56f of the 2014 supplement to
272 the general statutes is repealed and the following is substituted in lieu
273 thereof (*Effective October 1, 2014*):

274 (c) [Upon receipt of the application, the court shall order that a
275 hearing on the application be held not later than fourteen days from
276 the date of such order for hearing.] The court shall order a hearing on

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

295 Sec. 10. Section 46b-7 of the general statutes is repealed and the
296 following is substituted in lieu thereof (*Effective October 1, 2014*):

297 Whenever, in any family relations matter, including appeals from
298 the Superior Court, an investigation has been ordered, the case shall
299 not be disposed of until the report has been filed as hereinafter
300 provided, and counsel and the parties have had a reasonable
301 opportunity to examine it prior to the time the case is to be heard. Any
302 report of an investigation shall be [made in quadruplicate and shall be]
303 filed with the clerk and mailed to counsel and self-represented parties
304 of record.

305 Sec. 11. Subsection (c) of section 6-38f of the general statutes is
306 repealed and the following is substituted in lieu thereof (*Effective*
307 *October 1, 2014*):

308 (c) Except as provided in subsection (a) of this section, for purposes

309 of the State Marshal Commission filling any vacancy in the position of
 310 state marshal in any county in accordance with subsection [(h)] (g) of
 311 section 6-38b, as amended by this act, the State Marshal Commission
 312 shall not fill a vacancy in any county if the total number of state
 313 marshals in such county is equal to or exceeds the number allowed
 314 under section 6-38.

315 Sec. 12. Section 6-38n of the general statutes is repealed and the
 316 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

324 Sec. 13. Sections 52-434d and 54-102pp of the general statutes are
 325 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>October 1, 2014</i>	New section
Sec. 5	<i>October 1, 2014</i>	51-348
Sec. 6	<i>October 1, 2014</i>	51-193b
Sec. 7	<i>October 1, 2014</i>	53-341b
Sec. 8	<i>October 1, 2014</i>	54-66a
Sec. 9	<i>October 1, 2014</i>	46b-56f(c)
Sec. 10	<i>October 1, 2014</i>	46b-7
Sec. 11	<i>October 1, 2014</i>	6-38f(c)
Sec. 12	<i>October 1, 2014</i>	6-38n
Sec. 13	<i>October 1, 2014</i>	Repealer section

JUD *Joint Favorable Subst.*

ED *Joint Favorable*