
OLR Bill Analysis

sHB 5554 (as amended by House "A")*

AN ACT CONCERNING THE DUTIES OF STATE MARSHALS.

SUMMARY:

This bill makes it criminal impersonation for anyone to pretend to be a state marshal to (1) obtain a benefit or (2) induce another person to submit to a state marshal's authority or act in reliance on the pretense. By law, criminal impersonation is a class A misdemeanor, punishable by up to one year imprisonment, a fine up to \$2,000, or both.

The bill also makes it a class A misdemeanor for an "indifferent person" to serve process knowing that he or she is not authorized to do so. An "indifferent person" is someone who is not a proper officer, such as a state marshal or constable, and who is not involved in the case. Service of process is the procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party.

Existing law authorizes a proper officer and, under limited circumstances, an indifferent person to serve legal process in a civil action. An indifferent person may serve such process (1) if it involves multiple defendants who live in different counties in the state or (2) in the case of a writ of attachment (i.e., an order to seize or attach property), one of the plaintiffs, or his or her agent or attorney, makes a sworn statement before the authority signing the order stating that the plaintiff is in danger of losing the debt or demand unless an indifferent person is authorized to serve process immediately. Existing law also authorizes an indifferent person to (1) serve specific types of legal papers, such as a notice to quit possession or occupancy of a premises (CGS § 47a-23(c)) and (2) carry out specific legal orders, such as a bench arrest warrant (CGS § 54-64b).

*House Amendment "A" removes the provisions that would authorize state marshals to access and use the Connecticut on-line law

enforcement communications teleprocessing (COLLECT) system, without charge. The COLLECT system is used by law enforcement and criminal justice agencies to access online state and federal law enforcement resources.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (03/28/2014)