



House of Representatives

General Assembly

File No. 551

February Session, 2014

Substitute House Bill No. 5554

House of Representatives, April 15, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DUTIES OF STATE MARSHALS.

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

1 Section 1. Section 6-32 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) Each state marshal shall receive each process directed to such
4 marshal when tendered, execute it promptly and make true return
5 thereof; and shall, without any fee, give receipts when demanded for
6 all civil process delivered to such marshal to be served, specifying the
7 names of the parties, the date of the writ, the time of delivery and the
8 sum or thing in demand. If any state marshal does not duly and
9 promptly execute and return any such process or makes a false or
10 illegal return thereof, such marshal shall be liable to pay double the
11 amount of all damages to the party aggrieved.

12 (b) Each state marshal shall have access to, and use of, the
13 Connecticut on-line law enforcement communications teleprocessing
14 system without charge.

15 Sec. 2. Section 53a-130 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2014*):

17 (a) A person is guilty of criminal impersonation when such person:
18 (1) Impersonates another and does an act in such assumed character
19 with intent to obtain a benefit or to injure or defraud another; or (2)
20 pretends to be a state marshal with intent to obtain a benefit or induce
21 another to submit to such pretended official authority or otherwise to
22 act in reliance upon that pretense; or [(2)] (3) pretends to be a
23 representative of some person or organization and does an act in such
24 pretended capacity with intent to obtain a benefit or to injure or
25 defraud another; or [(3)] (4) pretends to be a public servant other than
26 a sworn member of an organized local police department or the
27 Division of State Police within the Department of Emergency Services
28 and Public Protection, or wears or displays without authority any
29 uniform, badge or shield by which such public servant is lawfully
30 distinguished, with intent to induce another to submit to such
31 pretended official authority or otherwise to act in reliance upon that
32 pretense; or [(4)] (5) with intent to defraud, deceive or injure another,
33 uses an electronic device to impersonate another and such act results
34 in personal injury or financial loss to another or the initiation of
35 judicial proceedings against another.

36 (b) The provisions of subdivision [(4)] (5) of subsection (a) of this
37 section shall not apply to a law enforcement officer acting in the
38 performance of his or her official duties.

39 (c) Criminal impersonation is a class A misdemeanor.

40 Sec. 3. Section 52-50 of the 2014 supplement to the general statutes is
41 repealed and the following is substituted in lieu thereof (*Effective*
42 *October 1, 2014*):

43 (a) All process shall be directed to a state marshal, a constable or
44 other proper officer authorized by statute, or, subject to the provisions
45 of subsection (b) of this section, to an indifferent person. A direction on
46 the process "to any proper officer" shall be sufficient to direct the

47 process to a state marshal, constable or other proper officer.

48 (b) Process shall not be directed to an indifferent person unless more
49 defendants than one are named in the process and are described to
50 reside in different counties in the state, or unless, in case of a writ of
51 attachment, the plaintiff or one of the plaintiffs, or his or their agent or
52 attorney, makes oath before the authority signing the writ that the
53 affiant truly believes the plaintiff is in danger of losing his debt or
54 demand unless an indifferent person is deputed for the immediate
55 service of the writ or other process. The authority signing the writ shall
56 certify on the writ that he administered the oath and insert in the writ
57 the name of the person to whom it is directed, but he need not insert
58 the reason for such direction. Any process directed to an indifferent
59 person by reason of such an affidavit shall be abatable on proof that
60 the party making the affidavit did not have reasonable grounds, at the
61 time of making it, for believing the statements in the affidavit to be
62 true. Any indifferent person who, knowing that he is not authorized to
63 do so under this section or any other provision of the general statutes,
64 serves process shall be guilty of a class A misdemeanor.

65 (c) Service of motions for modification, motions for contempt and
66 wage withholdings in any matter involving a beneficiary of care or
67 assistance from the state and in other IV-D child support cases may be
68 made by any investigator employed by the Commissioner of
69 Administrative Services or the Commissioner of Social Services.

70 (d) Service of motions for modification, motions for contempt and
71 wage withholdings in any matter involving child support, including,
72 but not limited to, petitions for support authorized under sections 17b-
73 745 and 46b-215, and those matters involving a beneficiary of care or
74 assistance from the state, and service of other process in IV-D support
75 cases, as defined in subdivision (13) of subsection (b) of section 46b-
76 231, may be made by a support enforcement officer or support services
77 investigator of the Superior Court.

78 (e) Borough bailiffs may, within their respective boroughs, execute
79 all legal process which state marshals or constables may execute.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	6-32
Sec. 2	October 1, 2014	53a-130
Sec. 3	October 1, 2014	52-50

Statement of Legislative Commissioners:

In section 3(b), "Any indifferent person who knowingly serves process without authorization to do so under this section or under any other provision of the general statutes shall be guilty of a class A misdemeanor." was changed to "Any indifferent person who, knowing that he is not authorized to do so under this section or any other provision of the general statutes, serves process shall be guilty of a class A misdemeanor.", for clarity and consistency with other provisions of the general statutes.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Municipal Impact: None

Explanation

The bill expands the crime of criminal impersonation to include pretending to be a state marshal and results in a potential revenue gain. In FY 13 there were 14 offenses of criminal impersonation which resulted in a revenue gain of \$5,400 in fines.

The bill also gives state marshals access to the Connecticut on-line law enforcement communications teleprocessing system and does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**sHB 5554*****AN ACT CONCERNING THE DUTIES OF STATE MARSHALS.*****SUMMARY:**

This bill authorizes 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, free of charge, to access online state and federal law enforcement resources. It contains data on wanted persons, criminal history records, protective orders, drivers' licenses, and motor vehicle records, among other records.

The bill also makes it a crime 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. The bill classifies this as a class A misdemeanor, punishable by up to one year imprisonment, a fine up to \$2,000, or both.

The bill 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 and who is not involved in the case (see BACKGROUND). Service of process is the procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party.

EFFECTIVE DATE: October 1, 2014

BACKGROUND***Service of Process by an Indifferent Person***

By law, only authorized persons are allowed to serve process. Authorized persons include (1) proper officers, such as state marshals and constables, and (2) under limited circumstances, an "indifferent

person.” An indifferent person may serve process if (1) 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.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (03/28/2014)