



# House of Representatives

General Assembly

**File No. 634**

February Session, 2014

House Bill No. 5556

*House of Representatives, April 17, 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 bill ought to pass.

***AN ACT CONCERNING FEES RECEIVED BY OFFICERS AND PERSONS SERVING PROCESS AND PERFORMING OTHER DUTIES.***

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

1 Section 1. Section 52-261 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) Except as provided in subsection (b) of this section and section  
4 52-261a, each officer or person who serves process, summons or  
5 attachments on behalf of: (1) An official of the state or any of its  
6 agencies, boards or commissions, or any municipal official acting in his  
7 or her official capacity, shall receive a fee of not more than thirty  
8 dollars for each process served and an additional fee of thirty dollars  
9 for the second and each subsequent service of such process, except that  
10 such officer or person shall receive an additional fee of ten dollars for  
11 each subsequent service of such process at the same address or for  
12 notification of the office of the Attorney General in dissolution and  
13 postjudgment proceedings if a party or child is receiving public  
14 assistance; and (2) any person, except a person described in

15 subdivision (1) of this subsection, shall receive a fee of not more than  
16 forty dollars for each process served and an additional fee of forty  
17 dollars for the second and each subsequent service of such process,  
18 except that such officer or person shall receive an additional fee of  
19 twenty dollars for each subsequent service of such process at the same  
20 address or for notification of the office of the Attorney General in  
21 dissolution and postjudgment proceedings if a party or child is  
22 receiving public assistance. Each such officer or person shall also  
23 receive the fee set by the Department of Administrative Services for  
24 state employees for each mile of travel, to be computed from the place  
25 where such officer or person received the process to the place of  
26 service, and thence in the case of civil process to the place of return. If  
27 more than one process is served on one person at one time by any such  
28 officer or person, the total cost of travel for the service shall be the  
29 same as for the service of one process only. Each officer or person who  
30 serves process shall also receive the moneys actually paid for town  
31 clerk's fees on the service of process. Any officer or person required to  
32 summon jurors by personal service of a warrant to attend court shall  
33 receive for the first ten miles of travel while so engaged, such mileage  
34 to be computed from the place where such officer or person receives  
35 the process to the place of service, twenty-five cents for each mile, and  
36 for each additional mile, ten cents. For summoning any juror to attend  
37 court otherwise than by personal service of the warrant, such officer or  
38 person shall receive only the sum of fifty cents and actual  
39 disbursements necessarily expended by such officer or person in  
40 making service thereof as directed. Notwithstanding the provisions of  
41 this section, for summoning grand jurors, such officer or person shall  
42 receive only such officer's or person's actual expenses and such  
43 reasonable sum for services as are taxed by the court. The following  
44 fees shall be allowed and paid: [(1)] (A) For taking bail or bail bond,  
45 one dollar; [(2)] (B) for copies of writs and complaints, exclusive of  
46 endorsements, one dollar per page, not to exceed a total amount of  
47 nine hundred dollars in any particular matter; [(3)] (C) for  
48 endorsements, forty cents per page or fraction thereof; [(4)] (D) for  
49 service of a warrant for the seizure of intoxicating liquors, or for

50 posting and leaving notices after the seizure, or for the destruction or  
51 delivery of any such liquors under order of court, twenty dollars; [(5)]  
52 (E) for the removal and custody of such liquors so seized, reasonable  
53 expenses, and twenty dollars; [(6)] (F) for the levy of an execution,  
54 when the money is actually collected and paid over, or the debt or a  
55 portion of the debt is secured by the officer, fifteen per cent on the  
56 amount of the execution, provided the minimum fee for such  
57 execution shall be thirty dollars; [(7)] (G) on the levy of an execution on  
58 real property and on application for sale of personal property attached,  
59 to each appraiser, for each half day of actual service, reasonable and  
60 customary expenses; [(8)] (H) for causing an execution levied on real  
61 property to be recorded, fees for travel, twenty dollars and costs; [(9)]  
62 (I) for services on an application for the sale of personal property  
63 attached, or in selling mortgaged property foreclosed under a decree of  
64 court, the same fees as for similar services on executions; [(10)] (J) for  
65 committing any person to a community correctional center, in civil  
66 actions, twenty-one cents a mile for travel, from the place of the court  
67 to the community correctional center, in lieu of all other expenses; and  
68 [(11)] (K) for summoning and attending a jury for reassessing damages  
69 or benefits on a highway, three dollars a day. The court shall tax as  
70 costs a reasonable amount for the care of property held by any officer  
71 under attachment or execution. The officer serving any attachment or  
72 execution may claim compensation for time and expenses of any  
73 person, in keeping, securing or removing property taken thereon,  
74 provided such officer shall make out a bill. The bill shall specify the  
75 labor done, and by whom, the time spent, the travel, the money paid, if  
76 any, and to whom and for what. The compensation for the services  
77 shall be reasonable and customary and the amount of expenses and  
78 shall be taxed by the court with the costs.

79 (b) Each officer or person shall receive the following fees: (1) For  
80 service of an execution on a summary process judgment, not more  
81 than fifty dollars; and (2) for removal under section 47a-42 of a  
82 defendant or other occupant bound by a summary process judgment,  
83 and the possessions and personal effects of such defendant or other  
84 occupant, not more than [seventy-five] one hundred dollars per hour.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	52-261

**JUD**      *Joint Favorable*

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.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill does not result in a fiscal impact as it raises service of process fees for state marshals for non-state or municipal services.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****HB 5556*****AN ACT CONCERNING FEES RECEIVED BY OFFICERS AND PERSONS SERVING PROCESS AND PERFORMING OTHER DUTIES.*****SUMMARY:**

This bill increases:

1. the maximum hourly rate state marshals receive, from \$75 to \$100 per hour, for removing a tenant, an occupant, and their possessions in an eviction proceeding and
2. certain fees for service of process by \$10 when service is on behalf of someone who is not a state or municipal official.

EFFECTIVE DATE: October 1, 2014

**INCREASED FEES**

Currently, officers such as state marshals and others authorized to provide service of process receive the following fees regardless of who requests the service:

1. \$30 for each process served,
2. an additional \$10 if subsequent service is at the same address,
3. an additional \$10 for notice to the attorney general in dissolution and postjudgment proceedings involving a party or child receiving public assistance, and
4. an additional \$30 for other subsequent service of the process.

The bill retains these fees when service is on behalf of (1) an official of the state or any of its agencies, boards, or commissions (different

fees apply to service for the Judicial Branch or Division of Criminal Justice, see CGS § 52-261a) or (2) a municipal official acting in his or her official capacity. When service is on behalf of someone else, the bill raises each of these fees by \$10.

By law, the court must waive and the state must pay the fees for service of process on behalf of an indigent party who is unable to pay (CGS § 52-259b).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 34    Nay 4    (04/01/2014)