



# Senate

General Assembly

**File No. 738**

January Session, 2015

Substitute Senate Bill No. 1033

*Senate, April 23, 2015*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING COURT OPERATIONS.**

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

1 Section 1. Subsection (a) of section 7-465 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (a) Any town, city or borough, notwithstanding any inconsistent  
5 provision of law, general, special or local, shall pay on behalf of any  
6 employee of such municipality, except firemen covered under the  
7 provisions of section 7-308, and on behalf of any member from such  
8 municipality of a local emergency planning district, appointed  
9 pursuant to section 22a-601, all sums which such employee becomes  
10 obligated to pay by reason of the liability imposed upon such  
11 employee by law for damages awarded for infringement of any  
12 person's civil rights or for physical damages to person or property,  
13 except as set forth in this section, if the employee, at the time of the  
14 occurrence, accident, physical injury or damages complained of, was  
15 acting in the performance of his duties and within the scope of his

16 employment, and if such occurrence, accident, physical injury or  
17 damage was not the result of any wilful or wanton act of such  
18 employee in the discharge of such duty. This section shall not apply to  
19 physical injury to a person caused by an employee to a fellow  
20 employee while both employees are engaged in the scope of their  
21 employment for such municipality if the employee suffering such  
22 injury or, in the case of his death, his dependent, has a right to benefits  
23 or compensation under chapter 568 by reason of such injury. If an  
24 employee or, in the case of his death, his dependent, has a right to  
25 benefits or compensation under chapter 568 by reason of injury or  
26 death caused by the negligence or wrong of a fellow employee while  
27 both employees are engaged in the scope of their employment for such  
28 municipality, such employee or, in the case of his death, his  
29 dependent, shall have no cause of action against such fellow employee  
30 to recover damages for such injury or death unless such wrong was  
31 wilful and malicious or the action is based on the fellow employee's  
32 negligence in the operation of a motor vehicle, as defined in section 14-  
33 1. This section shall not apply to libel or slander proceedings brought  
34 against any such employee and, in such cases, there is no assumption  
35 of liability by any town, city or borough. Any employee of such  
36 municipality, although excused from official duty at the time, for the  
37 purposes of this section shall be deemed to be acting in the discharge  
38 of duty when engaged in the immediate and actual performance of a  
39 public duty imposed by law. Such municipality may arrange for and  
40 maintain appropriate insurance or may elect to act as a self-insurer to  
41 maintain such protection. No action for personal physical injuries or  
42 damages to real or personal property shall be maintained against such  
43 municipality and employee jointly unless such action is commenced  
44 within two years after the cause of action therefor arose and written  
45 notice of the intention to commence such action and of the time when  
46 and the place where the damages were incurred or sustained has been  
47 filed with the clerk of such municipality within six months after such  
48 cause of action has accrued. Governmental immunity shall not be a  
49 defense in any action brought under this section. In any such action the  
50 municipality and the employee may be represented by the same

51 attorney. [if the municipality, at the time such attorney enters his  
52 appearance, files a statement with the court, which shall not become  
53 part of the pleadings or judgment file, that it will pay any final  
54 judgment rendered in such action against such employee. No mention  
55 of any kind shall be made of such statement by any counsel during the  
56 trial of such action.] As used in this section, "employee" includes (1) a  
57 member of a town board of education and any teacher, including a  
58 student teacher doing practice teaching under the direction of such a  
59 teacher, or other person employed by such board, and (2) a member of  
60 the local emergency planning committee from such municipality  
61 appointed pursuant to section 22a-601. Nothing in this section shall be  
62 construed to abrogate the right of any person, board or commission  
63 which may accrue under section 10-235.

64 Sec. 2. Subsection (l) of section 8-8 of the general statutes is repealed  
65 and the following is substituted in lieu thereof (*Effective October 1,*  
66 *2015*):

67 (l) The court, after a hearing thereon, may reverse or affirm, wholly  
68 or partly, or may [modify or revise the decision appealed from. If a  
69 particular board action is required by law, the court, on sustaining the  
70 appeal, may render a judgment that modifies the board decision or  
71 orders the particular board action] revise, modify or remand the  
72 decision from which the appeal was taken in a manner consistent with  
73 the evidence in the record before it. In an appeal from an action of a  
74 planning commission taken under section 8-29, the court may also  
75 reassess any damages or benefits awarded by the commission. Costs  
76 shall be allowed against the board if the decision appealed from is  
77 reversed, affirmed in part, modified or revised.

78 Sec. 3. Subsection (a) of section 22a-43a of the general statutes is  
79 repealed and the following is substituted in lieu thereof (*Effective*  
80 *October 1, 2015*):

81 (a) The court, after a hearing, may reverse or affirm, wholly or  
82 partly, or may revise, modify or remand the decision from which the  
83 appeal was taken in a manner consistent with the evidence in the

84 record before it. If upon appeal pursuant to section 22a-43, the court  
85 finds that the action appealed from constitutes the equivalent of a  
86 taking without compensation, [it] the court (1) shall set aside the action  
87 or [it] may modify the action so that it does not constitute a taking, [ In  
88 both instances the court] and (2) shall remand the order to the inland  
89 wetland agency for action not inconsistent with its decision.

90 Sec. 4. Subsection (a) of section 46b-22 of the general statutes is  
91 repealed and the following is substituted in lieu thereof (*Effective from*  
92 *passage*):

93 (a) Persons authorized to solemnize marriages in this state include  
94 (1) all judges and retired judges, either elected or appointed, including  
95 federal judges and judges of other states who may legally join persons  
96 in marriage in their jurisdictions, (2) family support magistrates,  
97 family support referees, state referees and justices of the peace who are  
98 appointed in Connecticut, and (3) all ordained or licensed members of  
99 the clergy, belonging to this state or any other state, as long as they  
100 continue in the work of the ministry. All marriages solemnized  
101 according to the forms and usages of any religious denomination in  
102 this state, including marriages witnessed by a duly constituted  
103 Spiritual Assembly of the Baha'is, are valid. All marriages attempted to  
104 be celebrated by any other person are void.

105 Sec. 5. Section 46b-22a of the general statutes is repealed and the  
106 following is substituted in lieu thereof (*Effective from passage*):

107 (a) All marriages celebrated before June 6, 2014, otherwise valid  
108 except that the justice of the peace joining such persons in marriage  
109 did not have a valid certificate of qualification, are validated, provided  
110 the justice of the peace who joined such persons in marriage  
111 represented himself or herself to be a duly qualified justice of the peace  
112 and such persons reasonably relied upon such representation.

113 (b) All marriages celebrated before the effective date of this section,  
114 otherwise valid except that the family support referee joining such  
115 persons in marriage did not have explicit statutory authority to

116 solemnize marriages in this state, are validated, provided the family  
117 support referee who joined such persons in marriage represented  
118 himself or herself to be a duly qualified family support referee and  
119 such persons reasonably relied upon such representation.

120 Sec. 6. Section 46b-225 of the general statutes is repealed and the  
121 following is substituted in lieu thereof (*Effective October 1, 2015*):

122 Any judicial marshal may serve a capias mittimus or a copy thereof  
123 made by any photographic, micrographic, electronic imaging or other  
124 process, which clearly and accurately copies such original document,  
125 on any person who is in the custody of the marshal or is in a  
126 courthouse where the marshal provides courthouse security if such  
127 capias mittimus was issued in a child support matter by (1) a court or a  
128 family support magistrate pursuant to subdivision (8) of subsection (a)  
129 of section 17b-745 or subparagraph (C) of subdivision (8) of subsection  
130 (a) of section 46b-215; or (2) a family support magistrate pursuant to  
131 subdivision (1) of subsection (m) of section 46b-231.

132 Sec. 7. Subsection (a) of section 47a-23a of the general statutes is  
133 repealed and the following is substituted in lieu thereof (*Effective*  
134 *October 1, 2015*):

135 (a) If, at the expiration of the three days prescribed in section 47a-23,  
136 the lessee or occupant neglects or refuses to quit possession or  
137 occupancy of the premises, any commissioner of the Superior Court  
138 may issue a writ, summons and complaint which shall be in the form  
139 and nature of an ordinary writ, summons and complaint in a civil  
140 process, but which shall set forth facts justifying a judgment for  
141 immediate possession or occupancy of the premises and make a claim  
142 for possession or occupancy of the premises. If the claim is for the  
143 possession or occupancy of nonresidential property, the writ,  
144 summons and complaint shall also make a claim for the forfeiture to  
145 the plaintiff of the possessions and personal effects of the defendant in  
146 accordance with section 47a-42a. If the plaintiff has properly issued a  
147 notice to quit possession to an occupant by alias, if permitted to do so  
148 by section 47a-23, and has no further identifying information at the

149 time of service of the writ, summons and complaint, such writ,  
150 summons and complaint may also name and serve such occupant or  
151 occupants as defendants. In any case in which service is to be made  
152 upon an occupant or occupants identified by alias, the complaint shall  
153 contain an allegation that the plaintiff does not know the name of such  
154 occupant or occupants. Such complaint shall be returnable to the  
155 Superior Court. Such complaint may be made returnable six days,  
156 inclusive, after service upon the defendant and shall be returned to  
157 court at least three days before the return day. Such complaint may be  
158 served on any day of the week. [Notwithstanding the provisions of  
159 section 52-185 no recognizance shall be required of a complainant  
160 appearing pro se.]

161 Sec. 8. Subsection (a) of section 51-52 of the general statutes is  
162 repealed and the following is substituted in lieu thereof (*Effective*  
163 *October 1, 2015*):

164 (a) Clerks shall: (1) Receive the files, processes and documents  
165 returnable to their court locations, (2) make records of all proceedings  
166 required to be recorded, (3) have the custody of the active files and  
167 records of the court, (4) have the custody of the records of the former  
168 county court within their districts, (5) have the custody of and keep  
169 safely in the appropriate office, or store as provided in subsection (b)  
170 of this section, as records of the court, all judicial files, records and  
171 dockets belonging to or concerning the office of justices of the peace  
172 and trial justices, judges of borough, city, town and police courts, the  
173 traffic court of Danbury, the Circuit Court and the Court of Common  
174 Pleas, or belonging to or concerning such courts, including record  
175 books kept by town clerks under the provisions of sections 51-101 and  
176 51-106 of the general statutes, revision of 1958, (6) make and keep  
177 dockets of causes in their court locations, (7) issue executions on  
178 judgments, (8) collect and receive all fines and forfeitures imposed or  
179 decreed by the court, including fines paid after commitment, (9) collect  
180 and receive monetary contributions made to the Criminal Injuries  
181 Compensation Fund pursuant to section 54-56h, (10) account for and  
182 pay or deposit all fees, fines, forfeitures and contributions made to the

183 Criminal Injuries Compensation Fund and the proceeds of judgments  
184 of their office in the manner provided by sections 4-32 and 51-56a, [(11)  
185 file with the Reporter of Judicial Decisions copies of memoranda of  
186 decisions in Superior Court cases, as provided in section 51-215a,] and  
187 [(12)] (11) perform all other duties imposed on them by law.

188 Sec. 9. Section 51-60 of the general statutes is repealed and the  
189 following is substituted in lieu thereof (*Effective October 1, 2015*):

190 (a) The judges of the Superior Court shall appoint [one skillful  
191 stenographer for each judicial district to be the official court reporter of  
192 the Superior Court therein, and shall appoint as many stenographers  
193 to be assistant] official court reporters for the court as the judges or an  
194 authorized committee thereof determines the business of the court  
195 requires.

196 (b) A person shall not be appointed a court reporter under the  
197 provisions of this section who has not passed the entry level  
198 examination provided for under section 51-63 and a reporter shall not  
199 be placed in the higher court reporter salary classification who has not  
200 passed the examination provided for in said section for such higher  
201 classification, provided each person serving on July 1, 1978, as a court  
202 reporter or assistant court reporter in the Court of Common Pleas shall  
203 continue to serve in the Superior Court for the balance of the term for  
204 which he was appointed. In no event shall the compensation of such  
205 person be affected solely as a result of the transfer of jurisdiction  
206 provided in section 51-164s.

207 Sec. 10. Section 51-195 of the general statutes is repealed and the  
208 following is substituted in lieu thereof (*Effective October 1, 2015*):

209 Any person sentenced on one or more counts of an information to a  
210 term of imprisonment for which the total sentence of all such counts  
211 amounts to confinement for three years or more, may, within thirty  
212 days from the date such sentence was imposed or if the offender  
213 received a suspended sentence with a maximum confinement of three  
214 years or more, within thirty days of revocation of such suspended

215 sentence, except in any case in which (1) a different sentence could not  
216 have been imposed, [or in any case in which] (2) the sentence or  
217 commitment imposed resulted from the court's acceptance of a plea  
218 agreement, [or in any case in which] (3) the sentence imposed was for a  
219 lesser term than was proposed in a plea agreement, or (4) the plea  
220 agreement provides that the term of imprisonment will not exceed an  
221 agreed upon maximum term, but provides that the person sentenced  
222 may request a term of imprisonment lower than the agreed upon  
223 maximum term, file with the clerk of the court for the judicial district  
224 in which the judgment was rendered an application for review of the  
225 sentence by the review division. Upon imposition of sentence or at the  
226 time of revocation of such suspended sentence, the clerk shall give  
227 written notice to the person sentenced of his right to make such a  
228 request. Such notice shall include a statement that review of the  
229 sentence may result in decrease or increase of the term within the  
230 limits fixed by law. A form for making such application shall  
231 accompany the notice. The clerk shall forthwith transmit such  
232 application to the review division and shall notify the judge who  
233 imposed the sentence. Such judge may transmit to the review division  
234 a statement of his reasons for imposing the sentence, and shall transmit  
235 such a statement within seven days if requested to do so by the review  
236 division. The filing of an application for review shall not stay the  
237 execution of the sentence.

238 Sec. 11. Section 51-215a of the general statutes is repealed and the  
239 following is substituted in lieu thereof (*Effective October 1, 2015*):

240 [(a) The clerks of the Superior Court shall file with the Reporter of  
241 Judicial Decisions copies of memoranda of decisions in Superior Court  
242 cases. The reporter shall select therefrom for publication such decisions  
243 as he deems will be useful as precedents or will serve the public  
244 interest and shall prepare them for publication and index them in  
245 substantial conformity with the manner in which decisions of the  
246 Supreme Court are prepared and indexed. The decisions selected shall  
247 be published by the Commission on Official Legal Publications in the  
248 Connecticut Law Journal and in such bound volumes as the Reporter

249 of Judicial Decisions deems necessary.]

250 [(b)] The clerk of the Appellate Court shall file with the Reporter of  
251 Judicial Decisions copies of memoranda of decisions in Appellate  
252 Court cases. The reporter shall prepare all of the decisions for  
253 publication and index them in substantial conformity with the manner  
254 in which decisions of the Supreme Court are prepared and indexed.  
255 The decisions shall be published by the Commission on Official Legal  
256 Publications in the Connecticut Law Journal and in bound volumes.

257 Sec. 12. Subsection (b) of section 51-216a of the general statutes is  
258 repealed and the following is substituted in lieu thereof (*Effective*  
259 *October 1, 2015*):

260 (b) The commission shall acquire, publish, distribute and maintain  
261 for the benefit of the state a sufficient supply of the official legal  
262 publications, which shall consist of: (1) The Connecticut Reports  
263 consisting of the reports of cases determined by the Supreme Court as  
264 prepared for publication by the Reporter of Judicial Decisions, (2)  
265 reports of cases determined by the Appellate Court as prepared for  
266 publication by the Reporter of Judicial Decisions, (3) the Connecticut  
267 Law Journal, (4) the Connecticut Practice Book and cumulative  
268 supplements thereto, [(5) the digests compiled by or under the  
269 supervision of the Reporter of Judicial Decisions pursuant to section  
270 51-215b, and such other volumes of law reports and digests as the  
271 Reporter of Judicial Decisions deems necessary, (6) such decisions of  
272 the Superior Court as the Reporter of Judicial Decisions selects for  
273 publication pursuant to section 51-215a,] and [(7)] (5) such additional  
274 publications pertaining to the state Judicial Branch, the Supreme  
275 Court, the Appellate Court, the Superior Court and the practice of law  
276 as may be assigned to the commission. The commission may publish,  
277 maintain and distribute the official legal publications in available  
278 alternative formats. An alternative format may be the sole method for  
279 the publication, maintenance and distribution of all volumes of the  
280 Connecticut Reports, excluding the most recent one hundred volumes.

281 Sec. 13. Subdivision (2) of subsection (b) of section 51-216b of the

282 general statutes is repealed and the following is substituted in lieu  
283 thereof (*Effective October 1, 2015*):

284 (2) Bills contracted and expenses incurred by the commission for the  
285 purposes specified in this section and sections 51-215a, as amended by  
286 this act, [51-215b,] 51-216a, as amended by this act, and 51-216c shall be  
287 paid from moneys appropriated from the General Fund.

288 Sec. 14. Section 52-74 of the general statutes is repealed and the  
289 following is substituted in lieu thereof (*Effective October 1, 2015*):

290 Any bond entered into in accordance with the laws of any other  
291 state of the United States, conditioned for the proper performance by  
292 any person or persons of the duties of executor, administrator,  
293 guardian or trustee, to the acceptance of the court having jurisdiction,  
294 may be enforced, in case of breach, against any obligors therein,  
295 resident within this state, by an action in the name of the person or  
296 persons who would be entitled to sue thereon in the proper courts of  
297 such other state. All such suits, in respect to the security for the costs  
298 by endorsement, and the effect of the judgments rendered in the same,  
299 shall be governed by the provisions concerning actions on probate  
300 bonds contained in [sections 52-117 and 52-190] section 52-117.

301 Sec. 15. Section 52-185 of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective October 1, 2015*):

303 [(a) If the plaintiff in any civil action is not an inhabitant of this state,  
304 or if it does not appear to the authority signing the process that the  
305 plaintiff is able to pay the costs of the action should judgment be  
306 rendered against him, the plaintiff shall enter into a recognizance to  
307 the adverse party with a financially responsible inhabitant of this state  
308 as surety, or a financially responsible inhabitant of this state shall enter  
309 into a recognizance to the adverse party, that the plaintiff shall  
310 prosecute his action to effect and answer all costs for which judgment  
311 is rendered against him. The recognizance shall not be discharged by  
312 any amendment or alteration of the process between the time of  
313 signing and of serving it.]

314 (a) No bond or recognizance for prosecution is required from a  
315 party in any civil action unless the judicial authority, upon motion and  
316 for good cause shown, finds that a party is not able to pay the costs of  
317 the action and orders that the party give a sufficient bond or enter into  
318 a recognizance to an adverse party with a financially responsible  
319 person to pay taxable costs. In determining the sufficiency of the bond  
320 or recognizance, the judicial authority shall consider only the taxable  
321 costs which the party may be responsible for under section 52-257,  
322 except that in no event shall the judicial authority consider the fees or  
323 charges of expert witnesses notwithstanding that such fees or charges  
324 may be allowable under said section.

325 (b) The recognizance may be taken in the following form:

326 You, C.S., as principal, and E.C., as surety, acknowledge yourselves  
327 jointly and severally bound to J.L., in a recognizance (or, as the case  
328 may be, You, E.C., acknowledge yourself bound to J.L., in a  
329 recognizance) of .... dollars, that C.S. shall prosecute the action which  
330 he has now commenced against J.L. at the Superior court to be held at  
331 H. in and for the judicial district of H., on the .... Tuesday of ...., 20.. to  
332 full effect, and that he shall pay any costs for which judgment may be  
333 rendered against him thereon.

334 Taken and acknowledged at H. on the .... day of ...., 20.., before me,  
335 J.W., Commissioner of the Superior Court.

336 (c) If a bond or recognizance is required on any writ of summons or  
337 attachment, it may be noted in the writ in the following manner:

338 E.C. of .... is recognized in \$.... to prosecute, etc. (or words to that  
339 effect).

340 (d) [If there has been a failure to comply with the provisions of this  
341 section, or if the authority signing a writ has failed to certify in  
342 accordance with any statute or rule that he has personal knowledge as  
343 to the financial responsibility of the plaintiff and deems it sufficient,  
344 the validity of the writ and service shall not be affected unless the

345 failure is made a ground of a plea in abatement. If such plea in  
346 abatement is filed and sustained or if the plaintiff voluntarily elects to  
347 cure the defect by filing a bond, the court shall direct the plaintiff to  
348 file a bond to prosecute in the usual amount. Upon the filing of the  
349 bond, the case shall proceed in the same manner and to the same effect  
350 as to rights of attachment and in all other respects as though the failure  
351 had not occurred. The court may, in its discretion, order, as a condition  
352 to the acceptance of the bond, that the plaintiff pay to the defendant  
353 costs not to exceed the costs in full to the date of the order.] Any party  
354 failing to comply with an order of the judicial authority to give  
355 sufficient bond or recognizance may be nonsuited or defaulted.

356 Sec. 16. Subsection (a) of section 52-259 of the general statutes is  
357 repealed and the following is substituted in lieu thereof (*Effective from*  
358 *passage*):

359 (a) There shall be paid to the clerks for entering each appeal or writ  
360 of error to the Supreme Court, or entering each appeal to the Appellate  
361 Court, as the case may be, two hundred fifty dollars, and for each civil  
362 cause in the Superior Court, three hundred fifty dollars, except (1) two  
363 hundred twenty-five dollars for entering each case in the Superior  
364 Court in which the sole claim for relief is damages and the amount,  
365 legal interest or property in demand is less than two thousand five  
366 hundred dollars; (2) one hundred seventy-five dollars for summary  
367 process and landlord and tenant actions; and (3) there shall be no entry  
368 fee for making an application to the Superior Court for relief under  
369 section 46b-15 or 46b-16a, or for making an application to modify or  
370 extend an order issued pursuant to section 46b-15 or 46b-16a. If the  
371 amount, legal interest or property in demand by the plaintiff is alleged  
372 to be less than two thousand five hundred dollars, a new entry fee of  
373 seventy-five dollars shall be charged if the plaintiff amends his or her  
374 complaint to state that such demand is not less than two thousand five  
375 hundred dollars.

376 Sec. 17. Subsection (a) of section 52-259c of the general statutes is  
377 repealed and the following is substituted in lieu thereof (*Effective from*

378 *passage*):

379 (a) There shall be paid to the clerk of the Superior Court upon the  
380 filing of any motion to open, set aside, modify or extend any civil  
381 judgment rendered in Superior Court a fee of seventy-five dollars for  
382 any housing matter, a fee of seventy-five dollars for any small claims  
383 matter, a fee of one hundred seventy-five dollars for any post-  
384 judgment motion to modify any judgment in a family relations matter,  
385 as defined in section 46b-1, and a fee of one hundred twenty-five  
386 dollars for any other matter, except no fee shall be paid upon the filing  
387 of any motion to open, set aside, modify or extend judgments in  
388 juvenile matters or orders issued pursuant to section 46b-15 or 46b-16a  
389 or upon the filing of any motion pursuant to subsection (b) of section  
390 46b-63. Such fee may be waived by the court.

391 Sec. 18. Section 53a-223b of the general statutes is repealed and the  
392 following is substituted in lieu thereof (*Effective October 1, 2015*):

393 (a) A person is guilty of criminal violation of a restraining order  
394 when (1) (A) a restraining order has been issued against such person  
395 pursuant to section 46b-15, or (B) a foreign order of protection, as  
396 defined in section 46b-15a, has been issued against such person in a  
397 case involving the use, attempted use or threatened use of physical  
398 force against another, and (2) such person, having knowledge of the  
399 terms of the order, (A) does not stay away from a person or place in  
400 violation of the order, (B) contacts a person in violation of the order,  
401 (C) imposes any restraint upon the person or liberty of a person in  
402 violation of the order, or (D) threatens, harasses, assaults, molests,  
403 sexually assaults or attacks a person in violation of the order.

404 (b) No person who is listed as a protected person in such restraining  
405 order or foreign order of protection may be criminally liable for (1)  
406 soliciting, requesting, commanding, importuning or intentionally  
407 aiding in the violation of the restraining order or foreign order of  
408 protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy  
409 to violate such restraining order or foreign order of protection  
410 pursuant to section 53a-48.

411 (c) No person who is listed as a respondent in a restraining order  
412 issued pursuant to section 46b-15, or a foreign order of protection  
413 issued pursuant to section 46b-15a may be criminally liable for a  
414 violation of such order if such person causes a legal document to be  
415 served on the protected person by mail or through a third party in  
416 accordance with the law. For purposes of this subsection, "legal  
417 document" includes, but is not limited to, a notice of appearance or any  
418 other application, petition, or motion filed in good faith by such person  
419 in connection with any pending court matter, or in any court matter  
420 that may be brought subsequently.

421 [(c)] (d) (1) Except as provided in subdivision (2) of this subsection,  
422 criminal violation of a restraining order is a class D felony.

423 (2) Criminal violation of a restraining order is a class C felony if the  
424 offense is a violation of subparagraph (C) or (D) of subdivision (2) of  
425 subsection (a) of this section.

426 Sec. 19. Section 53a-223c of the general statutes is repealed and the  
427 following is substituted in lieu thereof (*Effective October 1, 2015*):

428 (a) A person is guilty of criminal violation of a civil protection order  
429 when (1) a civil protection order has been issued against such person  
430 pursuant to section 46b-16a, and (2) such person, having knowledge of  
431 the terms of the order, violates such order.

432 (b) No person who is listed as a respondent in a civil protection  
433 order issued pursuant to section 46b-16a may be criminally liable for a  
434 violation of such order if such person causes a legal document to be  
435 served on the protected person by mail or through a third party in  
436 accordance with the law. For purposes of this subsection, "legal  
437 document" includes, but is not limited to, a notice of appearance or any  
438 other application, petition, or motion filed in good faith by such person  
439 in connection with any pending court matter, or in any court matter  
440 that may be brought subsequently.

441 [(b)] (c) Criminal violation of a civil protection order is a class D

442 felony.

443 Sec. 20. Subsection (b) of section 54-56e of the general statutes is  
444 repealed and the following is substituted in lieu thereof (*Effective*  
445 *October 1, 2015*):

446 (b) The court may, in its discretion, invoke such program on motion  
447 of the defendant or on motion of a state's attorney or prosecuting  
448 attorney with respect to a defendant (1) who, the court believes, will  
449 probably not offend in the future, (2) who has no previous record of  
450 conviction of a crime or of a violation of section 14-196, subsection (c)  
451 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of  
452 subsection (b) of section 14-224 or section 14-227a, and (3) who states  
453 under oath, in open court or before any person designated by the clerk  
454 and duly authorized to administer oaths, under the penalties of  
455 perjury, (A) that the defendant has never had such program invoked  
456 on the defendant's behalf or that the defendant was charged with a  
457 misdemeanor or a motor vehicle violation for which a term of  
458 imprisonment of one year or less may be imposed and ten or more  
459 years have passed since the date that any charge or charges for which  
460 the program was invoked on the defendant's behalf were dismissed by  
461 the court, or (B) with respect to a defendant who is a veteran, that the  
462 defendant has not had such program invoked in the defendant's behalf  
463 more than once previously, provided the defendant shall agree thereto  
464 and provided notice has been given by the defendant, on a form  
465 [approved by rule of court] prescribed by the Office of the Chief Court  
466 Administrator, to the victim or victims of such crime or motor vehicle  
467 violation, if any, by registered or certified mail and such victim or  
468 victims have an opportunity to be heard thereon. Any defendant who  
469 makes application for participation in such program shall pay to the  
470 court an application fee of thirty-five dollars. No defendant shall be  
471 allowed to participate in the pretrial program for accelerated  
472 rehabilitation more than two times. For the purposes of this section,  
473 "veteran" means any person who was discharged or released under  
474 conditions other than dishonorable from active service in the armed  
475 forces as defined in section 27-103.

476 Sec. 21. Subdivision (1) of subsection (a) of section 54-56g of the  
477 general statutes is repealed and the following is substituted in lieu  
478 thereof (*Effective October 1, 2015*):

479 (a) (1) There shall be a pretrial alcohol education program for  
480 persons charged with a violation of section 14-227a, 14-227g, 15-132a,  
481 15-133, 15-140l or 15-140n. Upon application by any such person for  
482 participation in such program and payment to the court of an  
483 application fee of one hundred dollars and a nonrefundable evaluation  
484 fee of one hundred dollars, the court shall, but only as to the public,  
485 order the court file sealed, provided such person states under oath, in  
486 open court or before any person designated by the clerk and duly  
487 authorized to administer oaths, under penalties of perjury that: (A) If  
488 such person is charged with a violation of section 14-227a, such person  
489 has not had such program invoked in such person's behalf within the  
490 preceding ten years for a violation of section 14-227a, (B) if such person  
491 is charged with a violation of section 14-227g, such person has never  
492 had such program invoked in such person's behalf for a violation of  
493 section 14-227a or 14-227g, (C) such person has not been convicted of a  
494 violation of section 53a-56b or 53a-60d, a violation of subsection (a) of  
495 section 14-227a before, on or after October 1, 1981, or a violation of  
496 subdivision (1) or (2) of subsection (a) of section 14-227a on or after  
497 October 1, 1985, (D) such person has not been convicted in any other  
498 state at any time of an offense the essential elements of which are  
499 substantially the same as section 53a-56b or 53a-60d or subdivision (1)  
500 or (2) of subsection (a) of section 14-227a, and (E) notice has been given  
501 by such person, by registered or certified mail on a form [approved by  
502 by rule of court] prescribed by the Office of the Chief Court  
503 Administrator, to each victim who sustained a serious physical injury,  
504 as defined in section 53a-3, which was caused by such person's alleged  
505 violation, that such person has applied to participate in the pretrial  
506 alcohol education program and that such victim has an opportunity to  
507 be heard by the court on the application.

508 Sec. 22. Subsection (c) of section 54-56l of the general statutes is  
509 repealed and the following is substituted in lieu thereof (*Effective*

510 *October 1, 2015*):

511 (c) Upon application by any such person for participation in such  
512 program, the court shall, but only as to the public, order the court file  
513 sealed, provided such person states under oath, in open court or before  
514 any person designated by the clerk and duly authorized to administer  
515 oaths, under penalties of perjury, that such person has not had such  
516 program invoked in such person's behalf more than once. Court  
517 personnel shall provide notice, on a form [approved by rule of court]  
518 prescribed by the Office of the Chief Court Administrator, to any  
519 victim of such crime or motor vehicle violation, by registered or  
520 certified mail, that such person has applied to participate in the  
521 program and that such victim has an opportunity to be heard by the  
522 court on the matter.

523 Sec. 23. Subsection (e) of section 54-208 of the general statutes is  
524 repealed and the following is substituted in lieu thereof (*Effective*  
525 *October 1, 2015*):

526 (e) In determining the amount of compensation to be allowed, the  
527 Office of Victim Services or, on review, a victim compensation  
528 commissioner shall take into consideration amounts that the applicant  
529 has received or is eligible to receive from any other source or sources,  
530 including, but not limited to, payments from state and municipal  
531 agencies, health insurance benefits, and workers' compensation  
532 awards, as a result of the incident or offense giving rise to the  
533 application. For purposes of this section, life insurance benefits  
534 received by the applicant shall not be taken into consideration by the  
535 Office of Victim Services or a victim compensation commissioner.

536 Sec. 24. Section 2 of number 257 of the special acts of 1917 is  
537 amended to read as follows (*Effective from passage*):

538 The clerk of [said court] the superior court in the judicial district of  
539 Litchfield, or his successor in office, is directed to hold [said fund] the  
540 escheated property formerly known as the Salmon Brownson Fund  
541 and to act as trustee of the same and on July 1, 1917, to pay the interest

542 thereon which shall have accrued to July 1, 1917, to the treasurer of the  
543 Warren Cemetery Association, a domestic corporation situated in the  
544 town of Warren in said Litchfield county, and thereafter to pay to said  
545 cemetery association, during the first week in January and July,  
546 annually, the interest which shall have accrued from said fund. On or  
547 before October 1, 2015, the clerk of said court shall pay to the treasurer  
548 of said cemetery association the entire balance of the fund and shall  
549 close the account.

550 Sec. 25. Section 4 of number 257 of the special acts of 1917 is  
551 amended to read as follows (*Effective from passage*):

552 The Warren Cemetery Association shall use the [interest] funds  
553 which it may receive from said trustee for the care of the monuments  
554 and graves of Salmon Brownson and wife, and members of his family,  
555 deceased, late of said town of Warren, in the Warren cemetery, and  
556 any unexpended portion of the money so received by said association  
557 may be used by it for the care of the graves of persons formerly  
558 members of the Warren Methodist Episcopal church and their  
559 descendants and any unexpended portion of the income of said fund  
560 may be expended for the general purposes of said cemetery  
561 association, but in case of the organization of a Methodist Episcopal  
562 church society in said town of Warren which shall conduct services  
563 regularly, and at least one such service during each month in said  
564 town for a period of six months in some suitable and convenient place  
565 to accommodate the people of said town of Warren, said trustee shall  
566 pay the income from said fund semi-annually at the expiration of said  
567 six months' period to the treasurer of such church society, and shall  
568 continue to make such payments semi-annually to such church society  
569 so long as regular services shall be so conducted in said town, and  
570 upon the discontinuance of such regular services, the income from said  
571 fund shall again revert and be paid to said cemetery association for the  
572 purposes stated in [this act] number 257 of the special acts of 1917.

573 Sec. 26. Sections 1 and 3 of number 257 of the special acts of 1917 are  
574 repealed. (*Effective from passage*)

575 Sec. 27. Sections 51-215b, 52-186, 52-187, 52-188 and 52-190 of the  
576 general statutes are repealed. (*Effective October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	7-465(a)
Sec. 2	<i>October 1, 2015</i>	8-8(l)
Sec. 3	<i>October 1, 2015</i>	22a-43a(a)
Sec. 4	<i>from passage</i>	46b-22(a)
Sec. 5	<i>from passage</i>	46b-22a
Sec. 6	<i>October 1, 2015</i>	46b-225
Sec. 7	<i>October 1, 2015</i>	47a-23a(a)
Sec. 8	<i>October 1, 2015</i>	51-52(a)
Sec. 9	<i>October 1, 2015</i>	51-60
Sec. 10	<i>October 1, 2015</i>	51-195
Sec. 11	<i>October 1, 2015</i>	51-215a
Sec. 12	<i>October 1, 2015</i>	51-216a(b)
Sec. 13	<i>October 1, 2015</i>	51-216b(b)(2)
Sec. 14	<i>October 1, 2015</i>	52-74
Sec. 15	<i>October 1, 2015</i>	52-185
Sec. 16	<i>from passage</i>	52-259(a)
Sec. 17	<i>from passage</i>	52-259c(a)
Sec. 18	<i>October 1, 2015</i>	53a-223b
Sec. 19	<i>October 1, 2015</i>	53a-223c
Sec. 20	<i>October 1, 2015</i>	54-56e(b)
Sec. 21	<i>October 1, 2015</i>	54-56g(a)(1)
Sec. 22	<i>October 1, 2015</i>	54-56l(c)
Sec. 23	<i>October 1, 2015</i>	54-208(e)
Sec. 24	<i>from passage</i>	Number 257 of the special acts of 1917, Sec. 2
Sec. 25	<i>from passage</i>	Number 257 of the special acts of 1917, Sec. 4
Sec. 26	<i>from passage</i>	Repealer section
Sec. 27	<i>October 1, 2015</i>	Repealer section

**Statement of Legislative Commissioners:**

In Section 3, "22-43a" was changed to "22a-43a" in the introductory provision for accuracy.

**JUD**      *Joint Favorable Subst.*

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 makes various changes to court procedures which do not result in a fiscal impact. Among the changes, it allows judicial marshals to serve a copy of a capias order. Current law allows judicial marshals to only serve the original order. In addition, the bill specifies that the fee for civil protection orders be waived. Legislation for civil protection orders became in effect on January 1, 2015 and it has been the current practice of the Judicial Department to not charge the fee for a request for a civil protection order, as is the case under current law for civil restraining orders.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sSB 1033*****AN ACT CONCERNING COURT OPERATIONS.*****SUMMARY:**

This bill makes a number of unrelated changes in court procedures and operations. Among other things, it:

1. eliminates a requirement that a municipality file a statement with the court indicating that it will pay any final judgment against one of its employees, in certain situations;
2. gives the courts authority to return cases appealing certain municipal decisions to the municipal official, board, or commission that made the decision for further proceedings;
3. allows family support referees to perform marriages and validates certain marriages they performed without this explicit statutory authority;
4. allows a judicial marshal to serve a copy of a capias order (an order to take a person into custody) issued by a court or family support magistrate for a child support obligor found to be in contempt or an obligor or witness who failed to appear at a hearing, when the person is either in the marshal's custody or present in the courthouse where the marshal provides security (currently, judicial marshals can only serve original orders and not copies)(§ 6);
5. replaces certain provisions requiring a bond or recognizance from a party in a civil action with new provisions prohibiting them, unless a court finds good cause;
6. eliminates the duty of (a) court clerks to file copies of Superior

Court decisions with the Reporter of Judicial Decisions; (b) the reporter to select decisions for publication and create digests of them; and (c) Commission on Official Legal Publications to publish the selected cases and digests (apparently, digests have not been published since the 1980s)(§§ 8, 11-13, & 27);

7. eliminates a requirement that the Superior Court judges appoint one skillful stenographer as the official court reporter for the Superior Court in each judicial district and as many stenographers and assistant court reporters as necessary for the courts' business, and instead requires them to appoint court reporters as necessary for the courts' business (§ 9);
8. prohibits a defendant from applying to the Sentence Review Division when his or her plea agreement included a maximum prison sentence and allowed the defendant to request a lower term;
9. eliminates certain court fees related to civil protection orders;
10. allows someone subject to a restraining or civil protection order to have certain legal documents served on the person protected by the order without being criminally liable for violating the order;
11. requires use of an Office of Chief Court Administrator-prescribed form, rather than one approved by court rules, when notifying victims of a defendant's application to participate in one of the following programs that allow the defendant to avoid a conviction: accelerated rehabilitation, pretrial alcohol education, and pretrial supervised diversion for people with psychiatric disabilities (§§ 20-22);
12. excludes life insurance benefits from the type of insurance benefits the Office of Victim Services (OVS) or a victim compensation commissioner can consider when determining the appropriate compensation to pay a crime victim; and

13. requires the Litchfield Judicial District Superior Court clerk to pay the Warren Cemetery Association treasurer the balance of a fund the clerk holds in trust under a 1917 special act, thus eliminating the clerk's responsibility for the fund.

EFFECTIVE DATE: October 1, 2015, except the provisions on family support referees performing marriages take effect upon passage.

### **§ 1 — CASES INVOLVING INDEMNIFICATION OF MUNICIPAL EMPLOYEES**

In most circumstances, the law requires municipalities to pay, on behalf of their employees, any damages the employees are obligated to pay in an action for infringing a person's civil rights or causing physical damage to a person or property within the performance of their duties and within the scope of their employment.

By law, the same attorney can represent the municipality and employee. The bill eliminates a (1) requirement that the municipality file a statement with the court indicating that it will pay any final judgment against the employee and (2) prohibition on the attorney mentioning the statement during trial.

### **§§ 2-3 — COURT AUTHORITY TO RETURN CASES TO CERTAIN MUNICIPAL BOARDS OR OFFICERS**

By law, someone can appeal to Superior Court from a decision of a municipal zoning commission, planning commission, planning and zoning commission, or zoning board of appeals; certain other municipal boards or commissions; or a municipal chief elected official or his or her designee about illegal dumping.

The bill gives the court more options when disposing of these cases on appeal. It allows the court to return the case to the board, commission, or official in a manner consistent with the evidence on the record. Existing law gives the court authority to modify or revise the board's decision. The bill requires any modification or revision to be consistent with the evidence on the record.

For appeals from a municipal inland wetlands agency, the law allows the court to set aside the agency's action or modify it if the action constitutes a taking without compensation. In other circumstances, the bill allows the court, after a hearing, to reverse, affirm, modify, or return the decision in a manner consistent with the evidence in the record.

#### **§§ 4-5 — FAMILY SUPPORT REFEREES PERFORMING MARRIAGES**

The bill allows family support referees to perform marriages. By law, family support referees are retired family support magistrates who continue to perform certain functions. By law, family support magistrates and specified others can conduct marriages.

The bill validates marriages performed before the bill's passage that would have been valid except that a family support referee:

1. performed the ceremony without explicit statutory authority to do so and
2. represented himself or herself as qualified, and the marrying couple reasonably relied on that representation.

#### **§§ 7, 14-15 & 27 — RECOGNIZANCE OR BOND IN CIVIL CASES**

The bill eliminates the current requirements for entering a recognizance or posting a bond in certain civil cases and instead prohibits them, unless the court finds good cause.

The bill repeals current provisions for civil actions that:

1. require a plaintiff who is not a state resident, or who the authority signing process believes is unable to pay the costs of the action if the court orders judgment against the plaintiff, to either (a) enter a recognizance to the adverse party with a financially responsible person in the state, who may be a surety or (b) have such a financially responsible person enter the recognizance directly with the adverse party;

2. require a member of a community who appears to defend an action against the community to post a surety bond for any costs to the community that arise from the appearance;
3. allow a court to order a bond from a nonresident defendant in an action relating to real property or an interest in real property; and
4. allow a court to order, on its own motion or that of the defendant, a sufficient bond by considering taxable costs for which the plaintiff may be responsible other than expert witness fees or charges.

The bill instead prohibits a bond or recognizance from any party in a civil action unless the court (1) on a motion and for good cause, finds the party cannot pay the costs of the action and (2) orders a bond or recognizance to the adverse party with a financially responsible person to pay taxable costs.

When determining the bond amount, the court may only consider taxable costs, excluding expert witness fees or charges. Under current law, this applies when a court orders a bond on its own motion or that of a defendant. By law, taxable costs include various things such as witness' legal fees and mileage, copies of records, and legal fees for service of process.

As under current law, any party that does not comply with a court order to give a bond or recognizance can be nonsuited or defaulted (the case is terminated). The bill eliminates the court's authority to order a bond and payment to the defendant of the action's costs to that date for failure to comply with these laws or an authority's failure to certify to personal knowledge of a plaintiff's financial responsibility.

The bill also repeals provisions that specifically apply to endorsements in actions on probate bonds. (Other statutes govern probate bonds.)

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***Eviction Proceedings***

The bill eliminates a prohibition on requiring recognizance for a pro se (someone representing himself or herself in court) who files a complaint for possession of premises under the eviction law when the lessee or occupant does not leave as required. Thus, it subjects these complainants to the bill's provisions allowing courts to require a bond for good cause.

**§ 10 — SENTENCE REVIEW DIVISION**

By law, anyone sentenced to a prison term of three years or more may, within 30 days from the date a court imposed the sentence or revoked a suspended sentence, apply to the Superior Court's Sentence Review Division for sentence review. The division may allow a sentence to stand, or increase or decrease it.

The bill prohibits someone from applying to the division when he or she was sentenced under a plea agreement with an agreed maximum prison sentence but which allowed the defendant to request a lower term. As under existing law, a person cannot apply to the division if the (1) court could not have imposed a different sentence, as in the case of an offense that carries a mandatory minimum sentence; (2) sentence imposed resulted from the court's acceptance of a plea agreement; or (3) sentence imposed was for less than the plea agreement.

By law, the Superior Court's Sentence Review Division consists of three Superior Court judges appointed by the Supreme Court chief justice.

**§§ 16 & 17 — CIVIL PROTECTION ORDERS AND COURT FEES**

The bill eliminates the following court fees related to civil protection orders:

1. \$350 for applications to obtain, modify, or extend the order and
2. \$125 for motions to open, set aside, modify, or extend the order.

By law, civil protection orders are available to certain sexual abuse, sexual assault, or stalking victims. Applicants for civil restraining

orders, which are available to victims who are family and household members under similar circumstances, do not pay these fees.

### **§§ 18-19 — CRIMINAL VIOLATION OF RESTRAINING OR CIVIL PROTECTION ORDERS**

The bill excludes certain conduct from criminal violation of restraining or civil protection orders. Specifically, under the bill, the subject of a civil protection order, or a restraining order in Connecticut or another jurisdiction, is not in criminal violation of the order when he or she has a legal document served on the person protected by the order by mail or a third party, according to the law. This includes serving a notice of appearance, an application, a petition, or a motion, when the document was filed in good faith for a pending court matter or one that may be brought.

By law, a person commits a class D felony if he or she (1) is subject to a restraining order in Connecticut or another jurisdiction and knows its terms and (2) does not stay away from a person or place or contacts a person in violation of the order. It is a class C felony to knowingly violate an order by committing certain conduct such as threatening or harassing the person protected by the order. By law, a person subject to a civil protection order who knows its terms commits a class D felony if he or she violates the order.

By law, a class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both. A class C felony is punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

### **§ 23 — VICTIM COMPENSATION**

When determining the amount of compensation to pay a victim, the OVS or a victim compensation commissioner must consider other amounts that the person received or is eligible to receive, including state or municipal payments and workers' compensation awards. Current law requires consideration of any insurance benefits. The bill requires consideration of health insurance benefits but excludes consideration of life insurance benefits.

The law authorizes compensation for certain expenses and losses, up to a maximum award that can only be exceeded for good cause and under compelling equitable circumstances.

### **§§ 24-26 — WARREN CEMETERY ASSOCIATION**

Under a 1917 special act, the Litchfield Judicial District Superior Court clerk acts as trustee of the escheated property formerly known as the Salmon Brownson Fund and pays (1) interest to the Warren Cemetery Association to maintain the Brownson family's graves and monuments, with any unexpended fund income used to maintain the graves of others who were members of the Warren Methodist Episcopal Church and for the association's general purposes or (2) income to a Methodist Episcopal church providing regular services in Warren.

The bill requires the clerk, by October 1, 2015, to close the account and pay the balance to the Warren Cemetery Association treasurer. It requires the association to use the funds, instead of just the interest, to maintain the graves and monuments described above and use any unexpended fund income for the association's general purposes. The association must continue to pay the fund's income to any Methodist Episcopal church providing regular services in Warren.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 43    Nay 0    (04/06/2015)