



General Assembly

January Session, 2015

***Raised Bill No. 7004***

LCO No. 5007



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING IMPLEMENTATION OF THE  
RECOMMENDATIONS OF THE TASK FORCE TO STUDY SERVICE OF  
RESTRAINING ORDERS.***

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 Section 6-32 of the general statutes is repealed and the  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, 2015*):

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 automated registry of protective orders maintained by the Judicial

14 Department pursuant to section 51-5c.

15 [(b)] (c) A civil protective order constitutes civil process for  
16 purposes of the powers and duties of a state marshal. The cost of  
17 serving a civil protective order shall be paid by the Judicial Branch in  
18 the same manner as the cost of serving a restraining order issued  
19 pursuant to section 46b-15, and fees and expenses associated with the  
20 serving of a civil protective order shall be calculated in accordance  
21 with subsection (a) of section 52-261.

22 Sec. 2. Subsection (j) of section 6-38b of the general statutes is  
23 repealed and the following is substituted in lieu thereof (*Effective*  
24 *October 1, 2015*):

25 (j) The commission may adopt such rules as it deems necessary for  
26 conduct of its internal affairs. [and] The commission shall adopt  
27 regulations in accordance with the provisions of chapter 54 for: (1) the  
28 application and investigation requirements for filling vacancies in the  
29 position of state marshal; (2) the provision of consistent and reliable  
30 access to a state marshal for persons applying for a restraining order  
31 under section 46b-15, as amended by this act; (3) the provision of  
32 services to persons with limited English proficiency; and (4) service of  
33 process that is a photographic copy, micrographic copy or other  
34 electronic image of an original document that clearly and accurately  
35 copies such original document.

36 Sec. 3. Subsection (g) of section 46b-15 of the general statutes is  
37 repealed and the following is substituted in lieu thereof (*Effective*  
38 *October 1, 2015*):

39 (g) The applicant shall cause notice of the hearing pursuant to  
40 subsection (b) of this section and a copy of the application [and the  
41 applicant's affidavit] and of any ex parte order issued pursuant to  
42 subsection (b) of this section to be served on the respondent not less  
43 than five days before the hearing, except that, when a court has issued  
44 an ex parte order, notice of such hearing and ex parte order may be

45 verbally provided to the respondent by a police officer, as defined in  
46 section 54-1t, in lieu of service by a proper officer, if such verbal notice  
47 is provided to the respondent not less than five days before the  
48 hearing. The cost of such service shall be paid for by the Judicial  
49 Branch. Upon the granting of an ex parte order, the clerk of the court  
50 shall provide two copies of the order to the applicant. Upon the  
51 granting of an order after notice and hearing, the clerk of the court  
52 shall provide two copies of the order to the applicant and a copy to the  
53 respondent. Every order of the court made in accordance with this  
54 section after notice and hearing shall be accompanied by a notification  
55 that is consistent with the full faith and credit provisions set forth in 18  
56 USC 2265(a), as amended from time to time. Immediately after making  
57 service on the respondent or, if applicable, verbally notifying the  
58 respondent of an ex parte order, the proper officer or police officer, as  
59 defined in section 54-1t, shall send or cause to be sent, by facsimile or  
60 other means, a copy of the application, or the information contained in  
61 such application, stating the date and time the respondent was served,  
62 to the law enforcement agency or agencies for the town in which the  
63 applicant resides, the town in which the applicant is employed and the  
64 town in which the respondent resides. The clerk of the court shall  
65 send, by facsimile or other means, a copy of any ex parte order and of  
66 any order after notice and hearing, or the information contained in any  
67 such order, to the law enforcement agency or agencies for the town in  
68 which the applicant resides, the town in which the applicant is  
69 employed and the town in which the respondent resides, within forty-  
70 eight hours of the issuance of such order. If the victim is enrolled in a  
71 public or private elementary or secondary school, including a technical  
72 high school, or an institution of higher education, as defined in section  
73 10a-55, the clerk of the court shall, upon the request of the victim, send,  
74 by facsimile or other means, a copy of such ex parte order or of any  
75 order after notice and hearing, or the information contained in any  
76 such order, to such school or institution of higher education, the  
77 president of any institution of higher education at which the victim is  
78 enrolled and the special police force established pursuant to section

79 10a-156b, if any, at the institution of higher education at which the  
80 victim is enrolled.

81 Sec. 4. Subsection (b) of section 51-5c of the general statutes is  
82 repealed and the following is substituted in lieu thereof (*Effective*  
83 *October 1, 2015*):

84 (b) (1) The following information contained in the registry of  
85 protective orders shall not be subject to disclosure and may be  
86 accessed only in accordance with this section, unless otherwise  
87 ordered by the court: (A) Any information that would identify a  
88 person protected by an order contained in the registry; (B) any  
89 information that is confidential pursuant to state or federal law,  
90 including, but not limited to, any information that is confidential  
91 pursuant to a court order; and (C) any information entered in the  
92 registry pursuant to an ex parte order prior to a hearing by a court  
93 having jurisdiction over the parties and the subject matter.

94 (2) Any judge of the Superior Court or any employee of the Judicial  
95 Department who is authorized by policies and procedures adopted by  
96 the Chief Court Administrator pursuant to subsection (a) of this  
97 section shall have access to such information. The Chief Court  
98 Administrator may grant access to such information to state marshals  
99 and personnel of the Department of Emergency Services and Public  
100 Protection, the Department of Correction, the Board of Pardons and  
101 Paroles, the Psychiatric Security Review Board, the Division of  
102 Criminal Justice, any municipal or tribal police department within this  
103 state or any other agency, organization or person determined by the  
104 Chief Court Administrator, pursuant to policies and procedures  
105 adopted by the Chief Court Administrator, to have a legitimate interest  
106 in the information contained in the registry. Any person who obtains  
107 such information pursuant to this subdivision may use and disclose  
108 the information only in the performance of such person's duties.

109 (3) Except as provided in subsection (c) of this section, the

110 information contained in the registry shall be provided to and may be  
111 accessed through the Connecticut on-line law enforcement  
112 communications teleprocessing system maintained by the Department  
113 of Emergency Services and Public Protection. Nothing in this section  
114 shall be construed to permit public access to the Connecticut on-line  
115 law enforcement communications teleprocessing system.

116 Sec. 5. Section 52-261 of the general statutes is repealed and the  
117 following is substituted in lieu thereof (*Effective October 1, 2015*):

118 (a) Except as provided in [subsection (b)] subsections (b) and (c) of  
119 this section and section 52-261a, each officer or person who serves  
120 process, summons or attachments on behalf of: (1) An official of the  
121 state or any of its agencies, boards or commissions, or any municipal  
122 official acting in his or her official capacity, shall receive a fee of not  
123 more than thirty dollars for each process served and an additional fee  
124 of thirty dollars for the second and each subsequent service of such  
125 process, except that such officer or person shall receive an additional  
126 fee of ten dollars for each subsequent service of such process at the  
127 same address or for notification of the office of the Attorney General in  
128 dissolution and postjudgment proceedings if a party or child is  
129 receiving public assistance; and (2) any person, except a person  
130 described in subdivision (1) of this subsection, shall receive a fee of not  
131 more than forty dollars for each process served and an additional fee  
132 of forty dollars for the second and each subsequent service of such  
133 process, except that such officer or person shall receive an additional  
134 fee of twenty dollars for each subsequent service of such process at the  
135 same address or for notification of the office of the Attorney General in  
136 dissolution and postjudgment proceedings if a party or child is  
137 receiving public assistance. Each such officer or person shall also  
138 receive the fee set by the Department of Administrative Services for  
139 state employees for each mile of travel, to be computed from the place  
140 where such officer or person received the process to the place of  
141 service, and thence in the case of civil process to the place of return. If  
142 more than one process is served on one person at one time by any such

143 officer or person, the total cost of travel for the service shall be the  
144 same as for the service of one process only. Each officer or person who  
145 serves process shall also receive the moneys actually paid for town  
146 clerk's fees on the service of process. Any officer or person required to  
147 summon jurors by personal service of a warrant to attend court shall  
148 receive for the first ten miles of travel while so engaged, such mileage  
149 to be computed from the place where such officer or person receives  
150 the process to the place of service, twenty-five cents for each mile, and  
151 for each additional mile, ten cents. For summoning any juror to attend  
152 court otherwise than by personal service of the warrant, such officer or  
153 person shall receive only the sum of fifty cents and actual  
154 disbursements necessarily expended by such officer or person in  
155 making service thereof as directed. Notwithstanding the provisions of  
156 this section, for summoning grand jurors, such officer or person shall  
157 receive only such officer's or person's actual expenses and such  
158 reasonable sum for services as are taxed by the court. The following  
159 fees shall be allowed and paid: (A) For taking bail or bail bond, one  
160 dollar; (B) for copies of writs and complaints, exclusive of  
161 endorsements, one dollar per page, not to exceed a total amount of  
162 nine hundred dollars in any particular matter; (C) for endorsements,  
163 forty cents per page or fraction thereof; (D) for service of a warrant for  
164 the seizure of intoxicating liquors, or for posting and leaving notices  
165 after the seizure, or for the destruction or delivery of any such liquors  
166 under order of court, twenty dollars; (E) for the removal and custody  
167 of such liquors so seized, reasonable expenses, and twenty dollars; (F)  
168 for the levy of an execution, when the money is actually collected and  
169 paid over, or the debt or a portion of the debt is secured by the officer,  
170 fifteen per cent on the amount of the execution, provided the  
171 minimum fee for such execution shall be thirty dollars; (G) on the levy  
172 of an execution on real property and on application for sale of personal  
173 property attached, to each appraiser, for each half day of actual  
174 service, reasonable and customary expenses; (H) for causing an  
175 execution levied on real property to be recorded, fees for travel, twenty  
176 dollars and costs; (I) for services on an application for the sale of

177 personal property attached, or in selling mortgaged property  
178 foreclosed under a decree of court, the same fees as for similar services  
179 on executions; (J) for committing any person to a community  
180 correctional center, in civil actions, twenty-one cents a mile for travel,  
181 from the place of the court to the community correctional center, in  
182 lieu of all other expenses; and (K) for summoning and attending a jury  
183 for reassessing damages or benefits on a highway, three dollars a day.  
184 The court shall tax as costs a reasonable amount for the care of  
185 property held by any officer under attachment or execution. The  
186 officer serving any attachment or execution may claim compensation  
187 for time and expenses of any person, in keeping, securing or removing  
188 property taken thereon, provided such officer shall make out a bill.  
189 The bill shall specify the labor done, and by whom, the time spent, the  
190 travel, the money paid, if any, and to whom and for what. The  
191 compensation for the services shall be reasonable and customary and  
192 the amount of expenses and shall be taxed by the court with the costs.

193 (b) Each officer or person shall receive the following fees: (1) For  
194 service of an execution on a summary process judgment, not more  
195 than fifty dollars; and (2) for removal under section 47a-42 of a  
196 defendant or other occupant bound by a summary process judgment,  
197 and the possessions and personal effects of such defendant or other  
198 occupant, not more than one hundred dollars per hour.

199 (c) The cost of service or attempted service of a restraining order,  
200 issued pursuant to section 46b-15, as amended by this act, and fees and  
201 expenses associated with the service or attempted service of such  
202 restraining order shall be calculated in accordance with subsection (a)  
203 of this section, except that mileage for in hand service of such  
204 restraining order may be calculated for up to three round trips, as may  
205 reasonably be necessary to effectuate such service on the respondent,  
206 with any additional fees authorized only by a court order for good  
207 cause shown.

208 Sec. 6. (NEW) (*Effective October 1, 2015*) In each Superior Court

209 where a restraining order issued under section 46b-15 of the general  
210 statutes, as amended by this act, may be made returnable, the Chief  
211 Court Administrator shall ensure that there is sufficient office space  
212 within such court so as to permit a meeting between a person seeking  
213 service of the notice of hearing and any order issued under section  
214 46b-15 of the general statutes, as amended by this act, and a state  
215 marshal.

216 Sec. 7. (NEW) (*Effective October 1, 2015*) (a) The Chief Court  
217 Administrator shall revise and simplify the process for filing an  
218 application for relief from abuse under section 46b-15 of the general  
219 statutes, as amended by this act. The Chief Court Administrator shall  
220 ensure that any person seeking to file an application for relief from  
221 abuse is provided with a one-page, plain language explanation on how  
222 to apply for relief from abuse under section 46b-15 of the general  
223 statutes, as amended by this act.

224 (b) The Chief Court Administrator shall annually collect data on the  
225 (1) number of restraining or protective orders issued under sections  
226 46b-15, as amended by this act, 46b-16a or 46b-38c of the general  
227 statutes; (2) the method of service of such orders in cases in which a  
228 respondent is successfully served with the order; and (3) the number of  
229 such orders issued that are subsequently vacated because the  
230 respondent could not be served with the order.

231 Sec. 8. (*Effective from passage*) The State Marshal Commission shall  
232 study the Judicial Branch's "marshal of the day" practice, which is used  
233 for the collection, dissemination and service of restraining and  
234 protective orders. Such study shall include, but not be limited to, an  
235 examination of the wait times for applicants as a result of such practice  
236 and whether such practice promotes efficient and timely service of  
237 restraining and protective orders. On or before February 1, 2016, the  
238 State Marshal Commission shall report, in accordance with the  
239 provisions of section 11-4a of the general statutes, on the results of  
240 such study to the joint standing committee of the General Assembly

241 having cognizance of matters relating to the judiciary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	6-32
Sec. 2	<i>October 1, 2015</i>	6-38b(j)
Sec. 3	<i>October 1, 2015</i>	46b-15(g)
Sec. 4	<i>October 1, 2015</i>	51-5c(b)
Sec. 5	<i>October 1, 2015</i>	52-261
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>from passage</i>	New section

**Statement of Purpose:**

To implement the recommendations of the task force to study service of restraining orders.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*