



General Assembly

Substitute Bill No. 7004

January Session, 2015



**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 Section 6-32 of the general statutes is repealed and the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, as amended by this act.

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, as amended by this act, and fees and
20 expenses associated with the serving of a civil protective order shall be
21 calculated in accordance with subsection (a) of section 52-261, as
22 amended by this act.

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24 repealed and the following is substituted in lieu thereof (*Effective*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

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

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38 repealed and the following is substituted in lieu thereof (*Effective*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

40 (g) The applicant shall cause notice of the hearing pursuant to
41 subsection (b) of this section and a copy of the application [and the
42 applicant's affidavit] and of any ex parte order issued pursuant to
43 subsection (b) of this section to be served on the respondent not less
44 than five days before the hearing, except that, when a court has issued
45 an ex parte order, notice of such hearing and ex parte order may be
46 verbally provided to the respondent by a police officer, as defined in
47 section 54-1t, in lieu of service by a proper officer, if such verbal notice
48 is provided to the respondent not less than five days before the
49 hearing. The cost of such service shall be paid for by the Judicial

50 Branch. Upon the granting of an ex parte order, the clerk of the court
51 shall provide two copies of the order to the applicant. Upon the
52 granting of an order after notice and hearing, the clerk of the court
53 shall provide two copies of the order to the applicant and a copy to the
54 respondent. Every order of the court made in accordance with this
55 section after notice and hearing shall be accompanied by a notification
56 that is consistent with the full faith and credit provisions set forth in 18
57 USC 2265(a), as amended from time to time. Immediately after making
58 service on the respondent or, if applicable, verbally notifying the
59 respondent of an ex parte order, the proper officer or police officer, as
60 defined in section 54-1t, shall send or cause to be sent, by facsimile or
61 other means, a copy of the application, or the information contained in
62 such application, stating the date and time the respondent was served,
63 to the law enforcement agency or agencies for the town in which the
64 applicant resides, the town in which the applicant is employed and the
65 town in which the respondent resides. The clerk of the court shall
66 send, by facsimile or other means, a copy of any ex parte order and of
67 any order after notice and hearing, or the information contained in any
68 such order, to the law enforcement agency or agencies for the town in
69 which the applicant resides, the town in which the applicant is
70 employed and the town in which the respondent resides, within forty-
71 eight hours of the issuance of such order. If the victim is enrolled in a
72 public or private elementary or secondary school, including a technical
73 high school, or an institution of higher education, as defined in section
74 10a-55, the clerk of the court shall, upon the request of the victim, send,
75 by facsimile or other means, a copy of such ex parte order or of any
76 order after notice and hearing, or the information contained in any
77 such order, to such school or institution of higher education, the
78 president of any institution of higher education at which the victim is
79 enrolled and the special police force established pursuant to section
80 10a-156b, if any, at the institution of higher education at which the
81 victim is enrolled.

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

84 *October 1, 2015*):

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

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

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

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

119 (a) Except as provided in [subsection (b)] subsections (b) and (c) of
120 this section and section 52-261a, each officer or person who serves
121 process, summons or attachments on behalf of: (1) An official of the
122 state or any of its agencies, boards or commissions, or any municipal
123 official acting in his or her official capacity, shall receive a fee of not
124 more than thirty dollars for each process served and an additional fee
125 of thirty dollars for the second and each subsequent service of such
126 process, except that such officer or person shall receive an additional
127 fee of ten dollars for each subsequent service of such process at the
128 same address or for notification of the office of the Attorney General in
129 dissolution and postjudgment proceedings if a party or child is
130 receiving public assistance; and (2) any person, except a person
131 described in subdivision (1) of this subsection, shall receive a fee of not
132 more than forty dollars for each process served and an additional fee
133 of forty dollars for the second and each subsequent service of such
134 process, except that such officer or person shall receive an additional
135 fee of twenty dollars for each subsequent service of such process at the
136 same address or for notification of the office of the Attorney General in
137 dissolution and postjudgment proceedings if a party or child is
138 receiving public assistance. Each such officer or person shall also
139 receive the fee set by the Department of Administrative Services for
140 state employees for each mile of travel, to be computed from the place
141 where such officer or person received the process to the place of
142 service, and thence in the case of civil process to the place of return. If
143 more than one process is served on one person at one time by any such
144 officer or person, the total cost of travel for the service shall be the
145 same as for the service of one process only. Each officer or person who
146 serves process shall also receive the moneys actually paid for town
147 clerk's fees on the service of process. Any officer or person required to
148 summon jurors by personal service of a warrant to attend court shall
149 receive for the first ten miles of travel while so engaged, such mileage
150 to be computed from the place where such officer or person receives

151 the process to the place of service, twenty-five cents for each mile, and
152 for each additional mile, ten cents. For summoning any juror to attend
153 court otherwise than by personal service of the warrant, such officer or
154 person shall receive only the sum of fifty cents and actual
155 disbursements necessarily expended by such officer or person in
156 making service thereof as directed. Notwithstanding the provisions of
157 this section, for summoning grand jurors, such officer or person shall
158 receive only such officer's or person's actual expenses and such
159 reasonable sum for services as are taxed by the court. The following
160 fees shall be allowed and paid: (A) For taking bail or bail bond, one
161 dollar; (B) for copies of writs and complaints, exclusive of
162 endorsements, one dollar per page, not to exceed a total amount of
163 nine hundred dollars in any particular matter; (C) for endorsements,
164 forty cents per page or fraction thereof; (D) for service of a warrant for
165 the seizure of intoxicating liquors, or for posting and leaving notices
166 after the seizure, or for the destruction or delivery of any such liquors
167 under order of court, twenty dollars; (E) for the removal and custody
168 of such liquors so seized, reasonable expenses, and twenty dollars; (F)
169 for the levy of an execution, when the money is actually collected and
170 paid over, or the debt or a portion of the debt is secured by the officer,
171 fifteen per cent on the amount of the execution, provided the
172 minimum fee for such execution shall be thirty dollars; (G) on the levy
173 of an execution on real property and on application for sale of personal
174 property attached, to each appraiser, for each half day of actual
175 service, reasonable and customary expenses; (H) for causing an
176 execution levied on real property to be recorded, fees for travel, twenty
177 dollars and costs; (I) for services on an application for the sale of
178 personal property attached, or in selling mortgaged property
179 foreclosed under a decree of court, the same fees as for similar services
180 on executions; (J) for committing any person to a community
181 correctional center, in civil actions, twenty-one cents a mile for travel,
182 from the place of the court to the community correctional center, in
183 lieu of all other expenses; and (K) for summoning and attending a jury
184 for reassessing damages or benefits on a highway, three dollars a day.
185 The court shall tax as costs a reasonable amount for the care of

186 property held by any officer under attachment or execution. The
187 officer serving any attachment or execution may claim compensation
188 for time and expenses of any person, in keeping, securing or removing
189 property taken thereon, provided such officer shall make out a bill.
190 The bill shall specify the labor done, and by whom, the time spent, the
191 travel, the money paid, if any, and to whom and for what. The
192 compensation for the services shall be reasonable and customary and
193 the amount of expenses and shall be taxed by the court with the costs.

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

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

209 Sec. 6. (NEW) (*Effective October 1, 2015*) In each Superior Court
210 where a restraining order issued under section 46b-15 of the general
211 statutes, as amended by this act, may be made returnable, the Chief
212 Court Administrator shall ensure that there is sufficient office space
213 within such court so as to permit a meeting between a state marshal
214 and a person seeking service of the notice of hearing and any order
215 issued under section 46b-15 of the general statutes, as amended by this
216 act.

217 Sec. 7. (NEW) (*Effective October 1, 2015*) (a) The Chief Court

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

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

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

In Section 5(c), references to "calculated" were changed to "computed in accordance with subsection (a) of this section" for internal consistency and clarity; and in Section 6, "meeting between a person seeking service of the notice of hearing and any order issued under section 46b-15 of the general statutes, as amended by this act, and a state marshal" was changed to "meeting between a state marshal and a person seeking service of the notice of hearing and any order issued under section 46b-15 of the general statutes, as amended by this act" for clarity.

JUD *Joint Favorable Subst. -LCO*