



General Assembly

January Session, 2023

Raised Bill No. 6786

LCO No. 4850



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING SERVICE OF BANK EXECUTIONS, WAGE EXECUTIONS AND TAX WARRANTS BY STATE MARSHALS AND AUTHORIZED SERVICE OF PROCESS BY INDIFFERENT PERSONS.

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

1 Section 1. Section 52-367b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) Execution may be granted pursuant to this section against any
4 debts due from any financial institution to a judgment debtor who is a
5 natural person, except to the extent such debts are protected from
6 execution by sections 52-352a, 52-352b, 52-352c of the general statutes,
7 revision of 1958, revised to 1983, 52-354 of the general statutes, revision
8 of 1958, revised to 1983, 52-361 of the general statutes, revision of 1958,
9 revised to 1983 and section 52-361a, as amended by this act, as well as
10 by any other laws or regulations of this state or of the United States
11 which exempt such debts from execution.

12 (b) If execution is desired against any such debt, the plaintiff
13 requesting the execution shall make application to the clerk of the court.
14 The application shall be accompanied by a fee of one hundred five

15 dollars payable to the clerk of the court for the administrative costs of
16 complying with the provisions of this section, which fee may be
17 recoverable by the judgment creditor as a taxable cost of the action. In a
18 IV-D case, the request for execution shall be accompanied by an affidavit
19 signed by the serving officer attesting to an overdue support amount of
20 five hundred dollars or more which accrued after the entry of an initial
21 family support judgment. If the papers are in order, the clerk shall issue
22 such execution containing a direction that the officer serving such
23 execution shall, within seven days from the receipt by the serving officer
24 of such execution, make demand (1) upon the main office of any
25 financial institution having its main office within the county of the
26 serving officer, (2) if such main office is not within the serving officer's
27 county and such financial institution has one or more branch offices
28 within such county, upon an employee of such a branch office, such
29 employee and branch office having been designated by the financial
30 institution in accordance with regulations adopted by the Banking
31 Commissioner, in accordance with chapter 54, or (3) only upon demand
32 of a financial institution which does not have any main office or branch
33 office in this state, by certified mail, return receipt requested, for
34 payment of any such nonexempt debt due to the judgment debtor and,
35 after having made such demand, shall serve a true and attested copy of
36 the execution, together with the affidavit and exemption claim form
37 prescribed by subsection (k) of this section, with the serving officer's
38 actions endorsed thereon, with the financial institution upon whom
39 such demand is made. When service is made by the serving officer by
40 certified mail pursuant to subdivision (3) of this subsection, the officer
41 may under the levy collect the actual postage costs incurred. The serving
42 officer shall not serve more than one financial institution execution per
43 judgment debtor at a time, including copies thereof. After service of an
44 execution on one financial institution, the serving officer shall not serve
45 the same execution or a copy thereof upon another financial institution
46 until receiving confirmation from the preceding financial institution
47 that the judgment debtor had insufficient funds at the preceding
48 financial institution available for collection to satisfy the execution,
49 provided any such additional service is made not later than forty-five

50 days from the receipt by the serving officer of such execution. The
51 financial institution shall provide the serving officer a response to the
52 service of such execution. In the case of no account found, a closed
53 account or an account with insufficient funds or protected funds, the
54 financial institution shall respond by endorsing the institution's
55 response on the officer's cover sheet. The financial institution shall by
56 United States mail return to the serving officer a complete set of the
57 documents served on the financial institution, including the cover page
58 of the serving officer, with endorsements from other financial
59 institutions, as the case may be, and return to the serving officer the
60 complete true and attested copy of the execution as served, together
61 with the affidavit and exemption claim forms prescribed by subsection
62 (k) of this section. The financial institution shall mail such response and
63 return of process to the serving officer not later than five business days
64 after the date on which service is made. After service of an execution on
65 a financial institution, the serving officer shall not subsequently serve
66 the same execution or a copy thereof upon such financial institution if
67 an electronic direct deposit that is readily identifiable as exempt from
68 execution was made to the judgment debtor's account during the look-
69 back period, as described in subsection (c) of this section. If no such
70 deposit was made, the serving officer may subsequently serve the same
71 execution or a copy thereof upon such institution, provided such
72 execution has not expired or otherwise become unenforceable.

73 (c) (1) Except as provided in subdivision (2) of this subsection, if any
74 such financial institution upon which such execution is served and upon
75 which such demand is made is indebted to the judgment debtor, the
76 financial institution shall remove from the judgment debtor's account
77 the amount of such indebtedness not exceeding the amount due on such
78 execution before its midnight deadline, as defined in section 42a-4-104.

79 (2) Notwithstanding the provisions of subdivision (1) of this
80 subsection, the financial institution shall leave in the judgment debtor's
81 account (A) the full amount of electronic direct deposits that are readily
82 identifiable as exempt federal veterans' benefits, Social Security benefits,
83 including, but not limited to, retirement, survivors' and disability

84 benefits, supplemental security income benefits, exempt benefits paid
85 by the federal Railroad Retirement Board or the federal Office of
86 Personnel Management, unemployment compensation benefits exempt
87 under section 52-352b, and child support payments processed and
88 received pursuant to Title IV-D of the Social Security Act, and (B) the
89 amount of electronic direct deposits, not to exceed one thousand dollars,
90 that are readily identifiable as wages, provided such deposits were
91 made to the judgment debtor's account during the look-back period of
92 two months preceding the date that the execution was served on the
93 financial institution, or, with regard to federal benefits, such greater
94 period as required by federal law. If no such deposits have been made
95 to the judgment debtor's account during the look-back period, or if such
96 readily identifiable funds are less than one thousand dollars, the
97 financial institution shall leave in the judgment debtor's account as
98 exempt pursuant to subdivision (18) of section 52-352b the lesser of the
99 account balance or one thousand dollars in the aggregate. To the extent
100 that such funds are left in the judgment debtor's account as exempt
101 pursuant to subdivision (18) of section 52-352b, the provisions of said
102 subsection shall not be the basis for a claim of exemption pursuant to
103 this subsection in response to a levy of execution.

104 (3) Nothing in this subsection shall be construed to limit a financial
105 institution's right or obligation to remove such funds from the judgment
106 debtor's account if required by any other provision of law or by a court
107 order. The judgment debtor shall have full and customary access to such
108 funds left in the judgment debtor's account pursuant to this subsection.
109 The financial institution may notify the judgment creditor that funds
110 have been left in the judgment debtor's account pursuant to this
111 subsection. Nothing in this subsection shall alter the exempt status of
112 funds which are exempt from execution under subsection (a) of this
113 section or under any other provision of state or federal law, or the right
114 of a judgment debtor to claim such exemption. Nothing in this
115 subsection shall be construed to affect any other rights or obligations of
116 the financial institution with regard to the funds in the judgment
117 debtor's account.

118 (d) If any funds are removed from the judgment debtor's account
119 pursuant to subsection (c) of this section, upon receipt of the execution
120 and exemption claim form from the serving officer, the financial
121 institution shall (1) forthwith mail copies thereof, postage prepaid, to
122 the judgment debtor and to any secured party that is party to a control
123 agreement between the financial institution and such secured party
124 under article 9 of title 42a at the last-known address of the judgment
125 debtor and of any such secured party with respect to the affected
126 accounts on the records of the financial institution, [and] (2) mail notice
127 to the judgment debtor as required by 31 CFR 212.6 and 212.7, and (3)
128 provide the judgment debtor the docket number of the proceeding for
129 an execution has been granted and the Internet web site address of the
130 Judicial Branch for accessing online records to such proceeding. The
131 financial institution shall hold the amount removed from the judgment
132 debtor's account pursuant to subsection (c) of this section for fifteen
133 days from the date of the mailing to the judgment debtor and any such
134 secured party, and during such period shall not pay the serving officer.

135 (e) To prevent the financial institution from paying the serving
136 officer, as provided in subsection (h) of this section, the judgment debtor
137 shall give notice of a claim of exemption by delivering to the financial
138 institution, by mail or other means, the exemption claim form or other
139 written notice that an exemption is being claimed and any such secured
140 party shall give notice of its claim of a prior perfected security interest
141 in such deposit account by delivering to the financial institution, by mail
142 or other means, written notice thereof. The financial institution may
143 designate an address to which the notice of a claim of exemption, or a
144 secured party claim notice, shall be delivered. Upon receipt of such
145 notice, the financial institution shall, within two business days, send a
146 copy of such notice to the clerk of the court which issued the execution.

147 (f) (1) Upon receipt of an exemption claim form or a secured party
148 claim notice, the clerk of the court shall enter the appearance of the
149 judgment debtor or such secured party with the address set forth in the
150 exemption claim form or secured party claim notice. The clerk shall
151 forthwith send file-stamped copies of the exemption claim form or

152 secured party claim notice to the judgment creditor and judgment
153 debtor with a notice stating that the disputed funds are being held for
154 forty-five days from the date the exemption claim form or secured party
155 claim notice was received by the financial institution or until a court
156 order is entered regarding the disposition of the funds, whichever
157 occurs earlier, and the clerk shall promptly schedule the matter for a
158 hearing. The claim of exemption filed by such judgment debtor shall be
159 prima facie evidence at such hearing of the existence of the exemption.

160 (2) Upon receipt of notice from the financial institution pursuant to
161 subsection (c) of this section, a judgment creditor may, on an ex parte
162 basis, present to a judge of the Superior Court an affidavit sworn under
163 oath by a competent party demonstrating a reasonable belief that such
164 judgment debtor's account contains funds which are not exempt from
165 execution and the amount of such nonexempt funds. Such affidavit shall
166 not be conclusory but is required to show the factual basis upon which
167 the reasonable belief is based. If such judge finds that the judgment
168 creditor has demonstrated a reasonable belief that such judgment
169 debtor's account contains funds which are not exempt from execution,
170 such judge shall authorize the judgment creditor to submit a written
171 application to the clerk of the court for a hearing on the exempt status
172 of funds left in the judgment debtor's account pursuant to subsection (c)
173 of this section. The judgment creditor shall promptly send a copy of the
174 application and the supporting affidavit to the judgment debtor and to
175 any secured party shown on a secured party claim notice sent to the
176 judgment creditor pursuant to subdivision (1) of this subsection. Upon
177 receipt of such application, the clerk of the court shall promptly
178 schedule the matter for a hearing and shall give written notice to the
179 judgment creditor, the judgment debtor and any secured party shown
180 on a secured party claim notice received by the clerk of the court. The
181 notice to the judgment creditor pursuant to subsection (c) of this section
182 shall be prima facie evidence at such hearing that the funds in the
183 account are exempt funds. The burden of proof shall be upon the
184 judgment creditor to establish the amount of funds which are not
185 exempt.

186 (g) If an exemption claim is made or a secured party claim notice is
187 given pursuant to subsection (e) of this section, the financial institution
188 shall continue to hold the amount removed from the judgment debtor's
189 account for forty-five days or until a court order is received regarding
190 disposition of the funds, whichever occurs earlier. If no such order is
191 received within forty-five days of the date the financial institution sends
192 a copy of the exemption claim form or notice of exemption or a secured
193 party claim notice to the clerk of the court, the financial institution shall
194 return the funds to the judgment debtor's account.

195 (h) If no claim of exemption or secured party claim notice is received
196 by the financial institution within fifteen days of the mailing to the
197 judgment debtor and any secured party of the execution and exemption
198 claim form pursuant to subsection (d) of this section, the financial
199 institution shall, upon demand, forthwith pay the serving officer the
200 amount removed from the judgment debtor's account, and the serving
201 officer shall thereupon pay such sum, less such serving officer's fees, to
202 the judgment creditor, except to the extent otherwise ordered by a court.

203 (i) The court, after a hearing conducted pursuant to subsection (f) of
204 this section, shall enter an order determining the issues raised by the
205 claim of exemption and claim by a secured party of a prior perfected
206 security interest in such deposit account. The clerk of the court shall
207 forthwith send a copy of such order to the financial institution. Such
208 order shall be deemed to be a final judgment for the purposes of appeal.
209 No appeal shall be taken except within seven days of the rendering of
210 the order. The order of the court may be implemented during such
211 seven-day period, unless stayed by the court.

212 (j) Except as otherwise provided in subsection (c) of this section, if
213 both exempt and nonexempt moneys have been deposited into an
214 account, for the purposes of determining which moneys are exempt
215 under this section, the moneys most recently deposited as of the time
216 the execution is served shall be deemed to be the moneys remaining in
217 the account.

218 (k) The execution, exemption claim form and clerk's notice regarding
219 the filing of a claim of exemption shall be in such form as prescribed by
220 the judges of the Superior Court or their designee. The exemption claim
221 form shall be dated and include a checklist and description of the most
222 common exemptions, instructions on the manner of claiming the
223 exemptions and a space for the judgment debtor to certify those
224 exemptions claimed under penalty of false statement.

225 (l) If records or testimony are subpoenaed from a financial institution
226 in connection with a hearing conducted pursuant to subsection (f) of this
227 section, the reasonable costs and expenses of the financial institution in
228 complying with the subpoena shall be recoverable by the financial
229 institution from the party requiring such records or testimony,
230 provided, the financial institution shall be under no obligation to
231 attempt to obtain records or documentation relating to the account
232 executed against which are held by any other financial institution. The
233 records of a financial institution as to the dates and amounts of deposits
234 into an account in the financial institution shall, if certified as true and
235 accurate by an officer of the financial institution, be admissible as
236 evidence without the presence of the officer in any hearing conducted
237 pursuant to subsection (f) of this section to determine the legitimacy of
238 a claim of exemption made under this section.

239 (m) If there are moneys to be removed from the judgment debtor's
240 account, prior to the removal of such moneys pursuant to subsection (c)
241 of this section, the financial institution shall [receive from the serving
242 officer as representative of the judgment creditor] collect from the levy
243 a fee of eight dollars for the financial institution's costs in complying
244 with the provisions of this section which fee may be recoverable by the
245 judgment creditor as a taxable cost of the action.

246 (n) If the financial institution fails or refuses to pay over to the serving
247 officer the amount of such debt, not exceeding the amount due on such
248 execution, such financial institution shall be liable in an action therefor
249 to the judgment creditor named in such execution for the amount of
250 nonexempt moneys which the financial institution failed or refused to

251 pay over, excluding funds of up to one thousand dollars which the
252 financial institution in good faith allowed the judgment debtor to access
253 pursuant to subsection (c) of this section. The amount so recovered by
254 such judgment creditor shall be applied toward the payment of the
255 amount due on such execution. Thereupon, the rights of the financial
256 institution shall be subrogated to the rights of the judgment creditor. If
257 such financial institution pays exempt moneys from the account of the
258 judgment debtor over to the serving officer contrary to the provisions of
259 this section, such financial institution shall be liable in an action therefor
260 to the judgment debtor for any exempt moneys so paid and such
261 financial institution shall refund or waive any charges or fees by the
262 financial institution, including, but not limited to, dishonored check
263 fees, overdraft fees or minimum balance service charges and legal
264 process fees, which were assessed as a result of such payment of exempt
265 moneys. Thereupon, the rights of the financial institution shall be
266 subrogated to the rights of the judgment debtor.

267 (o) Except as provided in subsection (n) of this section, no financial
268 institution or any officer, director or employee of such financial
269 institution shall be liable to any person with respect to any act done or
270 omitted in good faith or through the commission of a bona fide error
271 that occurred despite reasonable procedures maintained by the financial
272 institution to prevent such errors in complying with the provisions of
273 this section.

274 (p) Nothing in this section shall in any way restrict the rights and
275 remedies otherwise available to a judgment debtor or any such secured
276 party at law or in equity.

277 (q) Nothing in this section shall in any way affect any rights of the
278 financial institution with respect to uncollected funds credited to the
279 account of the judgment debtor, which rights shall be superior to those
280 of the judgment creditor.

281 (r) For the purposes of this subsection, "exempt" has the same
282 meaning as provided in subdivision (3) of section 52-352a. Funds

283 deposited in an account that has been established for the express
284 purpose of receiving electronic direct deposits of public assistance or of
285 Title IV-D child support payments from the Department of Social
286 Services shall be exempt.

287 Sec. 2. Section 52-367a of the general statutes is repealed and the
288 following is substituted in lieu thereof (*Effective October 1, 2023*):

289 (a) As used in this section and section 52-367b, as amended by this
290 act, "financial institution" means any bank, savings bank, savings and
291 loan association or credit union organized, chartered or licensed under
292 the laws of this state or the United States and having its main office in
293 this state, any similar out-of-state institution having a branch office in
294 this state or any similar out-of-state institution having no main office or
295 branch office in this state and where transactions are made via the
296 Internet or electronic means.

297 (b) Execution may be granted pursuant to this section against any
298 debts due from any financial institution to a judgment debtor which is
299 not a natural person. If execution is desired against any such debt, the
300 plaintiff requesting the execution shall make application to the clerk of
301 the court. The application shall be accompanied by a fee of one hundred
302 five dollars payable to the clerk of the court for the administrative costs
303 of complying with the provisions of this section which fee may be
304 recoverable by the judgment creditor as a taxable cost of the action. The
305 clerk shall issue such execution containing a direction that the officer
306 serving such execution shall make demand (1) upon the main office of
307 any financial institution having its main office within the county of the
308 serving officer, (2) if such main office is not within the serving officer's
309 county and such financial institution has one or more branch offices
310 within such county, upon an employee of such a branch office, such
311 employee and branch office having been designated by the financial
312 institution in accordance with regulations adopted by the Banking
313 Commissioner, in accordance with chapter 54, or (3) only upon demand
314 of a financial institution which does not have any main office or branch
315 office in this state, by certified mail, return receipt requested, for the

316 payment of any debt due to the judgment debtor, and, after having
317 made such demand, shall serve a true and attested copy thereof, with
318 the serving officer's actions thereon endorsed, with the financial
319 institution upon whom such demand is made. When service is made by
320 the serving officer by certified mail pursuant to subdivision (3) of this
321 subsection, the officer may under the levy collect the actual postage
322 costs incurred. The serving officer shall not serve more than one
323 financial institution execution per judgment debtor at a time, including
324 copies thereof. After service of an execution on one financial institution,
325 the serving officer shall not serve the same execution or a copy thereof
326 upon another financial institution until receiving confirmation from the
327 preceding financial institution that the judgment debtor had insufficient
328 funds at the preceding financial institution available for collection to
329 satisfy the execution. The financial institution shall provide the serving
330 officer a response to the service of such execution. In the case of no
331 account found, a closed account or an account with insufficient funds or
332 protected funds, the financial institution shall respond by endorsing the
333 institution's response on the officer's cover sheet. The financial
334 institution shall by United States mail return to the serving officer a
335 complete set of the documents served on the financial institution,
336 including the cover page of the serving officer, with endorsements from
337 other financial institutions, as the case may be, and return to the serving
338 officer the complete true and attested copy of the execution as served.
339 The financial institution shall mail such response and return of process
340 to the serving officer not later than five business days after the date on
341 which service is made. If the serving officer does not receive within
342 twenty-five days of the service of the demand a response from the
343 financial institution that was served indicating whether or not the
344 taxpayer or judgment debtor has funds at the financial institution
345 available for collection, the serving officer may assume that sufficient
346 funds are not available for collection and may proceed to serve another
347 financial institution in accordance with this subsection.

348 (c) If any such financial institution upon which such execution is
349 served and upon which such demand is made is indebted to the

350 judgment debtor, the financial institution shall remove from the
351 judgment debtor's account the amount of such indebtedness not
352 exceeding the amount due on such execution. Except as provided in
353 subsection (d) of this section, the financial institution shall immediately
354 pay to such serving officer the amount removed from the judgment
355 debtor's account, which amount shall be received and applied on such
356 execution by such serving officer. Such financial institution shall act
357 upon such execution according to section 42a-4-303 before its midnight
358 deadline, as defined in section 42a-4-104. Nothing in this subsection
359 shall be construed to affect any other rights or obligations of the
360 financial institution with regard to funds in the judgment debtor's
361 account.

362 (d) If the deposit account is subject to a security interest of a secured
363 party, other than the financial institution upon which such execution is
364 served and upon which such demand is made, pursuant to a control
365 agreement between the financial institution and such secured party
366 under article 9 of title 42a, and if any funds are removed from the
367 judgment debtor's account pursuant to subsection (c) of this section, the
368 financial institution shall forthwith mail a copy of the execution when
369 received from the serving officer, postage prepaid, to the judgment
370 debtor and to such other secured party at the last-known address of such
371 parties with respect to the affected accounts on the records of the
372 financial institution. The financial institution shall hold the amount
373 removed from the judgment debtor's account pursuant to subsection (c)
374 of this section for twenty days from the date of the mailing to the
375 judgment debtor and such other secured party, and during such period
376 shall not pay the serving officer.

377 (e) To prevent the financial institution from paying the serving
378 officer, as provided in subsection (h) of this section, such other secured
379 party shall give notice of its prior perfected security interest in such
380 deposit account, by delivering to the clerk of the court that issued the
381 execution a written claim for determination of interests in property
382 pursuant to section 52-356c and by delivering a copy of such claim to
383 the financial institution upon which such execution is served.

384 (f) Upon receipt of a written claim for determination of interests in
385 property made pursuant to subsection (e) of this section, the clerk of the
386 court shall enter the appearance of the secured party with the address
387 set forth in the written claim. The clerk shall forthwith send file-stamped
388 copies of the written claim to the judgment creditor, the judgment
389 debtor and the financial institution upon which such execution was
390 served with a notice stating that the disputed funds are being held until
391 a court order is entered regarding the disposition of the funds.

392 (g) If a written claim for determination of interests in property is
393 made pursuant to subsection (e) of this section, the financial institution
394 shall continue to hold the amount removed from the judgment debtor's
395 account until a court order is received regarding disposition of the
396 funds.

397 (h) If no written claim for determination of interests in property is
398 made pursuant to subsection (e) of this section, the financial institution
399 shall, upon demand, forthwith pay the serving officer the amount
400 removed from the judgment debtor's account, and the serving officer
401 shall thereupon pay such sum, less such serving officer's fees, to the
402 judgment creditor, except to the extent otherwise ordered by a court.

403 (i) If a written claim for determination of interests in property is made
404 pursuant to subsection (e) of this section, the clerk of the court, after a
405 judgment or order is entered pursuant to section 52-356c, shall forthwith
406 send a copy of such judgment or order to the financial institution. Such
407 judgment or order shall be deemed to be a final judgment for the
408 purposes of appeal. No appeal shall be taken except within seven days
409 of the rendering of the judgment or order. The judgment or order of the
410 court may be implemented during such seven-day period, unless stayed
411 by the court.

412 (j) If records or testimony are subpoenaed from a financial institution
413 in connection with a hearing conducted pursuant to section 52-356c on
414 a written claim for determination of interests in property made pursuant
415 to subsection (e) of this section, the reasonable costs and expenses of the

416 financial institution in complying with the subpoena shall be
417 recoverable by the financial institution from the party requiring such
418 records or testimony, provided the financial institution shall be under
419 no obligation to attempt to obtain records or documentation relating to
420 the account executed against that are held by any other financial
421 institution. The records of a financial institution as to the dates and
422 amounts of deposits into an account in the financial institution shall, if
423 certified as true and accurate by an officer of the financial institution, be
424 admissible as evidence without the presence of the officer in any hearing
425 conducted pursuant to section 52-356c to determine the legitimacy of a
426 claim of an interest in property made under subsection (e) of this section.

427 (k) If such financial institution fails or refuses to pay over to such
428 serving officer the amount of such debt, not exceeding the amount due
429 on such execution, such financial institution shall be liable in an action
430 therefor to the judgment creditor named in such execution, and the
431 amount so recovered by such judgment creditor shall be applied toward
432 the payment of the amount due on such execution.

433 (l) Except as provided in subsection (k) of this section, no financial
434 institution or any officer, director or employee of such financial
435 institution shall be liable to any person with respect to any act done or
436 omitted in good faith or through the commission of a bona fide error
437 that occurred despite reasonable procedures maintained by the financial
438 institution to prevent such errors in complying with the provisions of
439 this section.

440 (m) Nothing in this section shall in any way restrict the rights and
441 remedies otherwise available to a judgment debtor or to any such
442 secured party at law or in equity.

443 Sec. 3. Subsection (d) of section 52-361a of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective October*
445 *1, 2023*):

446 (d) The levying officer shall levy on all earnings which are due or
447 become due to the judgment debtor to the extent specified in the wage

448 execution plus the levying officer's fee and [costs] any actual postage
449 costs incurred, until the judgment is satisfied, or the execution is
450 modified or set aside, by serving the employer with the wage execution,
451 the required notice of rights and the claim forms. On receipt thereof, the
452 employer shall forthwith deliver a copy thereof to the judgment debtor,
453 or mail such copy postage prepaid to the judgment debtor at his last-
454 known address. On service of the wage execution on the employer, the
455 wage execution shall automatically be stayed for a period of twenty
456 days and shall thereafter immediately become a lien and continuing
457 levy on such portion of the judgment debtor's earnings as is specified in
458 the wage execution, provided if a claim is filed in accordance with
459 subsection (d) of section 52-361b within twenty days of such service on
460 the employer, the stay shall continue until determination of the claim.
461 Any service of process or other notice required under this section may
462 be made in accordance with section 52-57 or by certified mail, return
463 receipt requested, provided a levying officer may make such service by
464 mail to (1) an address within such officer's [appointed jurisdiction]
465 precinct or extension of precinct in accordance with section 52-56, or (2)
466 in a case involving an employer whose [address is not within such
467 levying officer's appointed jurisdiction, to the address designated by the
468 employer] payroll address is outside the state, to the out-of-state payroll
469 address designated by the employer. When service is made by the
470 serving officer by United States mail pursuant to this subsection, the
471 officer may under the levy collect the actual postage costs incurred.

472 Sec. 4. Section 52-50 of the general statutes is repealed and the
473 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

479 (b) Process shall not be directed to an indifferent person unless [more
480 defendants than one are named in the process and are described to

481 reside in different counties in the state, or unless, in case of a writ of
482 attachment, the plaintiff or one of the plaintiffs, or his or their agent or
483 attorney, makes oath before the authority signing the writ that the
484 affiant truly believes the plaintiff is in danger of losing his debt or
485 demand unless an indifferent person is deputed for the immediate
486 service of the writ or other process. The authority signing the writ shall
487 certify on the writ that he administered the oath and insert in the writ
488 the name of the person to whom it is directed, but he need not insert the
489 reason for such direction. Any process directed to an indifferent person
490 by reason of such an affidavit shall be abatable on proof that the party
491 making the affidavit did not have reasonable grounds, at the time of
492 making it, for believing the statements in the affidavit to be true.]
493 authorized by statute. Any indifferent person who, knowing that he is
494 not authorized to do so under this section or any other provision of the
495 general statutes, serves process shall be guilty of a class A misdemeanor.

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

501 (d) Service of motions for modification, motions for contempt and
502 wage withholdings in any matter involving child support, including,
503 but not limited to, petitions for support authorized under sections 17b-
504 745 and 46b-215, and those matters involving a beneficiary of care or
505 assistance from the state, and service of other process in IV-D support
506 cases, as defined in subdivision (13) of subsection (b) of section 46b-231,
507 may be made by a support enforcement officer or support services
508 investigator of the Superior Court.

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

511 Sec. 5. Subsection (c) of section 12-162 of the general statutes is
512 repealed and the following is substituted in lieu thereof (*Effective October*

513 1, 2023):

514 (c) Any officer serving an alias tax warrant pursuant to this section
 515 shall make return to the collector of such officer's actions thereon within
 516 ten days of the completion of such service and shall be entitled to collect
 517 from such person the fees allowed by law for serving executions issued
 518 by any court. Any state marshal or constable, authorized as provided in
 519 this section, who executes such warrant and collects any delinquent
 520 municipal taxes or water or sanitation charges as a result thereof shall
 521 receive, in addition to expenses otherwise allowed, a percentage of the
 522 taxes or the water or sanitation charges collected pursuant to such
 523 warrant, calculated at the rate applicable for the levy of an execution as
 524 provided in section 52-261. [The minimum fee for such service shall be
 525 thirty dollars.] Any officer unable to serve such warrant shall, within
 526 sixty days after the date of issuance, return such warrant to the collector
 527 and in writing state the reason it was not served.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	52-367b
Sec. 2	<i>October 1, 2023</i>	52-367a
Sec. 3	<i>October 1, 2023</i>	52-361a(d)
Sec. 4	<i>October 1, 2023</i>	52-50
Sec. 5	<i>October 1, 2023</i>	12-162(c)

Statement of Purpose:

To revise statutory provisions relating to (1) service of executions on financial institutions, (2) service of wage executions on employers, (3) authorized service of process by indifferent persons, and (4) the fees for service of tax warrants.

[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.]