



General Assembly

Amendment

January Session, 2023

LCO No. 7573



Offered by:

REP. STAFSTROM, 129th Dist.

SEN. WINFIELD, 10th Dist.

REP. FISHBEIN, 90th Dist.

To: Subst. House Bill No. 6786

File No. 536

Cal. No. 331

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 52-367b of the general statutes is repealed and the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

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

13 United States which exempt such debts from execution.

14 (b) (1) If execution is desired against any such debt, the plaintiff
15 requesting the execution shall make application to the clerk of the court.
16 The application shall be accompanied by a fee of one hundred five
17 dollars payable to the clerk of the court for the administrative costs of
18 complying with the provisions of this section, which fee may be
19 recoverable by the judgment creditor as a taxable cost of the action. In a
20 IV-D case, the request for execution shall be accompanied by an affidavit
21 signed by the serving officer attesting to an overdue support amount of
22 five hundred dollars or more which accrued after the entry of an initial
23 family support judgment. If the papers are in order, the clerk shall issue
24 such execution containing a direction that the officer serving such
25 execution shall, within seven days from the receipt by the serving officer
26 of such execution, make demand [(1)] (A) upon the main office of any
27 financial institution having its main office within the county of the
28 serving officer, [(2)] (B) if such main office is not within the serving
29 officer's county and such financial institution has one or more branch
30 offices within such county, upon an employee of such a branch office,
31 such employee and branch office having been designated by the
32 financial institution in accordance with regulations adopted by the
33 Banking Commissioner, in accordance with chapter 54, or [(3)] (C) only
34 upon demand of a financial institution which does not have any main
35 office or branch office in this state, by certified mail, return receipt
36 requested, for payment of any such nonexempt debt due to the
37 judgment debtor and, after having made such demand, shall serve a true
38 and attested copy of the execution, together with the affidavit and
39 exemption claim form prescribed by subsection (k) of this section, with
40 the serving officer's actions endorsed thereon, with the financial
41 institution upon whom such demand is made. When service is made by
42 the serving officer by certified mail pursuant to subparagraph (C) of this
43 subdivision, the officer may collect the actual postage costs incurred, in
44 addition to the serving officer's fee, from the amount removed from the
45 judgment debtor's account, if any, pursuant to subsection (h) of this
46 section. The serving officer shall not serve more than one financial

47 institution execution per judgment debtor at a time, including copies
48 thereof. After service of an execution on one financial institution, the
49 serving officer shall not serve the same execution or a copy thereof upon
50 another financial institution until receiving confirmation from the
51 preceding financial institution that the judgment debtor had insufficient
52 funds at the preceding financial institution available for collection to
53 satisfy the execution, provided any such additional service is made not
54 later than forty-five days from the receipt by the serving officer of such
55 execution. The financial institution shall provide the serving officer a
56 response to the service of such execution in accordance with subdivision
57 (2) of this subsection. After service of an execution on a financial
58 institution, the serving officer shall not subsequently serve the same
59 execution or a copy thereof upon such financial institution if an
60 electronic direct deposit that is readily identifiable as exempt from
61 execution was made to the judgment debtor's account during the look-
62 back period, as described in subsection (c) of this section. If no such
63 deposit was made, the serving officer may subsequently serve the same
64 execution or a copy thereof upon such institution, provided such
65 execution has not expired or otherwise become unenforceable.

66 (2) Not later than the seventh business day after the service of an
67 execution upon a financial institution, the financial institution shall send
68 to the serving officer by first class mail, postage prepaid, (A) if the
69 financial institution has removed funds from the judgment debtor's
70 account pursuant to the execution and this section, a notice stating the
71 amount of funds removed from the judgment debtor's account and
72 referencing the docket number, if provided by the judgment creditor on
73 the execution form, or (B) if the judgment debtor is not indebted to the
74 financial institution or if the financial institution has not removed funds
75 from the judgment debtor's account pursuant to the execution and this
76 section, a complete set of all the documents served on the financial
77 institution by the serving officer, including the cover page of the serving
78 officer, with endorsements from other financial institutions, as the case
79 may be, the original true and attested copy of the execution served on
80 the financial institution, and the affidavit and exemption claim form

81 prescribed by subsection (k) of this section. The response of the financial
82 institution pursuant to subparagraph (B) of this subdivision shall
83 include a notation on the serving officer's cover page, or at the financial
84 institution's option, on a separate document prepared by the financial
85 institution, to the effect that the judgment debtor does not have an
86 account with the financial institution or that no funds were removed
87 from the account, provided that such separate document shall be affixed
88 to, or enclosed contiguous to the financial institution's return of a
89 particular execution to the serving officer pursuant to this subsection.
90 The financial institution shall maintain reasonable procedures to
91 prevent the resubmission of a response provided to the serving officer
92 pursuant to subparagraph (B) of this subdivision. As used in this
93 section, "business day" has the same meaning as provided in section 36a-
94 330.

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

101 (2) Notwithstanding the provisions of subdivision (1) of this
102 subsection, the financial institution shall leave in the judgment debtor's
103 account (A) the full amount of electronic direct deposits that are readily
104 identifiable as exempt federal veterans' benefits, Social Security benefits,
105 including, but not limited to, retirement, survivors' and disability
106 benefits, supplemental security income benefits, exempt benefits paid
107 by the federal Railroad Retirement Board or the federal Office of
108 Personnel Management, unemployment compensation benefits exempt
109 under section 52-352b, and child support payments processed and
110 received pursuant to Title IV-D of the Social Security Act, and (B) the
111 amount of electronic direct deposits, not to exceed one thousand dollars,
112 that are readily identifiable as wages, provided such deposits were
113 made to the judgment debtor's account during the look-back period of
114 two months preceding the date that the execution was served on the

115 financial institution, or, with regard to federal benefits, such greater
116 period as required by federal law. If no such deposits have been made
117 to the judgment debtor's account during the look-back period, or if such
118 readily identifiable funds are less than one thousand dollars, the
119 financial institution shall leave in the judgment debtor's account as
120 exempt pursuant to subdivision (18) of section 52-352b the lesser of the
121 account balance or one thousand dollars in the aggregate. To the extent
122 that such funds are left in the judgment debtor's account as exempt
123 pursuant to subdivision (18) of section 52-352b, the provisions of said
124 subsection shall not be the basis for a claim of exemption pursuant to
125 this subsection in response to a levy of execution.

126 (3) Nothing in this subsection shall be construed to limit a financial
127 institution's right or obligation to remove such funds from the judgment
128 debtor's account if required by any other provision of law or by a court
129 order. The judgment debtor shall have full and customary access to such
130 funds left in the judgment debtor's account pursuant to this subsection.
131 The financial institution may notify the judgment creditor that funds
132 have been left in the judgment debtor's account pursuant to this
133 subsection. Nothing in this subsection shall alter the exempt status of
134 funds which are exempt from execution under subsection (a) of this
135 section or under any other provision of state or federal law, or the right
136 of a judgment debtor to claim such exemption. Nothing in this
137 subsection shall be construed to affect any other rights or obligations of
138 the financial institution with regard to the funds in the judgment
139 debtor's account.

140 (d) (1) If any funds are removed from the judgment debtor's account
141 pursuant to subsection (c) of this section, upon receipt of the execution
142 and exemption claim form from the serving officer, the financial
143 institution shall [(1)] (A) forthwith mail copies thereof, postage prepaid,
144 to the judgment debtor and to any secured party that is party to a control
145 agreement between the financial institution and such secured party
146 under article 9 of title 42a at the last-known address of the judgment
147 debtor and of any such secured party with respect to the affected
148 accounts on the records of the financial institution, and [(2)] (B) mail

149 notice to the judgment debtor as required by 31 CFR 212.6 and 212.7.
150 The financial institution may note that funds have been removed from
151 the judgment debtor's account on any records for such account,
152 including electronic records, available to the judgment debtor, but shall
153 not display, or otherwise provide to the judgment debtor, the name or
154 contact information of the serving officer. The financial institution shall
155 hold the amount removed from the judgment debtor's account pursuant
156 to subsection (c) of this section for fifteen days from the date of the
157 mailing to the judgment debtor and any such secured party, and during
158 such period shall not pay the serving officer.

159 (2) In the event the judgment debtor directs questions to the financial
160 institution concerning the execution, the financial institution may
161 instruct the judgment debtor to direct such questions regarding the
162 execution to the judgment creditor or the judgment creditor's attorney
163 at the telephone number provided on the execution. The financial
164 institution may also direct the judgment debtor to direct such questions
165 to the applicable clerk of the court identified on the execution form.

166 (e) To prevent the financial institution from paying the serving
167 officer, as provided in subsection (h) of this section, the judgment debtor
168 shall give notice of a claim of exemption by delivering to the financial
169 institution, by mail or other means, the exemption claim form or other
170 written notice that an exemption is being claimed and any such secured
171 party shall give notice of its claim of a prior perfected security interest
172 in such deposit account by delivering to the financial institution, by mail
173 or other means, written notice thereof. The financial institution may
174 designate an address to which the notice of a claim of exemption, or a
175 secured party claim notice, shall be delivered. Upon receipt of such
176 notice, the financial institution shall, within two business days, send a
177 copy of such notice to the clerk of the court which issued the execution,
178 and send a copy of such notice, or a separate notice prepared by the
179 financial institution indicating that the judgment debtor has submitted
180 a claim of exemption, to the serving officer.

181 (f) (1) Upon receipt of an exemption claim form or a secured party

182 claim notice, the clerk of the court shall enter the appearance of the
183 judgment debtor or such secured party with the address set forth in the
184 exemption claim form or secured party claim notice. The clerk shall
185 forthwith send file-stamped copies of the exemption claim form or
186 secured party claim notice to the judgment creditor and judgment
187 debtor with a notice stating that the disputed funds are being held for
188 forty-five days from the date the exemption claim form or secured party
189 claim notice was received by the financial institution or until a court
190 order is entered regarding the disposition of the funds, whichever
191 occurs earlier, and the clerk shall promptly schedule the matter for a
192 hearing. The claim of exemption filed by such judgment debtor shall be
193 prima facie evidence at such hearing of the existence of the exemption.

194 (2) Upon receipt of notice from the financial institution pursuant to
195 subsection (c) of this section, a judgment creditor may, on an ex parte
196 basis, present to a judge of the Superior Court an affidavit sworn under
197 oath by a competent party demonstrating a reasonable belief that such
198 judgment debtor's account contains funds which are not exempt from
199 execution and the amount of such nonexempt funds. Such affidavit shall
200 not be conclusory but is required to show the factual basis upon which
201 the reasonable belief is based. If such judge finds that the judgment
202 creditor has demonstrated a reasonable belief that such judgment
203 debtor's account contains funds which are not exempt from execution,
204 such judge shall authorize the judgment creditor to submit a written
205 application to the clerk of the court for a hearing on the exempt status
206 of funds left in the judgment debtor's account pursuant to subsection (c)
207 of this section. The judgment creditor shall promptly send a copy of the
208 application and the supporting affidavit to the judgment debtor and to
209 any secured party shown on a secured party claim notice sent to the
210 judgment creditor pursuant to subdivision (1) of this subsection. Upon
211 receipt of such application, the clerk of the court shall promptly
212 schedule the matter for a hearing and shall give written notice to the
213 judgment creditor, the judgment debtor and any secured party shown
214 on a secured party claim notice received by the clerk of the court. The
215 notice to the judgment creditor pursuant to subsection (c) of this section

216 shall be prima facie evidence at such hearing that the funds in the
217 account are exempt funds. The burden of proof shall be upon the
218 judgment creditor to establish the amount of funds which are not
219 exempt.

220 (g) If an exemption claim is made or a secured party claim notice is
221 given pursuant to subsection (e) of this section, the financial institution
222 shall continue to hold the amount removed from the judgment debtor's
223 account for forty-five days or until a court order is received regarding
224 disposition of the funds, whichever occurs earlier. If no such order is
225 received within forty-five days of the date the financial institution sends
226 a copy of the exemption claim form or notice of exemption or a secured
227 party claim notice to the clerk of the court, the financial institution shall
228 return the funds to the judgment debtor's account.

229 (h) If no claim of exemption or secured party claim notice is received
230 by the financial institution within fifteen days of the mailing to the
231 judgment debtor and any secured party of the execution and exemption
232 claim form pursuant to subsection (d) of this section, the financial
233 institution shall, upon demand, forthwith pay the serving officer the
234 amount removed from the judgment debtor's account, and the serving
235 officer shall thereupon pay such sum, less such serving officer's fees and
236 costs owing to such serving officer under this section, to the judgment
237 creditor, except to the extent otherwise ordered by a court.

238 (i) The court, after a hearing conducted pursuant to subsection (f) of
239 this section, shall enter an order determining the issues raised by the
240 claim of exemption and claim by a secured party of a prior perfected
241 security interest in such deposit account. The clerk of the court shall
242 forthwith send a copy of such order to the financial institution. Such
243 order shall be deemed to be a final judgment for the purposes of appeal.
244 No appeal shall be taken except within seven days of the rendering of
245 the order. The order of the court may be implemented during such
246 seven-day period, unless stayed by the court.

247 (j) Except as otherwise provided in subsection (c) of this section, if

248 both exempt and nonexempt moneys have been deposited into an
249 account, for the purposes of determining which moneys are exempt
250 under this section, the moneys most recently deposited as of the time
251 the execution is served shall be deemed to be the moneys remaining in
252 the account.

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

260 (l) If records or testimony are subpoenaed from a financial institution
261 in connection with a hearing conducted pursuant to subsection (f) of this
262 section, the reasonable costs and expenses of the financial institution in
263 complying with the subpoena shall be recoverable by the financial
264 institution from the party requiring such records or testimony,
265 provided, the financial institution shall be under no obligation to
266 attempt to obtain records or documentation relating to the account
267 executed against which are held by any other financial institution. The
268 records of a financial institution as to the dates and amounts of deposits
269 into an account in the financial institution shall, if certified as true and
270 accurate by an officer of the financial institution, be admissible as
271 evidence without the presence of the officer in any hearing conducted
272 pursuant to subsection (f) of this section to determine the legitimacy of
273 a claim of exemption made under this section.

274 (m) If there are moneys to be removed from the judgment debtor's
275 account, prior to the removal of such moneys pursuant to subsection (c)
276 of this section, the financial institution shall receive from the serving
277 officer as representative of the judgment creditor a fee of eight dollars
278 for the financial institution's costs in complying with the provisions of
279 this section which fee (1) shall be deducted by the financial institution
280 from the amount that is paid to the serving officer pursuant to this

281 section, and (2) may be recoverable by the judgment creditor as a taxable
282 cost of the action. Such fee shall not be considered a deposit account
283 charge pursuant to section 36a-316.

284 (n) If the financial institution fails or refuses to pay over to the serving
285 officer the amount of such debt, not exceeding the amount due on such
286 execution, such financial institution shall be liable in an action therefor
287 to the judgment creditor named in such execution for the amount of
288 nonexempt moneys which the financial institution failed or refused to
289 pay over, excluding funds of up to one thousand dollars which the
290 financial institution in good faith allowed the judgment debtor to access
291 pursuant to subsection (c) of this section. The amount so recovered by
292 such judgment creditor shall be applied toward the payment of the
293 amount due on such execution. Thereupon, the rights of the financial
294 institution shall be subrogated to the rights of the judgment creditor. If
295 such financial institution pays exempt moneys from the account of the
296 judgment debtor over to the serving officer contrary to the provisions of
297 this section, such financial institution shall be liable in an action therefor
298 to the judgment debtor for any exempt moneys so paid and such
299 financial institution shall refund or waive any charges or fees by the
300 financial institution, including, but not limited to, dishonored check
301 fees, overdraft fees or minimum balance service charges and legal
302 process fees, which were assessed as a result of such payment of exempt
303 moneys. Thereupon, the rights of the financial institution shall be
304 subrogated to the rights of the judgment debtor.

305 (o) Except as provided in subsection (n) of this section, no financial
306 institution or any officer, director or employee of such financial
307 institution shall be liable to any person with respect to any act done or
308 omitted in good faith or through the commission of a bona fide error
309 that occurred despite reasonable procedures maintained by the financial
310 institution to prevent such errors in complying with the provisions of
311 this section.

312 (p) Nothing in this section shall in any way restrict the rights and
313 remedies otherwise available to a judgment debtor or any such secured

314 party at law or in equity.

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

319 (r) For the purposes of this subsection, "exempt" has the same
320 meaning as provided in subdivision (3) of section 52-352a. Funds
321 deposited in an account that has been established for the express
322 purpose of receiving electronic direct deposits of public assistance or of
323 Title IV-D child support payments from the Department of Social
324 Services shall be exempt.

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

327 (a) As used in this section and section 52-367b, as amended by this
328 act, "financial institution" means any bank, savings bank, savings and
329 loan association or credit union organized, chartered or licensed under
330 the laws of this state or the United States and having its main office in
331 this state, any similar out-of-state institution having a branch office in
332 this state or any similar out-of-state institution having no main office or
333 branch office in this state and where transactions are made via the
334 Internet or electronic means.

335 (b) (1) Execution may be granted pursuant to this section against any
336 debts due from any financial institution to a judgment debtor which is
337 not [a natural person] an individual. If execution is desired against any
338 such debt, the plaintiff requesting the execution shall make application
339 to the clerk of the court. The application shall be accompanied by a fee
340 of one hundred five dollars payable to the clerk of the court for the
341 administrative costs of complying with the provisions of this section
342 which fee may be recoverable by the judgment creditor as a taxable cost
343 of the action. The clerk shall issue such execution containing a direction
344 that the officer serving such execution shall make demand [(1)] (A) upon
345 the main office of any financial institution having its main office within

346 the county of the serving officer, [(2)] (B) if such main office is not within
347 the serving officer's county and such financial institution has one or
348 more branch offices within such county, upon an employee of such a
349 branch office, such employee and branch office having been designated
350 by the financial institution in accordance with regulations adopted by
351 the Banking Commissioner, in accordance with chapter 54, or [(3)] (C)
352 only upon demand of a financial institution which does not have any
353 main office or branch office in this state, by certified mail, return receipt
354 requested, for the payment of any debt due to the judgment debtor, and,
355 after having made such demand, shall serve a true and attested copy
356 thereof, with the serving officer's actions thereon endorsed, with the
357 financial institution upon whom such demand is made. When service is
358 made by the serving officer by certified mail pursuant to subparagraph
359 (C) of this subdivision, the serving officer may collect the actual postage
360 costs incurred, in addition to the serving officer's fee, from the amount
361 removed from the judgment debtor's account, if any, pursuant to
362 subsection (c) of this section. The serving officer shall not serve more
363 than one financial institution execution per judgment debtor at a time,
364 including copies thereof. After service of an execution on one financial
365 institution, the serving officer shall not serve the same execution or a
366 copy thereof upon another financial institution until receiving
367 confirmation from the preceding financial institution that the judgment
368 debtor had insufficient funds at the preceding financial institution
369 available for collection to satisfy the execution. [If the serving officer
370 does not receive within twenty-five days of the service of the demand a
371 response from the financial institution that was served indicating
372 whether or not the taxpayer has funds at the financial institution
373 available for collection, the serving officer may assume that sufficient
374 funds are not available for collection and may proceed to serve another
375 financial institution in accordance with this subsection.] The financial
376 institution shall provide the serving officer a response to the service of
377 such execution in accordance with subdivision (2) of this subsection.

378 (2) Not later than the seventh business day after the service of an
379 execution upon a financial institution, the financial institution shall send

380 to the serving officer by first class mail, postage prepaid, (A) if the
381 financial institution has removed funds from the judgment debtor's
382 account pursuant to the execution and this section, a notice stating the
383 amount of funds removed from the judgment debtor's account and
384 referencing the docket number, if provided by the judgment creditor on
385 the execution form, or (B) if the judgment debtor is not indebted to the
386 financial institution or if the financial institution has not removed funds
387 from the judgment debtor's account pursuant to the execution and this
388 section, a complete set of all the documents served on the financial
389 institution by the serving officer, including the cover page of the serving
390 officer, with endorsements from other financial institutions, as the case
391 may be, and the original true and attested copy of the execution served
392 on the financial institution. The response of the financial institution
393 pursuant to subparagraph (B) of this subdivision shall include a
394 notation on the serving officer's cover page, or at the financial
395 institution's option, on a separate document prepared by the financial
396 institution, to the effect that the judgment debtor does not have an
397 account with the financial institution or that no funds were removed
398 from the account, provided that such separate document be affixed to,
399 or enclosed contiguous to the financial intuition's return of a particular
400 execution to the serving officer pursuant to this subsection. The financial
401 institution shall maintain reasonable procedures to prevent the
402 resubmission of a response provided to the serving officer pursuant to
403 subparagraph (B) of this subdivision. As used in this section, "business
404 day" has the same meaning as provided in section 36a-330.

405 (c) If any such financial institution upon which such execution is
406 served and upon which such demand is made is indebted to the
407 judgment debtor, the financial institution shall remove from the
408 judgment debtor's account the amount of such indebtedness not
409 exceeding the amount due on such execution. Except as provided in
410 subsection (d) of this section, the financial institution shall immediately
411 pay to such serving officer the amount removed from the judgment
412 debtor's account, which amount shall be received and applied on such
413 execution by such serving officer. Such financial institution shall act

414 upon such execution according to section 42a-4-303 before its midnight
415 deadline, as defined in section 42a-4-104. Nothing in this subsection
416 shall be construed to affect any other rights or obligations of the
417 financial institution with regard to funds in the judgment debtor's
418 account.

419 (d) If the deposit account is subject to a security interest of a secured
420 party, other than the financial institution upon which such execution is
421 served and upon which such demand is made, pursuant to a control
422 agreement between the financial institution and such secured party
423 under article 9 of title 42a, and if any funds are removed from the
424 judgment debtor's account pursuant to subsection (c) of this section, the
425 financial institution shall forthwith mail a copy of the execution when
426 received from the serving officer, postage prepaid, to the judgment
427 debtor and to such other secured party at the last-known address of such
428 parties with respect to the affected accounts on the records of the
429 financial institution. The financial institution shall hold the amount
430 removed from the judgment debtor's account pursuant to subsection (c)
431 of this section for twenty days from the date of the mailing to the
432 judgment debtor and such other secured party, and during such period
433 shall not pay the serving officer.

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

441 (f) Upon receipt of a written claim for determination of interests in
442 property made pursuant to subsection (e) of this section, the clerk of the
443 court shall enter the appearance of the secured party with the address
444 set forth in the written claim. The clerk shall forthwith send file-stamped
445 copies of the written claim to the judgment creditor, the judgment
446 debtor and the financial institution upon which such execution was

447 served with a notice stating that the disputed funds are being held until
448 a court order is entered regarding the disposition of the funds. The
449 judgment creditor shall thereafter send a copy of such written claim to
450 the serving officer.

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

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

462 (i) If a written claim for determination of interests in property is made
463 pursuant to subsection (e) of this section, the clerk of the court, after a
464 judgment or order is entered pursuant to section 52-356c, shall forthwith
465 send a copy of such judgment or order to the financial institution. Such
466 judgment or order shall be deemed to be a final judgment for the
467 purposes of appeal. No appeal shall be taken except within seven days
468 of the rendering of the judgment or order. The judgment or order of the
469 court may be implemented during such seven-day period, unless stayed
470 by the court.

471 (j) If records or testimony are subpoenaed from a financial institution
472 in connection with a hearing conducted pursuant to section 52-356c on
473 a written claim for determination of interests in property made pursuant
474 to subsection (e) of this section, the reasonable costs and expenses of the
475 financial institution in complying with the subpoena shall be
476 recoverable by the financial institution from the party requiring such
477 records or testimony, provided the financial institution shall be under
478 no obligation to attempt to obtain records or documentation relating to

479 the account executed against that are held by any other financial
480 institution. The records of a financial institution as to the dates and
481 amounts of deposits into an account in the financial institution shall, if
482 certified as true and accurate by an officer of the financial institution, be
483 admissible as evidence without the presence of the officer in any hearing
484 conducted pursuant to section 52-356c to determine the legitimacy of a
485 claim of an interest in property made under subsection (e) of this section.

486 (k) If such financial institution fails or refuses to pay over to such
487 serving officer the amount of such debt, not exceeding the amount due
488 on such execution, such financial institution shall be liable in an action
489 therefor to the judgment creditor named in such execution, and the
490 amount so recovered by such judgment creditor shall be applied toward
491 the payment of the amount due on such execution.

492 (l) Except as provided in subsection (k) of this section, no financial
493 institution or any officer, director or employee of such financial
494 institution shall be liable to any person with respect to any act done or
495 omitted in good faith or through the commission of a bona fide error
496 that occurred despite reasonable procedures maintained by the financial
497 institution to prevent such errors in complying with the provisions of
498 this section.

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

502 Sec. 3. Subsection (d) of section 52-361a of the general statutes is
503 repealed and the following is substituted in lieu thereof (*Effective October*
504 *1, 2023*):

505 (d) The levying officer shall levy on all earnings which are due or
506 become due to the judgment debtor to the extent specified in the wage
507 execution plus the levying officer's fee and [costs] any actual postage
508 costs incurred in accordance with this section, until the judgment is
509 satisfied, or the execution is modified or set aside, by serving the
510 employer with the wage execution, the required notice of rights and the

511 claim forms. On receipt thereof, the employer shall forthwith deliver a
512 copy thereof to the judgment debtor, or mail such copy postage prepaid
513 to the judgment debtor at his last-known address. On service of the
514 wage execution on the employer, the wage execution shall automatically
515 be stayed for a period of twenty days and shall thereafter immediately
516 become a lien and continuing levy on such portion of the judgment
517 debtor's earnings as is specified in the wage execution, provided if a
518 claim is filed in accordance with subsection (d) of section 52-361b within
519 twenty days of such service on the employer, the stay shall continue
520 until determination of the claim. If the levying officer has served the
521 employer of the judgment debtor in accordance with this section, and
522 the debt is later satisfied in whole or in part by payment directly to the
523 creditor or creditor's agent instead of the levying officer, the creditor or
524 the creditor's agent is responsible for payment of the levying officer's fee
525 or portion thereof, and any actual postage costs incurred in accordance
526 with this section. Any service of process or other notice required under
527 this section may be made in accordance with section 52-57 or by certified
528 mail, return receipt requested, provided a levying officer may make
529 such service by mail to (1) an address within such officer's [appointed
530 jurisdiction] precinct or extension of precinct in accordance with section
531 52-56, as amended by this act, or (2) in a case involving an employer
532 whose [address is not within such levying officer's appointed
533 jurisdiction, to the address designated by the employer] payroll address
534 is outside the state, to the out-of-state payroll address designated by the
535 employer. When service is made by the serving officer by certified mail,
536 return receipt requested, pursuant to this subsection, the officer may
537 under the levy first collect the actual postage costs incurred.

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

540 (a) All process shall be directed to a state marshal, a constable or other
541 proper officer authorized by statute, or, subject to the provisions of
542 subsection (b) of this section, to an indifferent person. A direction on the
543 process "to any proper officer" shall be sufficient to direct the process to
544 a state marshal, constable or other proper officer.

545 (b) Process shall not be directed to an indifferent person unless [more
546 defendants than one are named in the process and are described to
547 reside in different counties in the state, or unless, in case of a writ of
548 attachment, the plaintiff or one of the plaintiffs, or his or their agent or
549 attorney, makes oath before the authority signing the writ that the
550 affiant truly believes the plaintiff is in danger of losing his debt or
551 demand unless an indifferent person is deputed for the immediate
552 service of the writ or other process. The authority signing the writ shall
553 certify on the writ that he administered the oath and insert in the writ
554 the name of the person to whom it is directed, but he need not insert the
555 reason for such direction. Any process directed to an indifferent person
556 by reason of such an affidavit shall be abatable on proof that the party
557 making the affidavit did not have reasonable grounds, at the time of
558 making it, for believing the statements in the affidavit to be true]
559 authorized by statute. Any indifferent person who, knowing that he is
560 not authorized to do so under this section or any other provision of the
561 general statutes, serves process shall be guilty of a class A misdemeanor.

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

567 (d) Service of motions for modification, motions for contempt and
568 wage withholdings in any matter involving child support, including,
569 but not limited to, petitions for support authorized under sections 17b-
570 745 and 46b-215, and those matters involving a beneficiary of care or
571 assistance from the state, and service of other process in IV-D support
572 cases, as defined in subdivision (13) of subsection (b) of section 46b-231,
573 may be made by a support enforcement officer or support services
574 investigator of the Superior Court.

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

577 Sec. 5. Subsection (c) of section 12-162 of the general statutes is
578 repealed and the following is substituted in lieu thereof (*Effective October*
579 *1, 2023*):

580 (c) Any officer serving an alias tax warrant pursuant to this section
581 shall make return to the collector of such officer's actions thereon within
582 ten days of the completion of such service and shall be entitled to collect
583 from such person the fees allowed by law for serving executions issued
584 by any court. Any state marshal or constable, authorized as provided in
585 this section, who executes such warrant and collects any delinquent
586 municipal taxes or water or sanitation charges as a result thereof shall
587 receive, in addition to expenses otherwise allowed, a percentage of the
588 taxes or the water or sanitation charges collected pursuant to such
589 warrant, calculated at the rate applicable for the levy of an execution as
590 provided in section 52-261. [The minimum fee for such service shall be
591 thirty dollars.] Any officer unable to serve such warrant shall, within
592 sixty days after the date of issuance, return such warrant to the collector
593 and in writing state the reason it was not served.

594 Sec. 6. Subsection (c) of section 52-56 of the general statutes is
595 repealed and the following is substituted in lieu thereof (*Effective October*
596 *1, 2023*):

597 (c) In any action where process is permitted to be served upon the
598 Secretary of the State, the Commissioner of Motor Vehicles, the Attorney
599 General, [or] the Insurance Commissioner or the Comptroller, service of
600 such process may be made by any officer of any precinct having such
601 process in his hands for service. Service by an officer upon the Secretary
602 of the State, the Commissioner of Motor Vehicles, the Attorney General,
603 [or] the Insurance Commissioner or the Comptroller pursuant to this
604 subsection shall constitute the commencement of service within such
605 officer's precinct and such officer may then complete service as
606 provided in subsection (a) or (b) of this section."

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)
Sec. 6	<i>October 1, 2023</i>	52-56(c)