



# House of Representatives

## File No. 612

General Assembly

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February Session, 2024 **(Reprint of File No. 537)**

Substitute House Bill No. 5379  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 25, 2024

**AN ACT CONCERNING THE DUTIES OF THE STATE MARSHALS AND  
THE OPERATION OF THE STATE MARSHAL COMMISSION AND THE  
STATE MARSHALS ADVISORY BOARD.**

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

1 Section 1. Subsection (a) of section 6-30a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2024*):

4 (a) [On and after December 1, 2000, each] Each state marshal shall  
5 carry personal liability insurance for damages caused by reason of such  
6 state marshal's tortious acts in not less than the following amounts: (1)  
7 For damages caused to any one person or to the property of any one  
8 person, [one hundred] two hundred fifty thousand dollars; and (2) for  
9 damages caused to more than one person or to the property of more  
10 than one person, [three] five hundred thousand dollars. On and after  
11 January 1, 2025, such personal liability insurance shall be a policy with  
12 a renewal date and a term of coverage commencing on October first of

13 each year and extending through September thirtieth of the following  
14 year. For the purpose of this subsection, "tortious act" means negligent  
15 acts, errors or omissions for which a state marshal may become legally  
16 obligated to any damages for false arrest, erroneous service of civil  
17 papers, false imprisonment, malicious prosecution, libel, slander,  
18 defamation of character, violation of property rights or assault and  
19 battery if committed while making or attempting to make an arrest or  
20 against a person under arrest, but does not include any such act unless  
21 committed in the performance of the official duties of such state  
22 marshal.

23 Sec. 2. Section 6-35 of the general statutes is repealed and the  
24 following is substituted in lieu thereof (*Effective October 1, 2024*):

25 A state marshal shall pay, ~~over,~~ to the person authorized to receive  
26 ~~[it] such payment,~~ any money collected by such state marshal on behalf  
27 of or on account of such person not later than thirty calendar days from  
28 the date of collection of the money. ~~[or upon the collection of one~~  
29 ~~thousand dollars or more on behalf of or on account of such person,~~  
30 ~~whichever first occurs, except that the state]~~ Notwithstanding the  
31 provisions of this section, when any money collected by a state marshal  
32 on behalf of a person authorized to receive the payment is in the form  
33 of a personal check, the state marshal shall expeditiously deposit such  
34 check into the marshal's noninterest-bearing trustee account and  
35 payment to the person authorized to receive such check shall be not later  
36 than forty days after the date on which the personal check was collected.  
37 In addition, a state marshal and such person may agree to a different  
38 time [for paying over] frame for the payment of such money from the  
39 time frames prescribed in this section. A state marshal who fails to  
40 comply with the requirements of this section or any such agreement, as  
41 applicable, shall be liable to such person for the payment of interest on  
42 the money at the rate of five per cent per month from the date on which  
43 such state marshal received the money.

44 Sec. 3. Section 6-38 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective October 1, 2024*):

46 The number of state marshals to be appointed for Hartford County  
47 shall not exceed [~~seventy-two~~] sixty-two; for New Haven County, [~~sixty-~~  
48 ~~two~~] fifty-five; for New London County, [~~thirty-eight~~] twenty; for  
49 Fairfield County, [~~fifty-five~~] fifty; for Windham County, [~~eighteen~~]  
50 seven; for Litchfield County, [~~thirty~~] thirteen; for Middlesex County,  
51 [~~twenty-one~~] thirteen; for Tolland County, [~~twenty-two~~] ten.

52 Sec. 4. Section 6-38b of the general statutes is repealed and the  
53 following is substituted in lieu thereof (*Effective October 1, 2024*):

54 (a) There is established a State Marshal Commission which shall  
55 consist of eight members appointed as follows: (1) The Chief Justice  
56 shall appoint one member who shall be a judge of the Superior Court;  
57 (2) the speaker of the House of Representatives, the president pro  
58 tempore of the Senate, the majority and minority leaders of the House  
59 of Representatives and the majority and minority leaders of the Senate  
60 shall each appoint one member; and (3) the Governor shall appoint one  
61 member who shall serve as chairperson. Of the seven members  
62 appointed pursuant to subdivisions (2) and (3) of this subsection, no  
63 more than four of such members may be members of any state bar. No  
64 member of the commission shall be a state marshal, except that two state  
65 marshals appointed by the State Marshals Advisory Board in  
66 accordance with section 6-38c, as amended by this act, shall serve as ex-  
67 officio, nonvoting members of the commission.

68 (b) The chairperson shall serve for a three-year term and all  
69 appointments of members to replace those whose terms expire shall be  
70 for terms of three years.

71 (c) If any vacancy occurs on the commission, the appointing authority  
72 having the power to make the initial appointment under the provisions  
73 of this section shall appoint a person for the unexpired term in  
74 accordance with the provisions of this section.

75 (d) Members shall serve without compensation but shall be  
76 reimbursed for actual expenses incurred while engaged in the duties of  
77 the commission.

78 (e) The commission, in consultation with the State Marshals Advisory  
79 Board, shall (1) adopt regulations in accordance with the provisions of  
80 chapter 54 to establish professional standards, including training  
81 requirements and minimum fees for execution and service of process,  
82 and (2) implement policies and procedures to increase state marshal  
83 participation in the serving of *capias* [mittimus] orders. Such policies  
84 and procedures may require that at all times a certain minimum  
85 percentage of the overall number of state marshals be actively engaged  
86 in the service of *capias* [mittimus] orders.

87 (f) The commission shall be responsible for the equitable assignment  
88 of service of restraining orders to the state marshals in each county and  
89 ensure that such restraining orders are served expeditiously. Failure of  
90 any state marshal to accept for service any restraining order assigned by  
91 the commission or to serve such restraining order expeditiously without  
92 good cause shall be sufficient for the convening of a hearing for removal  
93 under subsection (i) of this section.

94 (g) Any vacancy in the position of state marshal in any county as  
95 provided in section 6-38, as amended by this act, shall be filled by the  
96 commission with an applicant (1) who shall be an elector in the county  
97 where such vacancy occurs, and (2) whose permanent place of abode is  
98 in the county where such vacancy occurs. Any applicant for such  
99 vacancy shall be subject to the application, examination, bonding and  
100 investigation requirements of the commission.

101 (h) Except as provided in section 6-38f, no person may be a state  
102 marshal and a state employee at the same time. This subsection does not  
103 apply to any person who was both a state employee and a deputy sheriff  
104 or special deputy sheriff on April 27, 2000.

105 (i) No state marshal may be removed except by order of the  
106 commission for cause after due notice and hearing.

107 (j) The commission, in consultation with the Judicial Department,  
108 shall adopt rules as it deems necessary for conduct of its internal affairs,  
109 including, but not limited to, rules that provide for: (1) The provision of

110 timely, consistent and reliable access to a state marshal for persons  
111 applying for a restraining order under section 46b-15; (2) the provision  
112 of services to persons with limited English proficiency; (3) the provision  
113 of services to persons who are deaf or hard of hearing; [and] (4) service  
114 of process that is a photographic copy, micrographic copy or other  
115 electronic image of an original document that clearly and accurately  
116 copies such original document; and (5) timely payment, as described in  
117 section 4a-71, from the Judicial Department to state marshals.

118 (k) The commission shall adopt regulations, in accordance with the  
119 provisions of chapter 54, for the application, examination, bonding and  
120 investigation requirements for filling vacancies in the position of state  
121 marshal.

122 [(k)] (l) The commission shall be within the Department of  
123 Administrative Services, provided the commission shall have  
124 independent decision-making authority.

125 Sec. 5. Section 6-38c of the general statutes is repealed and the  
126 following is substituted in lieu thereof (*Effective October 1, 2024*):

127 (a) There is established a State Marshals Advisory Board which shall  
128 consist of twenty-four state marshals. [Between November 9, 2000, and  
129 November 14, 2000, and annually thereafter] Annually, in the month of  
130 November, the state marshals in each county shall elect from among the  
131 state marshals in their county the following number of state marshals to  
132 serve on the board: Hartford, New Haven and Fairfield counties, four  
133 state marshals; New London and Litchfield counties, three state  
134 marshals; and Tolland, Middlesex and Windham counties, two state  
135 marshals. State marshals elected to serve on the board shall serve for a  
136 term of one year and may be reelected.

137 [(b)] (b) On or after April 27, 2000, the Chief Court Administrator shall  
138 designate a date and time for the state marshals in each county to come  
139 together for the purpose of electing state marshals from each county to  
140 serve on the State Marshals Advisory Board pursuant to subsection (a)  
141 of this section. A majority of the filled state marshal positions in each

142 county shall constitute a quorum for that county. The election of state  
143 marshals to serve on the board shall be by majority vote. The names of  
144 the state marshals elected in each county shall be forwarded to the Chief  
145 Court Administrator. The Chief Court Administrator, upon receipt of  
146 the election results from all counties, shall designate a date and time for  
147 the first meeting of the board to take place as soon as practicable after  
148 November 14, 2000.]

149 (b) The State Marshals Advisory Board shall adopt rules as the board  
150 deems necessary for the conduct of its internal affairs, which rules shall  
151 continue in effect from year to year, as amended from time to time. Such  
152 rules shall include procedures for selection of a chairperson and other  
153 officers as may be necessary, from the members of the board elected  
154 pursuant to subsection (a) of this section. Annually, in the month of  
155 December, the State Marshals Advisory Board shall hold a meeting and  
156 select two state marshals to be appointed as ex-officio members of the  
157 State Marshal Commission, in accordance with the provisions of section  
158 6-38b, as amended by this act, for a term of one year. If any vacancy  
159 occurs in such appointments, the State Marshals Advisory Board shall  
160 appoint a state marshal to fill the remainder of the unexpired term.

161 Sec. 6. Section 6-38d of the general statutes is repealed and the  
162 following is substituted in lieu thereof (*Effective October 1, 2024*):

163 No state marshal shall (1) knowingly bill for, or receive fees for, work  
164 that such state marshal did not actually perform, (2) unlawfully allow  
165 another person to serve process in the place of such state marshal, or (3)  
166 knowingly make a false or illegal return of process. Any violation of this  
167 section without good cause shall be sufficient for the convening of a  
168 commission hearing concerning removal of the state marshal under  
169 subsection (i) of section 6-38b, as amended by this act.

170 Sec. 7. Section 6-38e of the general statutes is repealed and the  
171 following is substituted in lieu thereof (*Effective October 1, 2024*):

172 (a) The State Marshal Commission shall periodically review and  
173 audit the records and accounts of the state marshals. [Upon] In addition,

174 the commission shall conduct audits of the records and accounts of state  
175 marshals pertaining to the collection of money by a state marshal upon  
176 (1) the receipt of a written complaint that is signed by the person filing  
177 such complaint, or (2) a complaint filed on behalf of the commission. An  
178 audit conducted pursuant to subdivision (1) or (2) of this subsection  
179 shall be prioritized by the commission.

180 (b) Not later than thirty days after the death or disability of a state  
181 marshal, the commission shall appoint a qualified individual to oversee  
182 and audit the records and accounts of such state marshal and render an  
183 accounting to the commission.

184 (c) Upon the death or disability of a state marshal, the commission,  
185 through its chairperson, may direct any financial institution, as defined  
186 by section 52-367a, with access to, or custody of, financial accounts of a  
187 state marshal utilized for the collection of moneys under chapters 204  
188 and 906, to turn over such financial accounts to a successor state marshal  
189 appointed by the commission. A letter signed by the commission  
190 chairperson shall constitute an order of the commission pursuant to this  
191 subsection. If any person or financial institution refuses to comply with  
192 such order, the commission shall certify the facts relating to the  
193 noncompliance to the Office of the Attorney General, who shall apply  
194 to the Superior Court for an order compelling compliance.

195 (d) All information obtained by the commission from any audit  
196 conducted pursuant to this section shall be confidential and shall not be  
197 subject to disclosure under the Freedom of Information Act, as defined  
198 in section 1-200.

199 Sec. 8. Section 6-39 of the general statutes is repealed and the  
200 following is substituted in lieu thereof (*Effective October 1, 2024*):

201 Each state marshal, before entering upon the duties of a state marshal,  
202 shall give to the State Marshal Commission a bond in the sum of [ten]  
203 one hundred thousand dollars conditioned that such state marshal will  
204 faithfully discharge the duties of state marshal and answer all damages  
205 which any person sustains by reason of such state marshal's

206 unfaithfulness or neglect. The premium for said bonds shall be paid by  
207 the state. No state marshal shall collect tax warrants for the state or any  
208 municipality until such state marshal executes a bond in the sum of one  
209 hundred thousand dollars.

210 Sec. 9. Subsection (f) of section 14-10 of the general statutes is repealed  
211 and the following is substituted in lieu thereof (*Effective October 1, 2024*):

212 (f) The commissioner may disclose personal information from a  
213 motor vehicle record to:

214 (1) Any federal, state or local government agency in carrying out its  
215 functions or to any individual or entity acting on behalf of any such  
216 agency, or

217 (2) Any individual, organization or entity that signs and files with the  
218 commissioner, under penalty of false statement as provided in section  
219 53a-157b, a statement on a form approved by the commissioner,  
220 together with such supporting documentation or information as the  
221 commissioner may require, that such information will be used for any  
222 of the following purposes:

223 (A) In connection with matters of motor vehicle or driver safety and  
224 theft, motor vehicle emissions, motor vehicle product alterations, recalls  
225 or advisories, performance monitoring of motor vehicles and dealers by  
226 motor vehicle manufacturers, motor vehicle market research activities  
227 including survey research, motor vehicle product and service  
228 communications and removal of nonowner records from the original  
229 owner records of motor vehicle manufacturers to implement the  
230 provisions of the federal Automobile Information Disclosure Act, 15  
231 USC 1231 et seq., the Clean Air Act, 42 USC 7401 et seq., and 49 USC  
232 Chapters 301, 305 and 321 to 331, inclusive, as amended from time to  
233 time, and any provision of the general statutes enacted to attain  
234 compliance with said federal provisions;

235 (B) In the normal course of business by the requesting party, but only  
236 to confirm the accuracy of personal information submitted by the

237 individual to the requesting party;

238 (C) In connection with any civil, criminal, administrative or arbitral  
239 proceeding in any court or government agency or before any self-  
240 regulatory body, including the service of process, an investigation in  
241 anticipation of litigation by an attorney-at-law or any individual acting  
242 on behalf of an attorney-at-law and the execution or enforcement of  
243 judgments and orders, or pursuant to an order of any court provided  
244 the requesting party is a party in interest to such proceeding;

245 (D) In connection with matters of motor vehicle or driver safety and  
246 theft, motor vehicle emissions, motor vehicle product alterations, recalls  
247 or advisories, performance monitoring of motor vehicles and motor  
248 vehicle parts and dealers, producing statistical reports and removal of  
249 nonowner records from the original owner records of motor vehicle  
250 manufacturers, provided the personal information is not published,  
251 disclosed or used to contact individuals except as permitted under  
252 subparagraph (A) of this subdivision;

253 (E) By any insurer or insurance support organization or by a self-  
254 insured entity or its agents, employees or contractors, in connection  
255 with the investigation of claims arising under insurance policies,  
256 antifraud activities, rating or underwriting;

257 (F) In providing any notice required by law to owners or lienholders  
258 named in the certificate of title of towed, abandoned or impounded  
259 motor vehicles;

260 (G) By an employer or its agent or insurer to obtain or verify  
261 information relating to a holder of a passenger endorsement or  
262 commercial driver's license required under 49 USC Chapter 313, and  
263 sections 14-44 to 14-44m, inclusive;

264 (H) In connection with any lawful purpose of a labor organization, as  
265 defined in section 31-77, provided (i) such organization has entered into  
266 a contract with the commissioner, on such terms and conditions as the  
267 commissioner may require, and (ii) the information will be used only for

268 the purposes specified in the contract other than campaign or political  
269 purposes;

270 (I) For bulk distribution for surveys, marketing or solicitations  
271 provided the commissioner has obtained the express consent of the  
272 individual to whom such personal information pertains;

273 (J) For the purpose of preventing fraud by verifying the accuracy of  
274 personal information contained in a motor vehicle record, including an  
275 individual's photograph or computerized image, as submitted by an  
276 individual to a legitimate business or an agent, employee or contractor  
277 of a legitimate business, provided the individual has provided express  
278 consent in accordance with subdivision (5) of subsection (a) of this  
279 section;

280 (K) Inclusion of personal information about persons who have  
281 indicated consent to become organ and tissue donors in a donor registry  
282 established by a procurement organization, as defined in section 19a-  
283 289a;

284 (L) By any private detective or private detective licensed in  
285 accordance with the provisions of chapter 534, in connection with an  
286 investigation involving matters concerning motor vehicles;

287 (M) By a state marshal, for use in the performance of duties under the  
288 provisions of section 6-38a. Such information, including operator  
289 photos, may be requested [by facsimile transmission] electronically, or  
290 by such other means as the commissioner may require, and shall be  
291 provided [by facsimile transmission] electronically, or by such other  
292 means, within a reasonable time.

293 Sec. 10. Section 6-39a of the general statutes is repealed and the  
294 following is substituted in lieu thereof (*Effective October 1, 2024*):

295 (a) A state marshal shall not be charged any fee by a private entity for  
296 performing such state marshal's statutory duties.

297 (b) No state marshal, as a matter of practice, shall receive, direct,

298 transfer, control or solicit process from an attorney at law, for which the  
299 state marshal cannot lawfully serve within the state marshal's appointed  
300 precinct or extension of precinct in accordance with section 52-56.

301 Sec. 11. Section 6-38n of the general statutes is repealed. (*Effective*  
302 *October 1, 2024*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	6-30a(a)
Sec. 2	<i>October 1, 2024</i>	6-35
Sec. 3	<i>October 1, 2024</i>	6-38
Sec. 4	<i>October 1, 2024</i>	6-38b
Sec. 5	<i>October 1, 2024</i>	6-38c
Sec. 6	<i>October 1, 2024</i>	6-38d
Sec. 7	<i>October 1, 2024</i>	6-38e
Sec. 8	<i>October 1, 2024</i>	6-39
Sec. 9	<i>October 1, 2024</i>	14-10(f)
Sec. 10	<i>October 1, 2024</i>	6-39a
Sec. 11	<i>October 1, 2024</i>	Repealer section

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill, which makes various changes to the statutes regarding state marshals, has no fiscal impact to the state or municipalities. The increase from \$10,000 to \$100,000 for a state marshal's required amount of personal liability bond conforms to current practice.

House "A" eliminates a provision in the underlying bill that changed state marshals' status results in no fiscal impact.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 5379 (as amended by House "A")\******AN ACT CONCERNING THE DUTIES OF THE STATE MARSHALS  
AND THE OPERATION OF THE STATE MARSHAL COMMISSION  
AND THE STATE MARSHALS ADVISORY BOARD.*****SUMMARY**

This bill makes various changes in statutes affecting state marshals, including the following:

1. reduces the number of state marshals appointed in each county (§ 3);
2. increases a state marshal's required amount of personal liability insurance and bond (§§ 1 & 8);
3. makes changes to the time frames within which a state marshal must pay money he or she collected to the person authorized to receive it (§ 2);
4. adds to the activities prohibited by state marshals' professional standards (e.g., knowingly making a false or illegal return of process) (§§ 6 & 10);
5. gives the State Marshal Commission access to a deceased or disabled state marshal's trust account to turn it over to a successor marshal (§ 7);
6. makes changes to the State Marshal Commission regarding filling vacancies and adopting rules related to timely payments (§ 4);

7. changes the member selection process of the 24-member State Marshals Advisory Board and gives the board additional duties (§ 5);
8. allows the Department of Motor Vehicles (DMV) commissioner to disclose operators' photos to state marshals (§ 9); and
9. repeals an obsolete provision that previously allowed high sheriffs to apply for appointment as a state marshal (§ 11).

Lastly, the bill makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2024

\*House Amendment "A" eliminates a provision in the underlying bill that changed state marshals' status from independent contractors to appointed state officers who are not state employees.

### § 3 — NUMBER OF APPOINTMENTS BY COUNTY

The bill reduces the number of state marshals to be appointed in each county as shown in the table below, resulting in a decrease of 88 appointments statewide (from 318 to 230).

**Table: State Marshals to be Appointed in Each County**

<i>County</i>	<i>Appointments Under Current Law</i>	<i>Appointments Under the Bill</i>
Hartford	72	62
New Haven	62	55
New London	38	20
Fairfield	55	50
Windham	18	7
Litchfield	30	13
Middlesex	21	13
Tolland	22	10
<b>Total</b>	<b>318</b>	<b>230</b>

### § 1 — PERSONAL LIABILITY INSURANCE

The bill increases the amount of personal liability insurance each

marshal must carry for damages caused by their tortious acts (see below) as follows:

1. from \$100,000 to \$250,000, for damages caused to any one person or any one person's property and
2. from \$300,000 to \$500,000, for damages caused to more than one person or more than one person's property.

Starting January 1, 2025, the bill requires that the personal liability insurance be a policy with a renewal date and a term of coverage starting on October 1 of each year and extending through September 30 of the following year.

Under existing law, unchanged by the bill, "tortious act" generally means negligent acts, errors, or omissions for which a state marshal may become legally obligated to pay any damages if committed while making or attempting to make an arrest or against a person under arrest (e.g., false arrest or imprisonment).

## **§ 8 — BOND AMOUNT**

The bill increases, from \$10,000 to \$100,000, the bond amount that each state marshal must give the State Marshal Commission before starting their duties. By law, unchanged by the bill, the state pays the premium for the bond.

Existing law, unchanged by the bill, also requires a state marshal to execute a \$100,000 bond before he or she can collect tax warrants for the state or any municipality.

## **§ 2 — COLLECTION PROCEDURES**

The bill makes changes to the time frames within which a state marshal must pay the person authorized to receive money collected on behalf or account of someone.

Under current law, a state marshal must do so within 30 calendar days after the date the state marshal collected the money or upon

collecting \$1,000 or more, whichever is earlier. The bill requires the state marshal to do so within 30 calendar days after collecting the money, regardless of the dollar amount.

Additionally, the bill establishes a new time frame and requirements for money collected through a personal check. In that case, the state marshal must expeditiously deposit the check into the marshal's noninterest-bearing trustee account and pay the money to the person within 40 days after the date on which the personal check was collected.

As under current law, the bill allows the state marshal and the person to agree to a different time frame for payment through a personal check than specified under the law.

By law, a state marshal who does not comply with these requirements or an agreement, as applicable, is liable to the person for interest at a rate of 5% per month from the date on which the state marshal received the money.

## **§ 7 — AUDIT AND REVIEW OF RECORDS**

### ***Frequency of Audits***

By law, the State Marshal Commission must periodically review and audit state marshal records and accounts. Regarding the collection of money, the bill additionally requires the commission to audit any state marshal upon (1) receipt of a written complaint signed by the person filing it, or (2) a complaint filed on behalf of the commission (presumably, one filed by a member of the commission). The commission must prioritize these audits. As under existing law, information obtained by the commission from these audits is confidential and not subject to disclosure under the Freedom of Information Act.

### ***Death or Disability of a State Marshal***

Under current law, upon a state marshal's death or disability, the commission must appoint a qualified individual to oversee and audit the state marshal's records and accounts and render an accounting to

the commission. The bill requires the commission to do so within 30 days after the death or disability.

Upon the death or disability of a state marshal, the bill authorizes the commission, through a letter signed by its chairperson, to direct any financial institution with access to, or custody of, financial accounts the state marshal used to collect money under tax collection and civil action law, to turn over the financial accounts to a successor state marshal the commission appoints.

Under the bill, if any person or financial institution refuses to comply with the order, the commission must certify the facts relating to the noncompliance to the Office of the Attorney General, which must apply to the Superior Court for an order compelling compliance.

## **§§ 6 & 10 — STATE MARSHAL PROFESSIONAL STANDARDS**

### ***Illegal Billing and Unlawful Service of Process (§ 7)***

Current law prohibits a state marshal from knowingly billing for, or receiving fees for, work that he or she did not do. The bill also prohibits a state marshal from:

1. unlawfully allowing another person to serve process in his or her place or
2. knowingly making a false or illegal return of process.

The bill makes any violation under current law or the bill without good cause sufficient to convene the commission for a hearing on the state marshal's removal.

### ***Service Within Appointed Precinct or Extension (§ 10)***

The bill expressly prohibits a state marshal, as a matter of practice, from receiving, directing, transferring, controlling, or soliciting process from an attorney, for which the state marshal cannot lawfully serve within the state marshal's appointed precinct or extension of precinct under the law.

**§ 4 — STATE MARSHAL COMMISSION**

The bill makes changes to the State Marshal Commission regarding the filling of vacancies, timely payments, and the adoption of rules and regulations.

***Filling Vacancies***

Current law requires the commission to fill any vacancy for a state marshal position with an applicant who is an elector in the county where the vacancy occurs. The bill further requires that the county where the vacancy occurred must also be the applicant's permanent place of abode.

Under current law, the applicant for the vacancy must be subject to the commission's application and investigation requirements. The bill additionally subjects the applicant to the commission's examination and bonding requirements and requires the commission to adopt regulations for these requirements. (Existing law requires it to adopt regulations for its application and investigation requirements.)

***Rules on Timely Payments***

The bill requires that the rules the commission adopts to conduct its internal affairs also provide for timely payment from the Judicial Department to state marshals that conforms with existing law regarding timely payments by state agencies.

Generally, payment is considered timely if a check or warrant is mailed or delivered on the date specified for the amount specified in the applicable contract documents, or, if no date is specified, within 45 days of receipt of a properly completed claim or receipt of goods and services, whichever is later. Delayed payments must include interest (CGS § 4a-71).

**§ 5 — STATE MARSHALS ADVISORY BOARD**

The bill makes changes to the member selection process of the 24-member State Marshals Advisory Board and tasks the board with additional duties.

Under current law, between November 9 and November 14, the state marshals in each county must annually elect from the marshals in the county a specified number to serve on the board. The bill expands the annual selection window to the entire month of November and eliminates provisions that specifically address the current selection process. It instead requires the board to adopt rules as it deems necessary to conduct its internal affairs, including procedures to select a chairperson and other officers, as may be necessary, from the board’s members.

Additionally, the bill requires the board to hold an annual meeting in December to select two state marshals to be appointed as ex-officio members of the State Marshal Commission for a one-year term. The board must also fill any vacancies in these appointments.

**§ 9 — DISCLOSURE OF PERSONAL INFORMATION BY DMV**

Current law allows the DMV commissioner to disclose personal information from a motor vehicle record to state marshals performing their duties. The bill allows the commissioner to also disclose operator photos. It also allows the information to be requested and provided electronically instead of by facsimile transmission as under current law.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 2 (04/01/2024)