



General Assembly

February Session, 2024

Raised Bill No. 5379

LCO No. 1751



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 repealed and the following is substituted in lieu thereof (*Effective October*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 Section 6-35 of the general statutes is repealed and the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. Subsection (a) of section 6-38a of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective October*
54 *1, 2024*):

55 (a) For the purposes of the general statutes, "state marshal" means a
56 qualified deputy sheriff incumbent on June 30, 2000, under section 6-38~~2~~,
57 as amended by this act, or appointed pursuant to section 6-38~~b~~, as
58 amended by this act, who ~~[shall have]~~ has authority to provide legal
59 execution and service of process in the counties in this state pursuant to
60 section 6-38, as amended by this act, ~~[as an independent contractor]~~ who
61 is compensated on a fee for service basis, which is determined [,] subject
62 to any minimum rate promulgated by the state, by agreement with an
63 attorney, court or public agency requiring execution or service of
64 process. A state marshal shall not be deemed a state employee, but
65 instead shall be an appointed state officer whose exclusive method of
66 compensation related to the marshal's statutory duties is prescribed in
67 this section.

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 Section 6-38b of the general statutes is repealed and the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

70 (a) There is established a State Marshal Commission which shall
71 consist of eight members appointed as follows: (1) The Chief Justice
72 shall appoint one member who shall be a judge of the Superior Court;
73 (2) the speaker of the House of Representatives, the president pro
74 tempore of the Senate, the majority and minority leaders of the House
75 of Representatives and the majority and minority leaders of the Senate
76 shall each appoint one member; and (3) the Governor shall appoint one
77 member who shall serve as chairperson. Of the seven members
78 appointed pursuant to subdivisions (2) and (3) of this subsection, no

79 more than four of such members may be members of any state bar. No
80 member of the commission shall be a state marshal, except that two state
81 marshals appointed by the State Marshals Advisory Board in
82 accordance with section 6-38c, as amended by this act, shall serve as ex-
83 officio, nonvoting members of the commission.

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

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

91 (d) Members shall serve without compensation but shall be
92 reimbursed for actual expenses incurred while engaged in the duties of
93 the commission.

94 (e) The commission, in consultation with the State Marshals Advisory
95 Board, shall (1) adopt regulations in accordance with the provisions of
96 chapter 54 to establish professional standards, including training
97 requirements, annual in-person continuing education conducted by the
98 commission and minimum fees for execution and service of process, and
99 (2) implement policies and procedures to increase state marshal
100 participation in the serving of *capias* [mittimus] orders. Such policies
101 and procedures may require that at all times a certain minimum
102 percentage of the overall number of state marshals be actively engaged
103 in the service of *capias* [mittimus] orders.

104 (f) The commission shall be responsible for the equitable assignment
105 of service of restraining orders to the state marshals in each county and
106 ensure that such restraining orders are served expeditiously. Failure of
107 any state marshal to accept for service any restraining order assigned by
108 the commission or to serve such restraining order expeditiously without
109 good cause shall be sufficient for the convening of a hearing for removal
110 under subsection [(i)] (k) of this section.

111 (g) The commission, in consultation with the State Marshals Advisory
112 Board, shall issue not less than quarterly administrative bulletins to state
113 marshals relating to topics concerning service of process and legal
114 execution. The subject matter of topics contained in such bulletins shall
115 include, but not be limited to: (1) Changes to state law affecting the
116 duties of state marshals, (2) topics that refresh state marshals'
117 knowledge in subject matter areas affecting their duties, (3) topics
118 concerning the safety of state marshals, (4) topics concerning the
119 interaction and professionalism of state marshals and the public, and (5)
120 topics relating to the nature of complaints filed against state marshals
121 with the State Marshal Commission.

122 (h) The commission, in consultation with the State Marshals
123 Advisory Board, shall ensure ongoing communication among the
124 commission, marshals trained to execute capias orders, and the staff
125 assigned to Support Enforcement Services of the Superior Court
126 concerning the distribution of capias orders for service to state marshals,
127 including orders issued pursuant to section 17b-55a. The commission,
128 in consultation with the State Marshals Advisory Board, may also
129 coordinate dates and times for organizing groups of state marshals to
130 execute capias orders.

131 [(g)] (i) Any vacancy in the position of state marshal in any county as
132 provided in section 6-38, as amended by this act, shall be filled by the
133 commission with an applicant (1) who shall be an elector in the county
134 where such vacancy occurs, and (2) whose permanent place of abode is
135 in the county where such vacancy occurs. Any applicant for such
136 vacancy shall be subject to the application, examination, bonding and
137 investigation requirements of the commission.

138 [(h)] (j) Except as provided in section 6-38f, as amended by this act,
139 no person may be a state marshal and a state employee at the same time.
140 This subsection does not apply to any person who was both a state
141 employee and a deputy sheriff or special deputy sheriff on April 27,
142 2000.

143 [(i)] (k) No state marshal may be removed except by order of the
144 commission for cause after due notice and hearing.

145 [(j)] (l) The commission, in consultation with the Judicial Department,
146 shall adopt rules as it deems necessary for conduct of its internal affairs,
147 including, but not limited to, rules that provide for: (1) The provision of
148 timely, consistent and reliable access to a state marshal for persons
149 applying for a restraining order under section 46b-15; (2) the provision
150 of services to persons with limited English proficiency; (3) the provision
151 of services to persons who are deaf or hard of hearing; [and] (4) service
152 of process that is a photographic copy, micrographic copy or other
153 electronic image of an original document that clearly and accurately
154 copies such original document; and (5) timely payment, as described in
155 section 4a-71, from the Judicial Department to state marshals.

156 (m) The commission shall adopt regulations, in accordance with the
157 provisions of chapter 54, for the application, examination, bonding and
158 investigation requirements for filling vacancies in the position of state
159 marshal.

160 (n) (1) The commission, before administering a written examination
161 to any applicant for appointment as a state marshal, shall consult with
162 the chairperson of the State Marshals Advisory Board, concerning the
163 need for the revision of the examination and the need for additional
164 state marshals in the various counties. The commission, with due regard
165 to any recommendations made by the chairperson of the State Marshals
166 Advisory Board, shall modify the examination, as necessary, and
167 establish the number of state marshals to be added. Any state marshal
168 reviewing such examination pursuant to this subsection shall keep all
169 information obtained concerning the examination confidential.

170 (2) The commission shall establish interview committees for the
171 purpose of interviewing candidates for appointment. Such committees
172 shall include, but not be limited to, members of the commission, not less
173 than two members of the State Marshals Advisory Board, designated by
174 the chairperson of said board, and commission staff. Nothing in this

175 subsection shall limit the number of state marshals on the interview
176 committees. Members of such interview committees shall be permitted
177 to make inquiries of any applicant for the position of state marshal,
178 including follow-up questions. The commission shall provide the
179 members of the interview committee with the names, applications,
180 examination results and investigation materials of all persons to be
181 interviewed for the position of state marshal not less than three days
182 before such interviews. Except as provided in subdivision (3) of this
183 subsection, persons inspecting materials pursuant to this subsection
184 shall keep all information concerning such applicants confidential.

185 (3) The commission shall give due regard to the recommendations of
186 the State Marshals Advisory Board before training any person for the
187 position of state marshal. The State Marshals Advisory Board shall
188 convene a meeting to be held in executive session for the purpose of
189 providing recommendations to the commission. Such recommendations
190 shall be provided to the commission chairperson by the chairperson of
191 the State Marshals Advisory Board. Nothing in this subsection shall be
192 construed to limit the authority of the commission or otherwise limit the
193 commission from consulting the State Marshals Advisory Board
194 concerning any matter.

195 (o) The commission shall appoint a director, staff attorney,
196 investigator and additional staff as the commission deems necessary,
197 provided the director or investigator may not contemporaneously serve
198 as the staff attorney assigned to review complaints filed against state
199 marshals. The director shall serve at the pleasure of the commission. The
200 salary for the director shall be determined by the Commissioner of
201 Administrative Services in consultation with the chairperson of the
202 commission, in accordance with accepted personnel practices. The
203 director, subject to the rules and directives of the commission, shall
204 administer and coordinate the functions of the commission, including
205 the commission's budget. The director shall have overall supervisory
206 authority and responsibility for the commission's operations and staff.
207 The director shall consult not less than quarterly with the chairperson
208 of the State Marshals Advisory Board concerning the effective

209 functioning of the state marshal system relative to service of process and
210 execution in the various counties. The director shall report to and carry
211 out all prescribed duties under the authority of the commission
212 chairperson.

213 (p) Unless otherwise prohibited by law, the commission shall also
214 operate as the state agency for the state marshals in relation to any
215 benefit, right, privilege or function conferred to state marshals.

216 ~~[(k)]~~ (q) The commission shall be within the Department of
217 Administrative Services [, provided] for administrative purposes only
218 and the commission shall have independent decision-making authority.

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

221 (a) There is established a State Marshals Advisory Board which shall
222 consist of twenty-four state marshals. [Between November 9, 2000, and
223 November 14, 2000, and annually thereafter] Annually, in the month of
224 November, the state marshals in each county shall elect from among the
225 state marshals in their county the following number of state marshals to
226 serve on the board: Hartford, New Haven and Fairfield counties, four
227 state marshals; New London and Litchfield counties, three state
228 marshals; and Tolland, Middlesex and Windham counties, two state
229 marshals. State marshals elected to serve on the board shall serve for a
230 term of one year and may be reelected.

231 [(b) On or after April 27, 2000, the Chief Court Administrator shall
232 designate a date and time for the state marshals in each county to come
233 together for the purpose of electing state marshals from each county to
234 serve on the State Marshals Advisory Board pursuant to subsection (a)
235 of this section. A majority of the filled state marshal positions in each
236 county shall constitute a quorum for that county. The election of state
237 marshals to serve on the board shall be by majority vote. The names of
238 the state marshals elected in each county shall be forwarded to the Chief
239 Court Administrator. The Chief Court Administrator, upon receipt of
240 the election results from all counties, shall designate a date and time for

241 the first meeting of the board to take place as soon as practicable after
242 November 14, 2000.]

243 (b) The State Marshals Advisory Board shall adopt rules as the board
244 deems necessary for the conduct of its internal affairs, which rules shall
245 continue in effect from year to year, as amended from time to time. Such
246 rules shall include procedures for selection of a chairperson and other
247 officers as may be necessary, from the members of the board elected
248 pursuant to subsection (a) of this section. Annually, in the month of
249 December, the State Marshals Advisory Board shall hold a meeting and
250 select two state marshals to be appointed as ex-officio members of the
251 State Marshal Commission, in accordance with the provisions of section
252 6-38b, as amended by this act, for a term of one year. If any vacancy
253 occurs in such appointments, the State Marshals Advisory Board shall
254 appoint a state marshal to fill the remainder of the unexpired term.

255 (c) The State Marshal Commission shall, where feasible, allocate
256 space and parking to permit the meetings of the State Marshals
257 Advisory Board.

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

260 No state marshal shall (1) knowingly bill for, or receive fees for, work
261 that such state marshal did not actually perform, (2) unlawfully allow
262 another person to serve process in the place of such state marshal, or (3)
263 make a false or illegal return of process. Any violation of this section
264 without good cause shall be sufficient for summary suspension of the
265 marshal by the State Marshal Commission or the convening of a
266 commission hearing concerning removal of the state marshal under
267 subsection (k) of section 6-38b, as amended by this act.

268 Sec. 8. Section 6-38e of the general statutes is repealed and the
269 following is substituted in lieu thereof (*Effective October 1, 2024*):

270 (a) The State Marshal Commission shall periodically review and
271 audit the records and accounts of the state marshals. In addition, the

272 commission shall conduct audits of the records and accounts of state
273 marshals pertaining to the collection of money by a state marshal upon
274 (1) the receipt of a written complaint that is signed by the person filing
275 such complaint, or (2) a complaint filed on behalf of the commission. An
276 audit conducted pursuant to subdivision (1) or (2) of this subsection
277 shall be prioritized by the commission.

278 (b) [Upon] Not later than thirty days after the death or disability of a
279 state marshal, the commission shall appoint a qualified individual to
280 oversee and audit the records and accounts of such state marshal and
281 render an accounting to the commission.

282 (c) Upon the death or disability of a state marshal, the commission,
283 through its chairperson, may direct any financial institution, as defined
284 by section 52-367a, with access to, or custody of, financial accounts of a
285 state marshal utilized for the collection of moneys under chapters 204
286 and 906, to turn over such financial accounts to a successor state marshal
287 appointed by the commission. A letter signed by the commission
288 chairperson shall constitute an order of the commission pursuant to this
289 subsection. If any person or financial institution refuses to comply with
290 such order, the commission shall certify the facts relating to the
291 noncompliance to the Office of the Attorney General, who shall apply
292 to the Superior Court for an order compelling compliance.

293 (d) The commission, through its chairperson, may administer oaths,
294 cause depositions to be taken, issue subpoenas or order the inspection
295 and disclosure of papers, records and documents under this section.
296 Upon good cause shown, any such order or subpoena may be quashed
297 by the commission. If any person refuses to testify or to produce any
298 relevant paper, record or document under any provision of this section,
299 the commission shall certify the facts relating to the noncompliance to
300 the Office of the Attorney General, who shall apply to the superior court
301 for the judicial district in which such person resides for an order
302 compelling compliance.

303 (e) All information obtained by the commission from any audit

304 conducted pursuant to this section shall be confidential and shall not be
305 subject to disclosure under the Freedom of Information Act, as defined
306 in section 1-200.

307 Sec. 9. Section 6-39 of the general statutes is repealed and the
308 following is substituted in lieu thereof (*Effective October 1, 2024*):

309 Each state marshal, before entering upon the duties of a state marshal,
310 shall give to the State Marshal Commission a bond in the sum of [ten]
311 one hundred thousand dollars conditioned that such state marshal will
312 faithfully discharge the duties of state marshal and answer all damages
313 which any person sustains by reason of such state marshal's
314 unfaithfulness or neglect. The premium for said bonds shall be paid by
315 the state. No state marshal shall collect tax warrants for the state or any
316 municipality until such state marshal executes a bond in the sum of one
317 hundred thousand dollars.

318 Sec. 10. Subsection (f) of section 14-10 of the general statutes is
319 repealed and the following is substituted in lieu thereof (*Effective October*
320 *1, 2024*):

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

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

326 (2) Any individual, organization or entity that signs and files with the
327 commissioner, under penalty of false statement as provided in section
328 53a-157b, a statement on a form approved by the commissioner,
329 together with such supporting documentation or information as the
330 commissioner may require, that such information will be used for any
331 of the following purposes:

332 (A) In connection with matters of motor vehicle or driver safety and
333 theft, motor vehicle emissions, motor vehicle product alterations, recalls

334 or advisories, performance monitoring of motor vehicles and dealers by
335 motor vehicle manufacturers, motor vehicle market research activities
336 including survey research, motor vehicle product and service
337 communications and removal of nonowner records from the original
338 owner records of motor vehicle manufacturers to implement the
339 provisions of the federal Automobile Information Disclosure Act, 15
340 USC 1231 et seq., the Clean Air Act, 42 USC 7401 et seq., and 49 USC
341 Chapters 301, 305 and 321 to 331, inclusive, as amended from time to
342 time, and any provision of the general statutes enacted to attain
343 compliance with said federal provisions;

344 (B) In the normal course of business by the requesting party, but only
345 to confirm the accuracy of personal information submitted by the
346 individual to the requesting party;

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

354 (D) In connection with matters of motor vehicle or driver safety and
355 theft, motor vehicle emissions, motor vehicle product alterations, recalls
356 or advisories, performance monitoring of motor vehicles and motor
357 vehicle parts and dealers, producing statistical reports and removal of
358 nonowner records from the original owner records of motor vehicle
359 manufacturers, provided the personal information is not published,
360 disclosed or used to contact individuals except as permitted under
361 subparagraph (A) of this subdivision;

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

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

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

373 (H) In connection with any lawful purpose of a labor organization, as
374 defined in section 31-77, provided (i) such organization has entered into
375 a contract with the commissioner, on such terms and conditions as the
376 commissioner may require, and (ii) the information will be used only for
377 the purposes specified in the contract other than campaign or political
378 purposes;

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

382 (J) For the purpose of preventing fraud by verifying the accuracy of
383 personal information contained in a motor vehicle record, including an
384 individual's photograph or computerized image, as submitted by an
385 individual to a legitimate business or an agent, employee or contractor
386 of a legitimate business, provided the individual has provided express
387 consent in accordance with subdivision (5) of subsection (a) of this
388 section;

389 (K) Inclusion of personal information about persons who have
390 indicated consent to become organ and tissue donors in a donor registry
391 established by a procurement organization, as defined in section 19a-
392 289a;

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

396 (M) By a state marshal, for use in the performance of duties under the
397 provisions of section 6-38a, as amended by this act. Such information,
398 including operator photos, may be requested [by facsimile
399 transmission] electronically, or by such other means as the
400 commissioner may require, and shall be provided [by facsimile
401 transmission] electronically, or by such other means, within a
402 reasonable time.

403 Sec. 11. Section 6-39a of the general statutes is repealed and the
404 following is substituted in lieu thereof (*Effective October 1, 2024*):

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

407 (b) No state marshal, as a matter of practice, shall receive, direct,
408 transfer, control or solicit process from an attorney at law, for which the
409 state marshal cannot lawfully serve within the state marshal's appointed
410 precinct or extension of precinct in accordance with section 52-56.

411 Sec. 12. Subsection (c) of section 6-38f of the general statutes is
412 repealed and the following is substituted in lieu thereof (*Effective October*
413 *1, 2024*):

414 (c) Except as provided in subsection (a) of this section, for purposes
415 of the State Marshal Commission filling any vacancy in the position of
416 state marshal in any county in accordance with subsection [(g)] (i) of
417 section 6-38b, as amended by this act, the State Marshal Commission
418 shall not fill a vacancy in any county if the total number of state marshals
419 in such county is equal to or exceeds the number allowed under section
420 6-38, as amended by this act.

421 Sec. 13. Section 6-38n of the general statutes is repealed. (*Effective*
422 *October 1, 2024*).

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	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>	6-38a(a)
Sec. 5	<i>October 1, 2024</i>	6-38b
Sec. 6	<i>October 1, 2024</i>	6-38c
Sec. 7	<i>October 1, 2024</i>	6-38d
Sec. 8	<i>October 1, 2024</i>	6-38e
Sec. 9	<i>October 1, 2024</i>	6-39
Sec. 10	<i>October 1, 2024</i>	14-10(f)
Sec. 11	<i>October 1, 2024</i>	6-39a
Sec. 12	<i>October 1, 2024</i>	6-38f(c)
Sec. 13	<i>October 1, 2024</i>	Repealer section

Statement of Purpose:

To promote efficiencies in the duties undertaken by state marshals, the State Marshal Commission and the State Marshal Advisory Board.

[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.]