

House of Representatives, April 7, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING LANDLORD AND TENANT.

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

1 Section 1. Section 53a-117e of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) A tenant is guilty of criminal damage of
5 a landlord's property in the first degree when,
6 [with intent to cause damage to tangible property
7 of the landlord of the premises and] having no
8 reasonable ground to believe that he has a right
9 to do so, he INTENTIONALLY OR RECKLESSLY damages
10 [such] THE TANGIBLE property OF THE LANDLORD OF
11 THE PREMISES in an amount exceeding one thousand
12 five hundred dollars.

13 (b) For the purposes of this section,
14 "tenant", "landlord" and "premises" shall have the
15 meanings set forth in section 47a-1.

16 (c) Nothing in this section shall preclude
17 prosecution of a person under any other provision
18 of the general statutes.

19 (d) Criminal damage of a landlord's property
20 in the first degree is a class D felony.

21 Sec. 2. Section 53a-117f of the general
22 statutes is repealed and the following is
23 substituted in lieu thereof:

24 (a) A tenant is guilty of criminal damage of
25 a landlord's property in the second degree when,
26 [with intent to cause damage to tangible property
27 of the landlord of the premises and] having no
28 reasonable ground to believe that he has a right
29 to do so, he INTENTIONALLY OR RECKLESSLY damages
30 [such] THE TANGIBLE property OF THE LANDLORD OF
31 THE PREMISES in an amount exceeding two hundred
32 fifty dollars.

33 (b) For the purposes of this section,
34 "tenant", "landlord" and "premises" shall have the
35 meanings set forth in section 47a-1.

36 (c) Nothing in this section shall preclude
37 prosecution of a person under any other provision
38 of the general statutes.

39 (d) Criminal damage of a landlord's property
40 in the second degree is a class A misdemeanor.

41 Sec. 3. Section 52-261 of the general
42 statutes, as amended by section 60 of public act
43 97-11 of the June 18 special session, is repealed
44 and the following is substituted in lieu thereof:

45 (a) Except as provided in SUBSECTION (b) OF
46 THIS SECTION AND section 52-261a, each officer or
47 person who serves process, summons or attachments
48 shall receive a fee of not more than twenty
49 dollars for each process served and an additional
50 fee of ten dollars for the second and each
51 subsequent defendant upon whom the process is
52 served. Each such officer or person shall also
53 receive the fee set by the Department of
54 Administrative Services for state employees for
55 each mile of travel, to be computed from the place
56 where he received the process to the place of
57 service, and thence in the case of civil process
58 to the place of return. If more than one process
59 is served on one person at one time by any such
60 officer or person, the total cost of travel for
61 the service shall be the same as for the service
62 of one process only. Each officer or person who
63 serves process shall also receive the moneys
64 actually paid for town clerk's fees on the service
65 of process. Any officer or person required to
66 summon jurors by personal service of a warrant to
67 attend court shall receive for the first ten miles
68 of travel while so engaged, such mileage to be
69 computed from the place where he receives the
70 process to the place of service, twenty-five cents
71 for each mile, and for each additional mile, ten

72 cents. For summoning any juror to attend court
73 otherwise than by personal service of the warrant,
74 such officer or person shall receive only the sum
75 of fifty cents and actual disbursements
76 necessarily expended by him in making service
77 thereof as directed. Notwithstanding the
78 provisions of this section, for summoning grand
79 jurors, such officer or person shall receive only
80 his actual expenses and such reasonable sum for
81 services as are taxed by the court. The following
82 fees shall be allowed and paid: (1) For taking
83 bail or bail bond, one dollar; (2) for copies of
84 writs and complaints, exclusive of endorsements,
85 one dollar per page, not to exceed a total amount
86 of nine hundred dollars in any particular matter;
87 (3) for endorsements, forty cents per page or
88 fraction thereof; (4) for service of a warrant for
89 the seizure of intoxicating liquors, or for
90 posting and leaving notices after the seizure, or
91 for the destruction or delivery of any such
92 liquors under order of court, twenty dollars; (5)
93 for the removal and custody of such liquors so
94 seized, reasonable expenses, and twenty dollars;
95 (6) for levying an execution, when the money is
96 actually collected and paid over, or the debt
97 secured by the officer to the acceptance of the
98 creditor, ten per cent on the amount of the
99 execution, provided the minimum fee for such
100 execution shall be twenty dollars; (7) on the levy
101 of an execution on real property and on
102 application for sale of personal property
103 attached, to each appraiser, for each half day of
104 actual service, reasonable and customary expenses;
105 (8) for causing an execution levied on real
106 property to be recorded, fees for travel, twenty
107 dollars and costs; (9) for services on an
108 application for the sale of personal property
109 attached, or in selling mortgaged property
110 foreclosed under a decree of court, the same fees
111 as for similar services on executions; (10) for
112 committing any person to a community correctional
113 center, in civil actions, twenty-one cents a mile
114 for travel, from the place of the court to the
115 community correctional center, in lieu of all
116 other expenses; and (11) for summoning and
117 attending a jury for reassessing damages or
118 benefits on a highway, three dollars a day. The
119 court shall tax as costs a reasonable amount for

120 the care of property held by any officer under
121 attachment or execution. The officer serving any
122 attachment or execution may claim compensation for
123 time and expenses of any person, in keeping,
124 securing or removing property taken thereon,
125 provided he shall make out a bill. The bill shall
126 specify the labor done, and by whom, the time
127 spent, the travel, the money paid, if any, and to
128 whom and for what. The compensation for the
129 services shall be reasonable and customary and the
130 amount of expenses and shall be taxed by the court
131 with the costs.

132 (b) EACH OFFICER OR PERSON SHALL RECEIVE THE
133 FOLLOWING FEES: (1) FOR SERVICE OF A NOTICE UNDER
134 SECTION 47a-15, AS AMENDED, NOT LESS THAN TEN
135 DOLLARS NOR MORE THAN TWENTY DOLLARS; (2) FOR
136 SERVICE OF A NOTICE TO QUIT POSSESSION OR
137 OCCUPANCY UNDER SECTION 47a-23, AS AMENDED, NOT
138 LESS THAN TEN DOLLARS NOR MORE THAN TWENTY
139 DOLLARS; (3) FOR SERVICE OF A SUMMONS AND
140 COMPLAINT UNDER SECTION 47a-23a, AS AMENDED, NOT
141 LESS THAN FIFTEEN DOLLARS NOR MORE THAN THIRTY
142 DOLLARS; (4) FOR SERVICE OF A SUBPOENA FOR A
143 WITNESS IN A HOUSING MATTER, AS DEFINED IN SECTION
144 47a-68, NOT LESS THAN TEN DOLLARS NOR MORE THAN
145 TWENTY DOLLARS; (5) FOR SERVICE OF AN EXECUTION ON
146 A SUMMARY PROCESS JUDGMENT, NOT LESS THAN FIFTEEN
147 DOLLARS NOR MORE THAN THIRTY DOLLARS; (6) FOR
148 REMOVAL UNDER SECTION 47a-42, AS AMENDED, OF A
149 DEFENDANT OR OTHER OCCUPANT BOUND BY A SUMMARY
150 PROCESS JUDGMENT, AND THE POSSESSIONS AND PERSONAL
151 EFFECTS OF SUCH DEFENDANT OR OTHER OCCUPANT, NOT
152 LESS THAN FIFTY DOLLARS PER HOUR NOR MORE THAN
153 SEVENTY-FIVE DOLLARS PER HOUR.

154 Sec. 4. (a) The Chief Court Administrator
155 shall establish a pilot program in the Judicial
156 District of Hartford, from October 1, 1998, to
157 April 1, 2000, with the objective that all summary
158 process actions shall be heard and resolved in not
159 more than thirty days. The Chief Court
160 Administrator shall institute scheduling and
161 docket changes and assign existing staff or employ
162 additional staff as may be necessary to achieve
163 such goal.

164 (b) The sum of ____ dollars is appropriated
165 to the Judicial Department, for the fiscal year
166 ending June 30, 1999, to carry out the purposes of
167 subsection (a) of this section.

168 JUD COMMITTEE VOTE: YEA 38 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5732

STATE IMPACT	Minimal, see explanation below
MUNICIPAL IMPACT	None (Housing Authorities), see explanation below
STATE AGENCY(S)	Judicial Department, County Sheriffs

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The establishment of a pilot program in the Hartford Housing Court does not appear to result in a fiscal impact since summary process actions in housing cases in Hartford are already within the 30 day parameter specified in the bill. The bill also contains an unspecified appropriation for this pilot program that has no impact until actually specified.

The bill's provisions concerning criminal penalties are anticipated to result in a minimal, absorbable impact on the criminal justice system.

Since the bill generally reduces the fees for process servers in eviction cases (currently the fees in these cases are established under CGS 52-261), savings would result for Housing Authorities to the extent that fees would be lower from those that they are currently paying. The exact extent of the savings will vary by municipality as it is contingent upon the number of evictions, and the actual amount of the fee that is charged.

In addition, as the debts and liabilities of a Housing Authority are not those of the municipality, the

passage of this bill is not expected to have a direct fiscal impact on the municipality within which the housing authority is located.

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OLR BILL ANALYSIS

HB 5732

AN ACT CONCERNING LANDLORD AND TENANT

SUMMARY: This bill extends the penalty for intentionally damaging a landlord's tangible property to tenants who recklessly damage it. As with a tenant who causes intentional damage, the penalty for causing reckless damage applies only if the tenant had no reason to believe that he had a right to cause the damage. A person who causes damages in excess of (1) \$1,500 is subject to a penalty of up to five years imprisonment, a \$5,000 fine, or both and (2) \$250 is subject to a penalty of up to one year imprisonment, a \$2,000 fine, or both.

The bill establishes fees for process servers in eviction cases and for removing the person and belongings of anyone bound by a summary process judgment who fails to vacate the premises on the eviction date.

It requires the chief court administrator to establish a pilot program in Hartford Judicial District to hear and resolve summary process actions in 30 days or less. The program must run from October 1, 1998 (the bill's effective date) to April 1, 2000. The chief court administrator must institute scheduling and docket changes and assign staff or employ new staff as necessary to achieve this goal. The bill appropriates an unspecified amount to the Judicial Department for the fiscal year ending June 30, 1999 to establish the program.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Fees

The bill establishes the following fees for sheriffs, deputy sheriffs, and constables who serve summary process documents or remove parties bound by summary process judgments:

<u>Document</u>	<u>Fee</u>
Eviction notice for nonpayment of rent or serious nuisance, notice of noncompliance with the rental agreement or with a landlord's rules and regulations	\$10 to \$20
Notice to quit	\$10 to \$20
Summons and complaint	\$15 to \$30
Subpoena for a witness	\$10 to \$20
Execution on a summary judgment	\$15 to \$30
Removal of the person or property of a party bound by a summary process judgment	\$50 to \$75 an hour

Under current law, sheriffs, deputy sheriffs, and constables who perform these duties may charge up to \$20 and mileage at the rate set by the Department of Administrative Services for state employees.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 38 Nay 0