



House of Representatives

General Assembly

File No. 723

January Session, 2025

Substitute House Bill No. 7150

House of Representatives, April 16, 2025

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING JUSTICES OF THE PEACE.

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

1 Section 1. (NEW) (*Effective October 1, 2025*) (a) For the purposes of this
2 section and sections 2 to 4, inclusive, of this act:

3 (1) "Justice of the peace" means any person that holds the office of
4 justice of the peace pursuant to section 9-183b, 9-183c, 9-184 or 9-184c of
5 the general statutes, as amended by this act;

6 (2) "Official misconduct" means, in the performance of the duties of a
7 justice of the peace, (A) a justice of the peace's performance of an act
8 prohibited by the general statutes or failure to perform an act mandated
9 by the general statutes, or (B) a justice of the peace's performance of an
10 act in a manner found to be negligent, fraudulent, unlawful or against
11 the public interest, including any conduct prohibited by subsection (a)
12 of section 2 of this act; and

13 (3) "Secretary" means the Secretary of the State.

14 (b) To be qualified to hold the office of justice of the peace, a person
15 shall:

16 (1) Be appointed pursuant to section 9-183b, 9-183c, 9-184 or 9-184c of
17 the general statutes, as amended by this act; and

18 (2) Pass the examination developed and administered by the
19 Secretary pursuant to subsection (c) of this section not later than (A) one
20 hundred twenty days after an appointment made after January 1, 2026,
21 or (B) May 1, 2026, if such appointment is made on or before January 1,
22 2026.

23 (c) The Secretary shall, not later than July 1, 2026, (1) publish on the
24 Internet web site of the Secretary of the State a manual concerning the
25 duties of a justice of the peace, and (2) administer a written examination
26 for persons seeking to hold the office of justice of the peace.

27 Sec. 2. (NEW) (*Effective January 1, 2026*) (a) No justice of the peace shall
28 (1) perform any official action with intent to deceive or defraud any
29 person, (2) use the title of justice of the peace in an endorsement or
30 promotional statement for any product, third-party service, contest or
31 other offering, or (3) perform a marriage that the justice of the peace
32 knows or should have known is (A) unlawful under any provision of
33 the general statutes, or (B) fraudulent in violation of 8 USC 1325, as
34 amended from time to time.

35 (b) A justice of the peace shall be liable to any person for any damages
36 proximately caused to that person as a result of the justice of the peace's
37 official misconduct.

38 (c) An employer of an individual who holds the office of justice of the
39 peace shall be liable to any person for damages proximately caused to
40 that person resulting from the justice of the peace's official misconduct
41 if (1) such misconduct occurred in the course of business of such
42 employer, and (2) such employer directed, encouraged, consented to,
43 ratified or approved the justice of the peace's official misconduct, either

44 (A) in the particular transaction constituting official misconduct, or (B)
45 implicitly by such employer's previous actions in at least one similar
46 transaction constituting official misconduct.

47 (d) An employer of an individual who holds the office of justice of
48 the peace shall be liable to the justice of the peace for any damages (1)
49 recovered from the justice of the peace resulting from official
50 misconduct that was coerced by threat of such employer, if such threat,
51 including, but not limited to, a threat of demotion or dismissal, was
52 made by such employer (A) in reference to a particular act of the justice
53 of the peace in the course of business of such employer, or (B) implicitly
54 by such employer's previous actions in at least one similar transaction,
55 or (2) caused to the justice of the peace by a demotion, dismissal or other
56 action by such employer resulting from the justice of the peace's refusal
57 to commit official misconduct in the course of such employer's business.

58 Sec. 3. (NEW) (*Effective January 1, 2026*) (a) The Secretary shall
59 investigate any allegations of official misconduct by a justice of the
60 peace and issue a finding at the conclusion of any such investigation.

61 (b) When the Secretary determines that a justice of the peace has
62 engaged in official misconduct or otherwise violated any provision of
63 the general statutes in the performance of the duties of a justice of the
64 peace, the Secretary may (1) deliver a written warning or reprimand to
65 such justice of the peace, or (2) notwithstanding the provisions of any
66 special act, municipal charter or ordinance to the contrary, suspend or
67 revoke a justice of the peace's appointment.

68 (c) The voluntary or involuntary termination, revocation or lapse of
69 the appointment of a justice of the peace shall not interrupt or preclude
70 an investigation into any allegation of official misconduct against such
71 justice of the peace under this section.

72 (d) The Secretary may adopt regulations, in accordance with the
73 provisions of chapter 54 of the general statutes, to carry out the purposes
74 of this section and sections 2 and 3, inclusive, of this act.

75 Sec. 4. (NEW) (*Effective from passage*) (a) Notwithstanding the
76 provisions of section 9-183b, 9-183c or 9-184c of the general statutes, as
77 amended by this act, any vacancy in the office of a justice of the peace,
78 if such vacancy is created by the adoption of an ordinance or charter
79 amendment by a municipality that (1) increases the number of justices
80 of the peace in such municipality, and (2) is effective not less than
81 ninety-one days prior to the next quadrennial appointment of justices of
82 the peace in the municipality, may be filled by appointment prior to the
83 next quadrennial appointment by the town committee of any major
84 party according to the provisions of this section.

85 (b) (1) (A) The town clerk shall select one-third of the total number of
86 justices of the peace to fill vacancies that are created by the adoption of
87 such ordinance or charter amendment.

88 (B) The political parties that are major political parties, as defined in
89 subparagraph (B) of subdivision (5) of section 9-372 of the general
90 statutes, shall be entitled to nominate an equal number of the total
91 number of justices of the peace to fill the remaining vacancies created by
92 the adoption of such ordinance, except in any town where the number
93 of justices of the peace to be nominated under this section is not divisible
94 by the number of political parties entitled to nominate justices of the
95 peace under this section, the registrars of voters shall determine by lot
96 which of said parties may nominate one more justice of the peace than
97 may be nominated by the other party or parties. Such nomination by
98 such parties shall qualify a nominee to serve as a justice of the peace.

99 (2) (A) In the event that a political party that is a major party, as
100 defined in subparagraph (A) of subdivision (5) of section 9-372 of the
101 general statutes, but is not a major party, as defined in subparagraph (B)
102 of said subdivision, is entitled to nominate an individual or individuals
103 to serve as a justice of the peace to fill any such vacancy, such party shall
104 be entitled to nominate twenty per cent of the total number of justices of
105 the peace to fill such vacancies, provided such percentage shall be
106 rounded down to the nearest whole number. Such nomination by such
107 parties shall qualify a nominee to serve as a justice of the peace.

108 (B) The town clerk shall select one-third of the total number of justices
109 of the peace to fill vacancies that are created by the adoption of such
110 ordinance or charter amendment less the number of justices of the peace
111 selected under subparagraph (A) of this subdivision to fill such
112 vacancies.

113 (c) Notwithstanding the provisions of section 9-183b, 9-183c or 9-184c
114 of the general statutes, as amended by this act, any person appointed to
115 fill a vacancy in the office of a justice of the peace pursuant to subsection
116 (b) of this section shall serve until the next quadrennial appointment of
117 justices of the peace in the municipality.

118 (d) If a vacancy in the office of a justice of the peace has been filled by
119 appointment by a town committee, the chairperson or secretary of such
120 town committee shall file with the town clerk a certificate of each such
121 appointment, and the town clerk shall record the certificate with the
122 records of the town meeting. The town clerk shall notify the secretary of
123 any such appointment.

124 Sec. 5. Section 9-184c of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective October 1, 2025*):

126 (a) In 1994, 1996, and quadrennially thereafter, the town clerk of each
127 town shall appoint as justice of the peace a number of electors of the
128 town who are not members of major parties, as defined in section 9-372,
129 which shall not exceed (1) where no justices of the peace are selected
130 under section 9-183c, one-third of the total number of justices of the
131 peace in the town, or (2) where justices of the peace are selected under
132 section 9-183c, one-third of the total number of justices of the peace in
133 the town less the number of justices of the peace in the town selected
134 under section 9-183c. Such percentage shall be rounded up to the nearest
135 whole number of justices of the peace. Any such appointment shall be
136 made upon written application submitted on or after August first and
137 on or before November first, in such year. No person who has
138 enrollment privileges in the town in a political party which selected
139 justices of the peace under section 9-183b or under section 9-183c within
140 the period beginning three months before said August first and ending

141 on the date the person is to be appointed under this section, shall be
142 eligible for such appointment. Not later than August 1, 1996, and
143 quadrennially thereafter, the town clerk shall send a written notice to
144 each incumbent justice of the peace appointed under this section. Such
145 notice shall inform such justices of the peace of the procedures set forth
146 in this section concerning the reappointment of such justices of the
147 peace.

148 (b) If, on November first in such year, the number of applications for
149 justice of the peace filed with the town clerk under subsection (a) of this
150 section exceeds the number of justices of the peace allowed under this
151 section, (1) each such applicant who is an incumbent justice of the peace
152 appointed under this section shall be reappointed if there are sufficient
153 openings, and (2) the town clerk shall, on or before the fifteenth business
154 day of November, select the remaining applicants to be appointed as
155 justices of the peace by lot in a ceremony which shall be open to the
156 public and held on five days' public notice. At such lottery the town
157 clerk shall determine the order of all such remaining applications for the
158 purpose of filling future vacancies under subsection (d) of this section.
159 If a town clerk receives a number of applications that is less than the
160 number of justices of the peace that he is authorized to appoint under
161 this section in any year, he shall not appoint any additional justices of
162 the peace, except as prescribed by subsections (d) and (e) of this section.

163 (c) Justices of the peace appointed in 1994 [,] shall serve a term of two
164 years beginning on the first Monday in 1995, and justices of the peace
165 appointed in 1996 and thereafter shall serve a term of four years
166 beginning on the first Monday in January in the succeeding year.

167 (d) Any vacancy in the office of any such justice of the peace shall be
168 filled by appointment by the town clerk of an elector qualifying under
169 subsection (a) of this section in the order determined in the lottery held
170 under [said] subsection (b) of this section. If no such lottery is held, or
171 the number of vacancies exceeds the number of remaining applicants
172 determined in the lottery held under subsection (b) of this section, the
173 vacancy shall [not] be filled pursuant to subsection (e) of this section.

174 (e) If the number of vacancies exceeds the number of remaining
175 applicants determined in the lottery held under subsection (b) of this
176 section or if no such lottery was held, the town clerk shall make public
177 the number of vacancies and the procedure for appointing new justices
178 of the peace under this subsection. Any such appointment shall be made
179 upon written application submitted not more than thirty days following
180 such public notice. No person who has enrollment privileges in the town
181 in a political party that selected justices of the peace under section 9-
182 183b or 9-183c within the period beginning three months before the
183 public notice under this subsection and ending on the date the person is
184 to be appointed under this subsection shall be eligible for such
185 appointment. If the number of applications for justice of the peace filed
186 with the town clerk under this subsection exceeds the number of
187 vacancies, the town clerk shall, not less than ten and not more than
188 fifteen days following the close of such applications, select the
189 remaining applicants to be appointed as justices of the peace by lottery
190 in a ceremony which shall be open to the public and held within not less
191 than five days after the giving of public notice by the town clerk. At such
192 lottery, the town clerk shall determine the order of all such remaining
193 applications for the purpose of filling future vacancies under subsection
194 (d) of this section. If a town clerk receives a number of applications
195 under this subsection that is less than the number of justices of the peace
196 that the town clerk is authorized to appoint under this section in any
197 year, the town clerk shall not appoint any additional justices of the
198 peace.

199 Sec. 6. (NEW) (*Effective from passage*) (a) There is established a
200 working group to examine and make recommendations on (1) the
201 methods of determining the number of justice of the peace positions in
202 each municipality and state wide; (2) the portability of a justice of the
203 peace appointment in one municipality to other municipalities; (3) the
204 process by which justices of the peace are selected; (4) potential training,
205 minimum qualifications, application processes and background check
206 requirements for justices of the peace; (5) oversight of justices of the
207 peace, including the potential for levying fines; (6) potential legal
208 consequences for misrepresenting a person's status as a justice of the

209 peace; and (7) issues related to reporting human trafficking, forced
210 marriage and marriage fraud.

211 (b) The working group shall consist of the following members:

212 (1) Two appointed by the speaker of the House of Representatives,
213 one of whom is a justice of the peace and one of whom is a representative
214 of a professional organization for justices of the peace;

215 (2) Two appointed by the president pro tempore of the Senate, who
216 are town clerks;

217 (3) One appointed by the majority leader of the House of
218 Representatives, who is a town party chairperson;

219 (4) One appointed by the majority leader of the Senate, who is a
220 justice of the peace and not a member of a major political party;

221 (5) Two appointed by the minority leader of the House of
222 Representatives, one of whom is a town party chairperson and one of
223 whom is a town clerk;

224 (6) Two appointed by the minority leader of the Senate, one of whom
225 is a justice of the peace and one of whom is a town clerk; and

226 (7) The Secretary of the State, or the Secretary's designee.

227 (c) All initial appointments to the working group shall be made not
228 later than thirty days after the effective date of this section. Any vacancy
229 shall be filled by the appointing authority.

230 (d) The Secretary of the State, or the Secretary's designee, shall be the
231 chairperson of the working group and shall schedule the first meeting
232 of the working group, which shall be held not later than sixty days after
233 the effective date of this section.

234 (e) Not later than January 1, 2026, the working group shall submit a
235 report on its findings and recommendations to the joint standing
236 committee of the General Assembly having cognizance of matters

237 relating to government administration and elections, in accordance with
238 the provisions of section 11-4a of the general statutes, and to the
239 Secretary of the State. The working group shall terminate upon the
240 submission of such report.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2025</i>	New section
Sec. 2	<i>January 1, 2026</i>	New section
Sec. 3	<i>January 1, 2026</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2025</i>	9-184c
Sec. 6	<i>from passage</i>	New section

PD *Joint Favorable Subst.*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Secretary of the State	GF - Cost	1,600	1,600

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 26 \$	FY 27 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill defines official misconduct by justices of the peace and assigns liability under certain conditions. In addition, the bill expands the Secretary of the State's (SOTS) oversight role, resulting in a minimal cost to the SOTS, and a potential cost to municipalities.

The bill expands SOTS administration and oversight of justices of the peace, resulting in a cost of \$1,600 in FY 26 and FY 27. This cost is associated with required annual e-licenses to maintain the testing program.

The bill may result in a potential cost to municipalities beginning in FY 26 to the extent they are found liable for a justice's misconduct, as the bill makes a justice's employer liable for damages that occur due to a justice's misconduct under certain circumstances.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of municipalities held responsible for a justice's misconduct.

OLR Bill Analysis**sHB 7150*****AN ACT CONCERNING JUSTICES OF THE PEACE.*****SUMMARY**

This bill defines what constitutes official misconduct by justices of the peace (“justices”) and assigns liability when it occurs. Under it, both the justice and his or her employer may be found liable for any resulting damages, depending on the circumstances. The bill correspondingly requires the secretary of the state (“secretary”) to investigate allegations of misconduct and authorizes her to take certain enforcement actions, including revoking a justice’s appointment. Beginning July 1, 2026, it also requires the secretary to begin administering a written test that all current and future justices must pass.

Justices are normally appointed according to a four-year schedule. The bill establishes processes for appointing justices when (1) a municipality creates new justice positions 91 days or more ahead of the next scheduled appointment period or (2) the town clerk must fill vacancies but did not get enough applications during the quadrennial application filing period to do so.

Lastly, the bill establishes a working group to examine and make recommendations on various topics related to justices by January 1, 2026.

EFFECTIVE DATE: January 1, 2026, except the provisions (1) requiring a written test and allowing town clerks to fill certain vacancies take effect October 1, 2025, and (2) on filling newly created positions and establishing a working group are effective upon passage.

§ 1 — JUSTICE QUALIFICATIONS

To be qualified as a justice under the bill, an individual must be

appointed through one of the processes set out in existing law and pass a written test.

Written Test

The bill requires all justices to pass a written test, which the secretary must begin administering by July 1, 2026. Justices appointed after January 1, 2026, must pass it within 120 days of their appointments. Justices appointed on or before that date must pass it by May 1, 2026 (but it is uncertain whether the secretary will have begun administering the test by this deadline).

Manual

The bill additionally requires the secretary, by July 1, 2026, to publish on the office's website a manual that covers the justice's duties (see BACKGROUND).

§§ 1–3 — JUSTICE MISCONDUCT***Prohibited Acts***

The bill prohibits justices from doing any of the following:

1. performing any official action with the intent to deceive or defraud anyone;
2. using their title to endorse or promote any product, third-party service, contest, or offering; or
3. performing a marriage the justice knows, or should know, is unlawful under state law or the federal law that, among other things, criminalizes entering a marriage to evade immigration laws.

Official Misconduct

Under the bill, a justice has engaged in official misconduct if he or she, while executing justice duties, performs an act (1) described above (a "prohibited act") or that another state law prohibits; (2) in a negligent, fraudulent, or unlawful way; or (3) that is against public interest. Failure to perform an act state law requires is also official misconduct under the

bill.

Liability for Misconduct

The bill makes a justice liable for damages that were proximately caused by the justice's official misconduct. A justice's employer is liable for these damages if the justice's misconduct occurred in the course of the employer's business and he or she ratified the conduct. An employer ratifies the justice's misconduct by directing, encouraging, approving, or consenting to it, either implicitly (through his or her actions in a similar transaction that constituted official misconduct) or in a particular transaction constituting official misconduct.

A justice's employer may also be found liable for damages the justice incurs under two circumstances. First, if the employer takes actions damaging the justice (like a demotion or dismissal) because the justice refused to engage in official misconduct related to the business, then the employer is liable for those damages. Second, the bill makes an employer liable for damages recovered from the justice for official misconduct that the employer coerced him or her into by threat (including threat of demotion or dismissal). This threat may be implicit based on the employer's actions during a similar previous transaction, or made in reference to a particular act of the justice in the course of the employer's business.

Secretary of the State Enforcement

The bill requires the secretary to investigate any allegations that a justice has engaged in official misconduct. The bill specifies that this investigation may continue even if the justice's appointment expires, is revoked, or voluntarily terminated.

At the end of the investigation, the secretary must issue findings. If the secretary finds that a justice engaged in official misconduct, or violated any other law while acting as a justice, the bill authorizes her to (1) issue a written warning or reprimand or (2) suspend or revoke the justice's appointment, even if doing so would conflict with a special act or municipal charter or ordinance.

The bill also authorizes the secretary to adopt regulations to carry out the bill's misconduct-related provisions.

§ 4 — FILLING NEWLY CREATED POSITIONS

Through a process specified in existing law, justices are selected by the town clerk (for appointments not affiliated with a major political party) or major political parties (Republicans, Democrats, and any parties whose last gubernatorial candidate received at least 20% of all votes cast). Under this process, justices are generally selected on a quadrennial schedule that aligns with state election years and their appointment terms are for four years. But the law currently does not specify a process by which newly created justice positions may be filled.

Under the bill, when a municipal ordinance or charter amendment creates new justice positions 91 days or more ahead of the scheduled quadrennial appointment, justices may be appointed to serve the remainder of the four-year term (until the next scheduled appointment).

Division of Appointments

Of these new positions, one-third are selected by each political party that is considered major based on its party enrollment (the Democrats and Republicans), with the registrars of voters deciding by lottery which party gets an additional selection if there are an uneven number. Generally, the town clerk selects the remaining one-third. However, if a third political party qualifies as major based on its candidate receiving at least 20% of the votes cast in the prior gubernatorial election, the party selects 20% of this one-third, rounded down to the nearest whole number.

Under the bill, whoever the political parties nominate as their selections qualify as justices. (But presumably the person selected still needs to pass the written test (see § 1 above).) The bill does not, however, specify how a town clerk selects his or her appointments.

If a major party fills a vacancy, it must file an appointment certificate with the town clerk, as existing law requires. The town clerk must record the certificate with the town meeting's records and notify the secretary

about the appointment.

§ 5 — FILLING TOWN CLERK-APPOINTED VACANCIES MID-SCHEDULE

By law, those seeking a town clerk appointment must apply between August 1 and November 1, inclusive, during the scheduled appointment year (every fourth year). If there are more applicants than open justice positions, the town clerk must first reappoint applicants who are incumbent justices, then order the remaining applicants using a lottery system. If a town clerk must fill a mid-term vacancy (if a justice gives up his or her role early, for example), the law requires the clerk to appoint the applicant who is next highest on the lottery order.

Under current law, if there are more vacancies than applicants remaining on the list, or the lottery was never held, the vacancy must stay unfilled until the next quadrennial application period. The bill instead requires the town clerk to hold another application period. The clerk must give public notice about the number of vacancies and appointment procedure and then accept written applications from eligible individuals for up to 30 days. Under the bill, anyone who was eligible for an appointment by a major political party (generally a registered Democrat or Republican) in the three months before the public notice is ineligible to apply.

The same notice requirements apply to the process under the bill (filling mid-term vacancies) as apply to the process in existing law (filling quadrennial vacancies). If there are more applicants than open positions, the town clerk must hold a public lottery, after at least five days' notice, to prioritize applicants to fill these and any future vacancies. The bill requires the town clerk to hold the lottery between 10 and 15 days after the application period ends. If, in any year, the clerk gets too few applications to fill all of the vacancies, the bill prohibits the clerk from appointing any more justices.

§ 6 — WORKING GROUP

The bill establishes an 11-member working group to examine and make recommendations on the following:

1. ways to determine the number of justice positions in each municipality and statewide;
2. the portability of a justice appointment from one municipality to other municipalities;
3. the justice selection process;
4. potential training, qualification, application, and background check requirements;
5. oversight of justices, including the potential to levy fines;
6. potential legal consequences of misrepresenting oneself as a justice; and
7. issues related to reporting human trafficking, forced marriages, and marriage fraud.

The working group must consist of the secretary of the state or her designee, who serves as the chairperson, and the 10 appointed members shown in the table below. Appointing authorities must make their initial appointments within 30 days after the bill's passage and fill any vacancies that arise.

Table: Task Force Appointed Members

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Qualifications (if any)</i>
House speaker	Two	One justice and one representative of a professional organization for justices
Senate president pro tempore	Two	Town clerks
House majority leader	One	Town party chairperson
House minority leader	Two	One town party chairperson and one town clerk
Senate majority leader	One	Justice who is not a member of a major political party
Senate minority leader	Two	One justice and one town clerk

The chairperson must schedule and hold the first meeting within 60 days after the bill passes. The working group must report its findings

and recommendations, by January 1, 2026, to the Government Administration and Elections Committee.

BACKGROUND

Justice of Peace Authority

A justice's authority generally includes administering oaths and signing affidavits after administering oaths (CGS § 1-24), acknowledging legal documents (CGS § 1-29), performing marriage ceremonies (CGS § 46b-22), taking depositions and issuing subpoenas to compel witnesses to attend them (CGS § 52-148c), and issuing tax warrants (CGS § 12-130).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/28/2025)