
OLR Bill Analysis

sHB 7139 (as amended by House "A")*

AN ACT CONCERNING THE DUTIES OF STATE MARSHALS AND THE ACTIVITIES UNDERTAKEN BY THE STATE MARSHAL COMMISSION AND THE STATE MARSHALS ADVISORY BOARD.

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SUMMARY

This bill makes various changes in statutes affecting state marshals and service of process. A section-by-section analysis appears below.

It also makes minor, technical, and conforming changes.

*House Amendment “A” principally (1) specifies that state marshals have a duty to provide execution and service of process, (2) provides that their fee is subject to both the minimum and maximum established rates, and (3) requires the judicial branch’s eviction and ejectment notices to specify that failure to leave when told to do so when the state marshal returns for the action constitutes 1st degree criminal trespass.

EFFECTIVE DATE: October 1, 2025

§§ 1 & 9 — PERSONAL LIABILITY INSURANCE AND REQUIRED BOND

Increases a state marshal’s required amount of personal liability insurance and bond; starting January 1, 2026, requires renewed personal liability insurance policies to have annual coverage that extends from October 1 to September 30

Personal Liability Insurance (§ 1)

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, 2026, when renewing a personal liability insurance policy, the bill requires that the policy have 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, a “tortious act” is generally a negligent act, error, or omission for which a state marshal may become legally obligated to pay damages if committed while making or attempting to make an arrest or against a person under arrest (e.g., false arrest or imprisonment).

Bond Amount (§ 9)

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 a municipality.

§ 2 — COLLECTION PROCEDURES

Makes changes to the deadlines by which a state marshal must pay money he or she collected to the person authorized to receive it

The bill makes changes to the deadlines by which a state marshal must pay the person authorized to receive money collected on behalf of someone.

Under current law, a state marshal must do so within 30 calendar days after collecting 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.

The bill also establishes a new time frame and requirements for money collected through a personal check instead of the default 30 days noted above. In these cases, the state marshal must expeditiously deposit the check into the marshal’s noninterest-bearing trustee account

and pay the money to the person within 45 days after the personal check was collected.

As under current law, the bill allows the state marshal and the person to agree to a payment deadline different from that specified by the law, including for personal checks.

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.

§ 3 — NUMBER OF APPOINTMENTS BY COUNTY

Reduces the number of state marshals appointed in each county, resulting in a total statewide reduction of 83 marshals

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 83 appointments statewide (from 318 to 235).

Table: State Marshals To Be Appointed in Each County

| County | Appointments Under Current Law | Appointments Under the Bill |
|---------------|---------------------------------------|------------------------------------|
| Hartford | 72 | 62 |
| New Haven | 62 | 55 |
| New London | 38 | 20 |
| Fairfield | 55 | 55 |
| Windham | 18 | 7 |
| Litchfield | 30 | 13 |
| Middlesex | 21 | 13 |
| Tolland | 22 | 10 |
| Total | 318 | 235 |

§ 4 — STATE MARSHAL DEFINED

Recategorizes state marshals as appointed officials, rather than independent contractors, exclusively compensated on a fee for service basis; specifies that they have a duty to provide legal execution and service of process, not just the authority to do so; subjects their fee for service to both minimum and maximum established rates

Under current law, a “state marshal” is a qualified deputy sheriff incumbent on June 30, 2000, or appointed by the State Marshal

Commission, who (1) has authority to provide legal execution and service of process in the state counties as an independent contractor and (2) is compensated on a fee for service basis, determined subject to any minimum rate promulgated by the state, by agreement with an attorney, court or public agency requiring execution or service of process.

The bill no longer regards state marshals as independent contractors, but instead categorizes them as officials who are exclusively compensated on a fee for service basis by agreement with an attorney, court, or public agency requiring execution or service of process. Under the bill, the fee is subject to any minimum or maximum rate the state establishes, instead of only a minimum rate.

It also specifies that a state marshal has the duty, and not only the authority, to provide legal execution and service of process in the state's counties.

§ 5 — STATE MARSHAL COMMISSION

Makes changes to the State Marshal Commission's duties regarding filling vacancies, issuing administrative bulletins, and adopting rules and regulations on professional standards, fitness for duty, and timely payments

The bill makes changes to the State Marshal Commission's duties regarding filling vacancies, issuing administrative bulletins, and adopting rules and regulations on professional standards, fitness for duty, and timely payments.

Professional Standards and Fitness for Duty

By law, the State Marshal Commission, in consultation with the State Marshals Advisory Board, must adopt regulations to establish professional standards for marshals. Under current law, these standards must include training requirements and minimum fees for the execution and service of process. The bill expands this by requiring the commission to adopt regulations to establish (1) residency requirements and (2) duty fitness and annual certification requirements for state marshals over age 72.

The bill specifies that state marshals must bear the expense associated with any fitness for duty certification adopted by the commission under

the 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 applicant's permanent place of abode, domicile, and residence also be in the county where the vacancy occurred.

Under current law, the applicant for the vacancy must be subject to the commission's application and investigation requirements under regulations the commission must adopt. The bill additionally subjects the applicant to the commission's examination and bonding requirements and requires the commission to adopt related regulations.

Restraining Order and Timely Payment Rules

The law requires the commission to adopt rules necessary for conducting its internal affairs in consultation with the judicial branch, including rules on providing timely, consistent, and reliable access to a state marshal for individuals applying for a restraining order. The bill requires the commission to also provide this for individuals applying for civil protection orders.

Additionally, under the bill, these rules must also provide for the Judicial Department's timely payment to state marshals following existing law on 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 after receipt of a properly completed claim or receipt of goods and services, whichever is later. Delayed payments must include interest (CGS § 4a-71).

Administrative Bulletins

The bill also requires the commission, at least quarterly, to issue administrative bulletins to state marshals on topics concerning service of process and legal execution. The bulletins must at least cover:

1. changes to state law affecting the state marshals' duties;
2. topics that refresh state marshals' knowledge in subject matter areas affecting their duties;
3. topics concerning state marshals' safety and professionalism when interacting with the public; and
4. topics relating to the nature of complaints filed against state marshals with the State Marshal Commission.

§ 6 — STATE MARSHALS ADVISORY BOARD

Changes the member selection process for the State Marshals Advisory Board and specifies its charge

The bill changes how members are selected for the State Marshals Advisory Board. It also specifies that the board is established to advise and make recommendations to the State Marshal Commission and to consider matters referred to it from the commission.

Under current law, between November 9 and November 14, the state marshals in each county must annually elect a specified number of marshals in the county to serve on the board. The bill expands the annual selection window to between November 1 and November 20 each year 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 elections and internal affairs, including procedures for selecting 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 for the remainder of the term.

§ 7 — STATE MARSHAL PROFESSIONAL STANDARDS

Prohibits state marshals from knowingly making false or illegal return of process and makes those actions prohibited under the state marshals' professional standards

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) 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.

§ 8 — AUDIT AND REVIEW OF RECORDS

Gives the State Marshal Commission access to a deceased or disabled state marshal's trust account to turn it over to a successor marshal; prioritizes audits when there is probable cause in a written complaint

Periodic Audits

By law, the State Marshal Commission must periodically review and audit state marshal records and accounts. When doing so, the bill requires the commission to prioritize an audit when it finds there is probable cause relating to a written complaint against a state marshal about the collection of money under an execution or warrant.

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 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 attorney general, which must apply to the Superior Court for an order compelling compliance.

§ 10 — DISCLOSURE OF PERSONAL INFORMATION BY DMV

Expands information sharing between the DMV commissioner and state marshals and allows it to be done electronically for a fee

Current law allows the Department of Motor Vehicles (DMV) commissioner to disclose personal information from a motor vehicle record to state marshals performing their duties by fax and other means the DMV commissioner may require. The bill explicitly allows the information to be requested and provided electronically instead of by fax.

It also explicitly expands information sharing between DMV and state marshals by allowing the commissioner to do the following:

1. disclose operator photos and records produced by providing an operator's license number, number plate, or vehicle identification number;
2. use the department's existing electronic system to transmit the records; and
3. charge a state marshal a reasonable annual fee for access to the records and for using the electronic system.

§ 11 — SERVICE OF PROCESS ON LIMITED LIABILITY COMPANIES

Expands who may be served in actions against an LLC or registered foreign LLC

The bill expands who may be served process in any action against a limited liability company (LLC) or registered foreign LLC.

Under current law, an LLC or registered foreign LLC may be served with any process, notice, or demand required or permitted by law by any proper officer or other person lawfully empowered to make service leaving a true and attested copy with the company's registered agent or at his or her usual place of abode in Connecticut.

The bill expands this by allowing service to be made upon the company's manager or employee or at his or her usual place of abode in Connecticut. The bill also specifies that existing law that allows service upon the company's registered agent at the usual place of abode specifically applies when the agent is a natural person.

If the LLC or registered foreign LLC ceases to have a registered agent, or if the agent cannot be served with reasonable diligence, current law allows service to be made to the LLC's principal office. The bill also authorizes service to the LLC's mailing address and requires this address to be included in the most recent annual report that must be submitted by law to the secretary of the state.

Lastly, if the process, notice, or demand cannot be served as described above, current law allows service to the individual in charge of any regular place of business or activity of the LLC (if the individual served is not a plaintiff in the action). The bill additionally specifies that service to the LLC's manager is sufficient under this provision.

§ 12 — SERVICE OF PROCESS ON DOC CORRECTIONAL OFFICER OR EMPLOYEE

Allows a writ of summons in a civil action against a DOC correctional officer or employee to be served upon a person the DOC commissioner designates at the facility where the officer or employee works

The bill allows a writ of summons in a civil action naming a Department of Correction (DOC) correctional officer or employee to be served upon a person the DOC commissioner designates at the facility where the correctional officer or employee is assigned. The designated person must act as the agent of the person named in the writ. Under the bill, service upon the commissioner's designated agent must be deemed to be service upon the correctional officer or employee.

The bill's provisions do not apply when service can be made as in actions against the state (e.g., served upon the attorney general). When service cannot be made as in actions against the state, the bill specifies that its provisions must not be construed as the exclusive or required means of serving a DOC correctional officer or employee.

§ 13 — ELECTRONIC FORMAT TO DIRECT PROCESS

Generally allows an attorney-at-law or public agency to direct process to a state marshal electronically in certain cases; establishes requirements for things such as format, content, and fees; gives state marshals immunity from civil liability

Directing Process in Electronic Format Allowed in “Special Occasions”

The bill allows an attorney-at-law or public agency (see below) to direct process to a state marshal electronically on any special occasion so long as the attorney or agency carries out the required actions below. This applies to any writ, summons, complaint, subpoena, attachment, execution, application, order, notice, motion, or petition.

Under the bill, a “special occasion” is a time when a party authorized to electronically transmit process to a state marshal determines it to be necessary, convenient, or desirable to use the bill’s electronic format, subject to a fee as prescribed by the bill, instead of giving the state marshal an original process printed on paper, along with sufficient copies for service of process. An “attorney-at-law” is an attorney admitted to practice law in Connecticut, another state, district, territory or insular possession of the United States, foreign country, or in a United States federal or tribal court. It includes someone duly authorized by the attorney-at-law to transmit documents to a state marshal following the bill’s provisions on the electronic format. A “public agency” is generally any executive, administrative, or legislative office of the state or any of its political subdivisions; any person to the extent the person is deemed to be the functional equivalent of a public agency under law; or any implementing agency. It also includes a quasi-public agency and an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of another state or of a county, municipality, or other political subdivision of another state.

Required Actions of Attorney-at-Law or Public Agency. The electronically transmitted process must clearly and accurately provide an image of the original process, including the signature of the issuing authority. The attorney-at-law or public agency must also do the following:

1. obtain the state marshal’s permission before transmitting the

- process electronically for service;
2. transmit each process to the state marshal in one electronic file per process, in a letter-sized document, in a portable document format (see below) that contains all pages of the document to be served, collated in the proper order for which the attorney-at-law or public agency is directing the state marshal to serve, so that the state marshal may print one electronic file per process without the need to collate, assemble, or print multiple electronic documents in a particular matter before making service;
 3. electronically transmit to the state marshal a letter, electronic mail, or written instruction for service for each process to be served that succinctly provides the necessary information required for the state marshal to make legal service (see *Information Required on the Electronic Submission* below);
 4. in matters involving service of orders of protection and relief or where personal service is requested, electronically transmit to the state marshal information about the profile of the person to be served, when known and available;
 5. retain the original process that has been electronically transmitted to the state marshal, and when filed with the court, agency, board, or tribunal, as the case may be, where the process is to be returned, cause the same document that was electronically transmitted to the state marshal for service to be filed without any alteration or amendment; and
 6. file amended process (see below) where amendments are made to the process by a state marshal at the time of service.

An attorney-at-law or public agency may not electronically transmit the same process to more than one state marshal for service.

Under the bill, a “portable document format” is an electronic file format that facilitates document exchange; is designed to be independent of the software, hardware, and operating systems used to

create the document; and preserves the fonts, formatting, pagination, and graphics of the source document, allowing the document to be viewed as it was intended to appear regardless of the device or platform. “Amended process” is, at the direction of the issuing authority, changes made by a state marshal to a process to modify, adjust, or correct minor, technical, clerical, typographical, or scrivener’s errors or conforming changes made during service of process, including adjustments made to a party’s name, alias, agent, or addresses; the court; or the return date of the process.

Information Required on the Electronic Submission

Information electronically transmitted to the state marshal must include a photo or the person’s physical description and the person’s age or date of birth; telephone numbers; known places they spend time; employer, work location, and working hours; and vehicles, including make, model, and plate numbers. It must also include any safety concerns about the person when making service.

The information may be provided by using the respondent profile form, which is accessible electronically on the judicial branch’s website.

Electronically Transmitted Process Deemed Original Document

Under the bill, process that an attorney-at-law or public agency electronically transmits to a state marshal for service under the bill must be deemed to be an original document in the hands of a state marshal for service where any provision of the general statutes requires a state marshal to serve a true and attested copy of any process.

State Marshal’s Requirements

The bill does not require state marshals to accept process in an electronic format, unless otherwise required by law. They may voluntarily elect to receive the electronic transmission of process at the request of an attorney-at-law or public agency, subject to the bill’s provisions and prescribed fees (see below). In these cases, the state marshals must maintain and monitor an email address for this purpose.

Under the bill, when printing the documents for service under these

provisions, a state marshal must print them on letter-sized paper. When making service, the state marshal is not required to send printed documents or a printed return of service back to the attorney-at-law or public agency. The state marshal, however, must electronically transmit the marshal's return of service to the attorney-at-law or public agency.

The bill requires that if the process was amended by a state marshal at the time of service, the amended process must also be returned.

Electronic Format Not Permitted Based on Number of Pages

Generally, an attorney-at-law or public agency must not transmit process to a state marshal in an electronic format if the number of (1) pages to be printed in any one matter for all parties to be served exceeds 50 pages in total or (2) processes for separate matters to be transmitted exceeds five within one week.

The bill allows a state marshal and an attorney-at-law or public agency to agree to a different number of processes or pages to be accepted by electronic transmission.

Electronic Format Prohibited

Current law, unchanged by the bill, allows a 30-day grace period from the statute of limitations if process is provided by personal delivery to a state marshal before the statute of limitations expires. This grace period does not apply when process is provided electronically under the bill.

In a matter in which a statute of limitations is tolling within 60 days, process must only be delivered to a state marshal for service as original process, printed on paper, and personally signed in ink by the issuing authority, along with sufficient copies for the state marshal to effectuate service.

Receipt and Rejection of Process by a State Marshal

Receipt of Process. Receipt of electronic process under the bill occurs when the state marshal replies to the attorney-at-law or public agency that transmitted the process.

Rejection of Process. Within two business days after receiving electronic process, the state marshal may reject it if the:

1. process does not include the required information or is not formatted or organized correctly, among other things;
2. process is not signed, or is out of order;
3. process is not received in a clear and legible format, or cannot be accessed electronically;
4. lawful deadline for service of the process cannot reasonably be met; or
5. number of pages or processes to be printed exceeds the limit the bill sets (see above).

A state marshal must notify the attorney-at-law or public agency by email about the rejection of electronic process for service.

Under the bill, a “business day” is any day other than a Saturday, Sunday, or day on which a financial institution is closed as required or authorized by state or federal law.

State Marshal’s Fee

Under the bill, state marshals must receive fees for receiving, handling, and printing an electronic process. These fees are not a taxable cost of the action and must be listed on the state marshal’s return of service under a separate total segregated from other fees.

In any one matter electronically transmitted for service under the bill, a state marshal must receive for each process, regardless of the number of persons to be served, a \$50 fee for receiving and handling electronic process for service. A state marshal must also receive a \$1 per page printing fee.

A state marshal receiving and printing an electronic process must charge the fees set by bill above. The fees must not be adjusted or waived and are not subject to a minimum rate promulgated by the state.

The state marshal's receiving, handling, and printing fees must not be considered a fee for copies of writs and complaints and must be in addition to any such fee payable to the officer serving process.

Fee Exemption. The fees for receiving, handling, and printing electronically transmitted process do not apply and cannot be charged for the following:

1. transmitting and printing executions for evictions and post judgment procedures,
2. warrants issued for local levy and tax collection,
3. execution of ejectments on foreclosure judgments,
4. service of process under a waiver of fees,
5. capias mittimus orders, or
6. orders of protection and relief.

Immunity From Liability

Under the bill, a state marshal is not liable for damage, errors, or omissions related to the electronic transmission, receipt, printing, or filing of electronically transmitted process, including the following:

1. missing pages in the transmission;
2. failure to receive the electronic transmission due to electronic or technical malfunctions, or other similar errors; or
3. erroneous service of process due to the attorney-at-law's or public agency's failure to comply with the bill's provisions.

§ 14 — SERVICE OF PROCESS FOR RESTRAINING ORDERS

Allows a civil restraining order applicant to transmit the hearing notice and other required documents electronically to a proper officer for service; subjects them to certain provisions of the bill's new electronic transmittal of process

The law allows any family or household member who is the victim of domestic violence by another family or household member to apply to

the Superior Court for a civil restraining order. If the court issues an ex-parte order (i.e. without a hearing) the applicant must notify the respondent about the hearing date.

The bill allows the civil restraining order applicant to transmit the hearing notice and other required documents electronically to a proper officer for service, subject to certain provisions that apply to an attorney-at-law or public agency that directs process electronically under the bill's new electronic format (see § 13 above). Specifically, it applies the provisions that:

1. establish the format, organization, and required content;
2. prohibit the electronic transmission of the same process to more than one officer for service;
3. deem process that is sent electronically to be an original document in the hands of a state marshal for service;
4. establish how electronic process must be received by the state marshal and the timing and conditions under which it can be rejected; and
5. give state marshals immunity from liability in receiving and performing the process.

The bill requires restraining order applicants to also include the respondent profile form on the judicial branch's website.

Additionally, the bill prohibits an officer serving process from charging any kind of fee directly to a restraining order applicant. Under existing law, unchanged by the bill, the judicial branch is responsible for paying these fees.

§ 15 — PROCESS SERVED AFTER THE LIMITATION PERIOD

Specifies that process to be served after the statute of limitations has expired must be printed on paper and personally signed

By law, a cause or right of action is not lost due to the expiration of the statute of limitations if the process to be served is personally

delivered to a state marshal, constable, or other proper officer before the statute of limitation expires and the process is served, as provided by law, within 30 days after it was delivered to the marshal.

The bill specifies that under this provision the “process to be served” is the original process printed on paper and personally signed in ink by the issuing authority, along with sufficient copies for service. In doing so, it excludes from this provision any process that is directed in electronic format under the bill in a cause or right of action as described above.

§ 16 — SERVICE OF APPEAL OF AGENCY DECISION

Requires service of appeals of final agency decisions to be made by a state marshal in the same way as complaints are served in ordinary civil actions; eliminates the option of U.S. mail or personal service by proper officers or indifferent persons

By law, someone who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision may appeal to the Superior Court.

The law requires the person appealing to, within specified time periods, (1) serve a copy of the appeal on the agency that rendered the final decision at its office or at the attorney general’s office in Hartford, (2) file the appeal with the clerk at specific judicial districts of the superior court, and (3) serve a copy of the appeal on each party listed in the final decision at the address shown in the decision.

Under current law, service of the appeal must be made by (1) U.S. mail, certified or registered, postage prepaid, return receipt requested, without the use of a state marshal or other officer or (2) personal service by a proper officer or indifferent person (i.e. someone who is not a proper officer and is not involved in the case) in the same manner as complaints are served in ordinary civil actions.

Under the bill, service of the appeal must be made by a state marshal in the same manner as complaints are served in ordinary civil actions. The bill eliminates the option of mail or personal service by proper officers or indifferent persons. In a conforming change, the bill also eliminates a provision under current law specifying that if service of the

appeal is made by mail, it is effective when the appeal is deposited in the mail.

§ 17 — SERVICE OF PROCESS RELATED TO MUNICIPALITIES

Expands the list of people who may be served process in civil actions when the defendant is a town, city, or borough or certain related persons or entities

As shown in the table below, the bill expands the list of people who may be served process in civil actions when the defendant is certain municipal entities or employees. It primarily does so by adding the assistant and deputy clerks, among others, as applicable.

Table: Additional Persons Who May Receive Process

| <i>Service in Civil Actions Against the Following:</i> | <i>Persons Who May Receive Process Under Current Law</i> | <i>Additional Persons Who May Receive Process Under the Bill</i> |
|--|---|---|
| Town | <ul style="list-style-type: none"> • Clerk • Assistant clerk • Manager • One of its Selectmen | <ul style="list-style-type: none"> • Deputy clerk |
| City | <ul style="list-style-type: none"> • Clerk • Assistant clerk • Mayor • Manager | <ul style="list-style-type: none"> • Deputy clerk |
| Borough | <ul style="list-style-type: none"> • Manager • Clerk • Assistant clerk • Warden • One of its Burgesses | <ul style="list-style-type: none"> • Deputy clerk |
| School District | <ul style="list-style-type: none"> • Clerk • One of its committees | <ul style="list-style-type: none"> • Assistant clerk • Deputy clerk • Superintendent • Assistance superintendent • Deputy superintendent |
| A board, commission, department, or agency of a town, city, or borough | <ul style="list-style-type: none"> • Clerk | <ul style="list-style-type: none"> • Assistant clerk • Deputy clerk |
| Municipal or Quasi-Municipal Corporation | <ul style="list-style-type: none"> • Clerk • Chief presiding officer • Managing agent | <ul style="list-style-type: none"> • Assistant clerk • Deputy clerk |

| Service in Civil Actions Against the Following: | Persons Who May Receive Process Under Current Law | Additional Persons Who May Receive Process Under the Bill |
|---|---|---|
| Employee of a town, city, or borough (cause of action arising from duties or employment) | <ul style="list-style-type: none"> • Clerk | <ul style="list-style-type: none"> • Assistant clerk • Deputy clerk |

§§ 18-20 — CIVIL PROCESS RELATED TO EVICTIONS AND FORECLOSURES

Makes changes related to the service of an eviction notice; clarifies the requirements for notice to the town in executing evictions and foreclosure ejectments; requires Judicial Department-prescribed execution forms to include notice that a person who fails to leave the property after being told to do so when a state marshal returns to execute the order may be subject to 1st degree criminal trespass

Notice to Quit Possession (§ 18)

By law, when an owner or lessor, or their legal representative or attorney, wants to obtain possession or occupancy of their property, they must notify each lessee or occupant to quit possession or occupancy of the land, building, apartment, or dwelling unit, as applicable, at least three days before the rental agreement or lease terminates, if any, or before the time specified in the notice to quit.

The bill makes changes related to the service of this notice, including who may serve it, upon whom it may be served, and where it may be served.

Under current law, a copy of the notice must be delivered by a proper officer or an indifferent person to each lessee or occupant, or left where they live or, if the rental agreement or lease is for commercial property, at the place of the commercial establishment.

The bill instead requires the copy of the notice being served to be an attested copy and only allows a proper officer (and not an indifferent person) to serve the notice. For commercial establishments, it allows service by either:

1. leaving a copy of the notice for each lessee or occupant at a commercial establishment (instead of just leaving it at the commercial establishment) or

2. using the same method as complaints served in ordinary civil actions using state law's rules of civil process.

Eviction of Tenants and Occupants of Residential Property (§ 19)

By law, in an eviction process, if judgment is entered for the landlord (and after any stay has expired), he or she must ask the court for an order requiring the tenant to move. The landlord gives the order of execution to a state marshal for proper service and if the tenant does not leave by the date in the notice, the marshal can physically remove the tenant's possessions to a town-designated storage facility (CGS § 47a-42a).

Eviction Notice to Chief Town Executive. Current law requires the marshal to give the town's chief executive 24 hours' notice about the eviction (date, time, and location). But, before doing so, the marshal must use reasonable efforts to locate and notify the defendant about the eviction date and time.

The bill instead requires the marshal to first give the town's chief executive notice about the eviction. After doing so, the marshal must use reasonable efforts, at least 24 hours before the eviction date and time, to locate and notify the defendant about the eviction.

Eviction Execution Form. By law, the Judicial Department must prescribe the eviction execution form, which must be in clear and simple language and in a readable format and must contain a specified conspicuous notice in large boldface type.

Under current law, the execution form must include:

1. notice that a person who claims to have a right to continue to occupy the premises should immediately contact an attorney and
2. clear instructions on how and where the defendant may reclaim any possessions and personal effects removed and stored according to this law, including a telephone number that may be called to arrange release of the possessions and personal effects.

The bill requires the form to also state that any person who remains

at the property after the time of the eviction as listed on the execution when a state marshal returns for the eviction removal and fails to vacate when told to do so may be subject to arrest for 1st degree criminal trespass. (By law, 1st degree criminal trespass is a class A misdemeanor, punishable by a fine up to \$2,000, up to 364 days in prison, or both.)

Execution of Ejectment in Foreclosures (§ 20)

Generally, in a foreclosure action, the plaintiff may demand possession of the property. The court may issue an execution of ejectment, commanding an officer to eject the person or persons in possession of the property at least five business days after the service date of the execution. The officer must eject the person or persons in possession and may move their possessions and personal effects to the storage place designated by the town's chief executive officer (CGS § 49-22(a)).

Ejectment Notice to the Town's Chief Executive. Under current law, before any removal the marshal must give the town's chief executive 24 hours' notice about the ejectment, but at least five business days before doing so, the state marshal must use reasonable efforts to locate and notify the person or persons about the ejectment (date, time, and possibility of sale).

The bill instead requires the marshal, at least five days before the ejectment, to use reasonable efforts to locate and notify the person or persons about the ejectment (date, time, and possibility of sale). But the marshal must give the town's chief executive notice about the ejectment before the removal.

Ejectment Form. Under current law, the notice about the ejectment must have clear instructions on how and where the person or persons may reclaim any possessions and personal effects removed and stored under this law, including a telephone number they may call to arrange the release of their possessions and personal effects.

The bill requires the judicial branch to prescribe a form for the ejectment notice, in clear and simple language and in readable format,

containing, in addition to other notices on the ejectment order, a conspicuous notice, in large boldface type, of the instructions provided under current law (above) and a notice that any person bound by the ejectment order who remains at the property after the time of the removal as listed on the ejectment order when a state marshal returns for the ejectment and fails to vacate when told to do so may be subject to arrest for 1st degree criminal trespass.

§§ 21 & 22 — STATE MARSHALS' MILEAGE REIMBURSEMENT RATE

Subjects the DAS-based mileage reimbursement rate that officers receive for serving process to adjustments within 30 days after any revisions of the federal GSA mileage reimbursement rate

Under existing law, each officer who serves process must receive, for each mile of travel, the same amount per mile as provided for state employees at the rate set by the Department of Administrative Services (DAS). The bill subjects this rate to adjustments within 30 days after any revision of the federal General Services Administration (GSA) mileage reimbursement rate.

The law, unchanged by the bill, establishes how the miles must be computed for reimbursement in various circumstances. The bill also makes conforming changes on service of process made under applications for civil protection orders.

§ 23 — PROCESS DIRECTED TO A STATE MARSHAL

Makes corresponding changes in the law on how process must be directed to a state marshal to reflect who can use the bill's new electronic format

The bill establishes (1) how process must be delivered to a state marshal depending on who is directing the process and (2) who can use the bill's new electronic format.

By an Attorney-at-Law or Public Agency

Under the bill, an attorney-at-law or public agency must deliver process to a state marshal by either (1) providing the original process printed on paper and personally signed in ink by the issuing authority, along with sufficient copies for the state marshal to effectuate service, except that in matters where the process to be served has been issued by

or filed with the Judicial Department before delivery to a state marshal, the original process delivered to the state marshal may be a printed copy of the process as filed with the Judicial Department, or (2) transmitting the process to a state marshal electronically according to the bill's new process described above (see § 13 above).

By Parties Other Than an Attorney-at-Law or Public Agency

Process directed to a state marshal by all other parties including self-represented parties, which are returnable to a court, agency, board, or tribunal located in the state and established by state law or a special act, generally must be delivered to the state marshal by providing the original process printed on paper and personally signed in ink by the issuing authority, along with sufficient copies for the state marshal to effectuate service. For matters where the process to be served is on file with the Judicial Department before delivery to a state marshal, the original process delivered to the state marshal may be a printed copy of the process as filed with the Judicial Department. Process cannot be transmitted electronically in these cases.

Process From a Court or Public Agency Outside of Connecticut

Under the bill, process directed to a state marshal originating from a court or public agency outside of the state, which is established under a law other than Connecticut law, may be transmitted to a state marshal electronically under the bill's new format (see § 13 above).

State Marshal's Charge for Producing Copies

If sufficient copies of the documents to be served have not been given to a state marshal to effectuate service, the bill allows the state marshal to charge a fee to produce actual copies as needed to complete service of process. The state marshal must charge the fees established under the new electronic format (see § 13), subject to the exclusions, as if the process were transmitted electronically.

§§ 24 & 25 — SUBPOENAS FOR WITNESSES AND COMMENCEMENT OF CIVIL PROCESS

Specifically requires a Superior Court commissioner to sign subpoenas for witnesses and writs for civil actions personally in ink by hand; allows judges, clerks, and authorized

employees to do so by hand; authorizes the chief court administrator to prescribe an alternative for subpoenas and writs involving court employees

Subpoenas for Witnesses (§ 24)

Under current law, subpoenas for witnesses must be signed by the clerk of the court or a commissioner of the Superior Court.

The bill specifies that subpoenas for witnesses (1) must be personally signed by a commissioner of the Superior Court in ink by hand or (2) may be signed by the clerk of the court or an authorized court employee by hand.

The bill further authorizes the chief court administrator to prescribe an alternative way to sign subpoenas for witnesses involving judicial branch employees.

Under existing law, unchanged by the bill, subpoenas for witnesses must be served by an officer, indifferent person or, in any criminal case in which a defendant is represented by a public defender or Division of Public Defender Services assigned counsel, by an investigator of the Division of Public Defender Services.

Commencement of Civil Process (§ 25)

By law, civil actions must begin by serving legal process consisting of a writ of summons or attachment describing the (1) parties, (2) court to which it is returnable, (3) return day, (4) date and place for filing an appearance, and (5) information required by the Office of the Chief Court Administrator. It must be accompanied by the plaintiff's complaint and may be delivered in any judicial district.

Under current law, the writ must be signed by a commissioner of the Superior Court or a judge or clerk of the court to which it is returnable. The bill instead requires a Superior Court commissioner to personally sign the writ in ink by hand. Under the bill, the writ may also be signed by a judge or court clerk by hand. The bill no longer requires that the judge or clerk signing the writ must be from the court to which it is returnable.

The bill further allows (1) an authorized court employee to sign a writ

by hand and (2) the chief court administrator to prescribe an alternative way to sign writs involving judicial branch employees.

§ 26 — REPEALER

Repeals an obsolete provision that previously allowed high sheriffs to apply for appointment as a state marshal

The bill repeals an obsolete provision that previously allowed high sheriffs to apply for appointment as a state marshal.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/07/2025)