
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)