



PA 25-78—SHB 7139

Judiciary Committee

**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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Repeals an obsolete provision that allowed high sheriffs to apply for state marshal appointments

SUMMARY: This act makes various changes in statutes affecting state marshals and service of process. It also makes minor, technical, and conforming changes. A section-by-section analysis appears below.

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 act increases the amount of personal liability insurance each state marshal must carry from (1) \$100,000 to \$250,000, for damages to one person or their property, and (2) \$300,000 to \$500,000, for damages caused to more than one person or more than one person's property. Starting January 1, 2026, the act also requires these personal liability insurance policy renewals to have a renewal date and coverage term that runs from October 1 to September 30.

By law, state marshals must carry this insurance for damages caused by negligent acts, errors, or omissions (e.g., for false arrest or imprisonment) committed while making or attempting an arrest or against an arrested person for which they become legally obligated for damages (but only if the conduct occurred while performing official duties).

Bond Amount (§ 9)

The act 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, the state pays the premium for the bond.

The law, unchanged by the act, also requires a state marshal to execute a

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\$100,000 bond before he or she can collect tax warrants for the state or a municipality.

§ 2 — COLLECTION PROCEDURES

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

Prior law required a state marshal who collects money on behalf of someone to pay the amount to the person authorized to receive it within 30 calendar days or when the amount collected reached \$1,000. The act instead generally requires a state marshal to do so within 30 calendar days, regardless of the amount collected.

The act 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 amount within 45 days after the personal check was collected.

As under existing law, the state marshal and the person for whom he or she is collecting money may agree to a different payment deadline.

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 the money was received.

§ 3 — MAXIMUM NUMBER OF STATE MARSHAL APPOINTMENTS BY COUNTY

Reduces the maximum number of state marshals that may be appointed in seven counties, resulting in a total statewide reduction of 83 marshals

The act reduces the maximum number of state marshals that may be appointed in seven counties as shown in the table below. In doing so, it reduces the statewide cap on the number of state marshal appointments by 83, from 318 to 235.

Number of State Marshal Appointments by County

County	Prior Law	Act
Hartford	72	62
New Haven	62	55
New London	38	20
Fairfield	55	No change
Windham	18	7
Litchfield	30	13
Middlesex	21	13
Tolland	22	10
Total	318	235

§ 4 — STATE MARSHAL POSITION AND COMPENSATION

Removes the requirement that state marshals be considered independent contractors; specifies that they have a duty to provide legal execution and service of process, not just the authority to do so; subjects their fee to maximum established rates, in addition to any minimum established rate as under existing law

The act removes the requirement that state marshals be considered independent contractors. By law, state marshals are compensated on a fee-for-service basis determined by agreements with attorneys, courts, or public agencies requiring execution or service of process, subject to any minimum rate set by the state. The act additionally subjects their fees to any maximum rate set by the state. 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 DUTIES

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 establishing professional standards for marshals, including training requirements and minimum fees for the execution and service of process. The act additionally requires these regulations to include (1) residency requirements and (2) fitness for duty and annual certification requirements for state marshals over age 72.

The act requires that state marshals pay any costs associated with any fitness for duty certification adopted by the commission under the regulations.

Filling Vacancies

The 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 act further requires that the applicant's permanent place of abode, domicile, and residence also be in that county.

By law, applicants must follow the commission's application and investigation requirements set under regulations the commission must adopt. The act additionally requires them to follow the commission's examination and bonding requirements and requires the commission to adopt related regulations.

State Marshal Commission Rules

The law requires the commission to adopt rules necessary for conducting its internal affairs in consultation with the Judicial Department, including rules on providing timely, consistent, and reliable access to a state marshal for restraining

order applicants. The act requires the commission to also adopt these rules for civil protection order applicants. Additionally, it requires the commission to adopt rules that provide for the Judicial Department's timely payment to state marshals, based on the existing law that governs timely payments by state agencies. Under this law, a payment is considered timely generally if it is mailed or delivered on the date specified in the contract, 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. Late payments must include interest (CGS § 4a-71).

Administrative Bulletins

The act 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 act 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 prior law, between November 9 and November 14, the state marshals in each county were required to annually elect a specified number of marshals in the county to serve on the board. The act expands the annual selection window to between November 1 and November 20 each year and eliminates provisions that specifically addressed the prior 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 necessary officers from the board's members.

Additionally, the act requires the board to hold an annual meeting in December to select two state marshals to appoint 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 — PROHIBITED ACTIONS

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Prohibits state marshals from allowing another person to serve process in their place or knowingly making false or illegal return of process; makes violations of these prohibitions, and the existing prohibition on knowingly billing or receiving fees for work they did not do, sufficient for convening a removal hearing

The law prohibits state marshals from knowingly billing or receiving fees for work that they did not do. The act also prohibits them from (1) allowing another person to serve process in their place or (2) knowingly making a false or illegal return of process.

The act makes any violation of these three provisions without good cause sufficient to convene the commission for a hearing on the state marshal's removal.

§ 8 — AUDIT AND REVIEW OF RECORDS

Authorizes the State Marshal Commission to order financial institutions to turn over a deceased or disabled state marshal's trust account to a successor marshal; authorizes the commission to prioritize 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 act requires the commission to prioritize an audit when it finds there is probable cause relating to a written complaint against a state marshal about money collected 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

By law, the commission must appoint a qualified person to oversee and audit the records and accounts of a state marshal who dies or is disabled and give an accounting to the commission. The act requires the commission to make these appointments within 30 days after a marshal's death or disability.

Additionally, the act authorizes the commission, through a letter signed by its chairperson or a designee, to direct any financial institution with access to, or custody of, the accounts a deceased or disabled state marshal used to collect money under state tax collection and civil action laws to turn over the accounts to a successor state marshal the commission appoints. 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

Generally allows the DMV commissioner to electronically disclose personal information from a motor vehicle record to state marshals and charge a fee for doing so

Existing law allows the Department of Motor Vehicles (DMV) commissioner to disclose personal information from motor vehicle records, such as licenses and registrations, to state marshals who sign a DMV-approved form, under penalty of false statement, that the information will be used in performing their duties. The act explicitly allows the information to be (1) requested and provided electronically, instead of by fax or other means specified by the DMV commissioner as prior law required, and (2) sent to marshals through DMV's existing electronic system for record transmissions. It also explicitly allows the commissioner to:

1. disclose operator photos and records produced by providing an operator's license number, number plate, or vehicle identification number, and
2. charge state marshals a reasonable annual fee for accessing the records and using the electronic system.

Existing law already allows the DMV commissioner to charge a fee for disclosing personal information from a motor vehicle record. The act expressly allows him to do so when the information is shared electronically.

§ 11 — SERVICE OF PROCESS ON LIMITED LIABILITY COMPANIES

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

The act expands who may be served process in actions against a limited liability company (LLC) or registered foreign LLC to include company managers and members at their usual Connecticut residence. As under existing law, process may also be served on the company's registered agent or at the agent's usual Connecticut residence. The act specifies that the latter applies only if 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, the law allows service to be made to the LLC's principal office. The act also authorizes service to the LLC's mailing address and requires this address to be included in its most recent annual report filed with the secretary of the state.

Lastly, if process cannot be served as described above, the law allows service to the person in charge of any regular place of business or activity of the LLC (as long as the person served is not a plaintiff in the action). The act 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 on a person the DOC commissioner designates at the facility where the officer or employee works

The act generally allows a writ of summons in a civil action naming a Department of Correction (DOC) correctional officer or employee to be served on 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 act, service on the commissioner's designated agent is deemed to be service on the correctional officer or employee.

The act's provisions do not apply when service can be made as the law requires for actions against the state (e.g., with the attorney general or his office in Hartford). When service cannot be made as required for actions against the state, the act specifies that its provisions must not be construed as the only means of serving a DOC correctional officer or employee.

§ 13 — ELECTRONIC FORMAT TO TRANSMIT PROCESS TO STATE MARSHALS

Generally allows attorneys and public agencies to transmit process to a state marshal electronically, subject to specific conditions; establishes requirements for the format, content, and fees for these transmissions; gives state marshals immunity from civil liability for damage, errors, or omissions related to electronically transmitted process

Directing Process in Electronic Format Allowed in "Special Occasions"

The act establishes conditions under which attorneys ("attorneys-at-law") and state and municipal agencies ("public agencies") may transmit process to a state marshal electronically, instead of printed on paper with sufficient copies for service of process. Specifically, it allows attorneys and public agencies to electronically transmit process to a state marshal (including any writ, summons, complaint, subpoena, attachment, execution, application, order, notice, motion, or petition) when it determines it to be necessary, convenient, or desirable to use the act's electronic format to do so (i.e. in "special occasions"), subject to specific requirements. Under the act, electronically transmitting process is subject to a fee as set by the act.

Applicable Attorneys and Public Agencies

Under the act, an "attorney-at-law" is an attorney admitted to practice law in Connecticut or other jurisdictions (another state, district, U.S. territory or possession, foreign country, or a U.S. federal or tribal court). It includes someone duly authorized by the attorney to transmit documents to a state marshal under the act's provisions. A "public agency" includes any:

1. state or town agency;
2. executive, administrative, or legislative office of the state and its political subdivisions;
3. department, institution, bureau, board, commission, authority, or official of the state, city, town, borough, municipal corporation, school district, regional district, or other district or political subdivisions (including any of their committees);
4. judicial office or official and any of their committees and bodies, but only with respect to their administrative functions;
5. person to the extent they are deemed to be the functional equivalent of a

- public agency under law;
- 6. municipally designated agency that prepares and implements economic development plans (such as an economic development commission or redevelopment agency);
- 7. state quasi-public agency; and
- 8. 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.

Conditions for Using Electronic Format

Under the act, the electronically transmitted process must clearly and accurately provide an image of the original process, including the issuing authority's signature. The attorney or public agency must also do the following:

- 1. get the state marshal's permission before electronically transmitting the process;
- 2. transmit the process to only one state marshal for service;
- 3. transmit 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 and is collated in the proper order for which the attorney or public agency is directing the state marshal to serve, so that the state marshal can print one electronic file per process without the need to collate, assemble, or print multiple electronic documents in a particular matter before making service;
- 4. electronically transmit to the state marshal a letter, email, or written instruction for service for each process to be served that briefly describes the necessary information required for the state marshal to make legal service (see *Information Required in the Electronic Submission* below);
- 5. in matters involving service of civil protection orders and restraining orders 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; and
- 6. keep the original process that was electronically transmitted to the state marshal and, when applicable, file it, unchanged, with the court, agency, board, or tribunal (or, if the state marshal amends the process at the time of service as described below, file the amended process).

Under the act, a state marshal may, at the issuing authority's direction, change a process to fix minor, technical, clerical, typographical, or scrivener's errors or make conforming changes, including adjusting a party's name, alias, agent, or addresses; the court; or the return date of the process.

Under the act, 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 source document's fonts, formatting, pagination, and graphics, allowing it to be viewed as it was intended to appear regardless of the device or platform.

Information Required in the Electronic Submission

The act requires the information electronically transmitted to the state marshal to include the person's (1) photo or physical description and age or date of birth; (2) telephone numbers; (3) known places they spend time; (4) employer, work location, and working hours; and (5) vehicles, including make, model, and plate numbers. It must also include any safety concerns about the person when making service. The attorney or public agency must provide this information by using the respondent profile form, which is accessible electronically on the judicial branch's website.

Electronically Transmitted Process Deemed Original Document

Under the act, process that an attorney or public agency electronically transmits to a state marshal for service under the act is 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 act specifies that state marshals are not required to accept process in an electronic format, unless otherwise required by law. They may voluntarily elect to receive electronically transmitted process at an attorney's or public agency's request, subject to the act's provisions and prescribed fees (see below). If they opt to do so, they must maintain and monitor an email address for this purpose.

Under the act, 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 or public agency. The state marshal must, however, electronically transmit the return of service to the attorney or public agency. If the marshal amended the process at the time of service, they must also return the amended process.

Cap on Number of Pages and Processes Transmitted

The act generally prohibits attorneys and public agencies from electronically transmitting process to a state marshal 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. But the act allows a state marshal and an attorney or public agency to agree to a different number of processes or pages to be accepted by electronic transmission.

Service and the Statute of Limitations

Existing law allows a grace period from the statute of limitations if process is personally delivered to a state marshal before the statute of limitations expires and

the state marshal serves the process within 30 days of receiving it. The act specifies that electronic transmission is not considered personal delivery to a state marshal for purposes of this grace period.

The act also prohibits electronic transmission of process for any matter in which a statute of limitations is tolling within 60 days. Process for these matters 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

Under the act, a state marshal receives an electronically transmitted process by replying to the attorney or public agency that transmitted it. Within two business days after receiving the process, the state marshal may reject it for service if the:

1. electronic file and accompanying instructions for service do not meet the act's requirements,
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 act's limits (see above).

A state marshal must notify the attorney or public agency by email about the rejection.

State Marshal's Fees

Fee Amounts. Under the act, state marshals must receive \$50 per electronically transmitted process for receiving and handling (regardless of the number of people to be served) and \$1 per page for printing. These fees are not a taxable cost of the action and must be listed on the state marshal's return of service separate from other fees. A state marshal receiving and printing an electronically transmitted process must charge these fees and may not adjust or waive them. Additionally, the fees are not subject to any minimum rate set by the state.

These fees must not be considered a fee for copies of writs and complaints under the laws on court damages, costs, and fees, and must be in addition to any fee imposed under those laws payable to the officer serving process.

Exemptions. 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. property tax warrants,
3. execution of ejectments on foreclosure judgments,
4. process for which service of process fees have been waived for an indigent party,
5. capias mittimus orders (civil arrest warrants issued by a court for violating

- a court order or failing to appear in court), or
- 6. civil protection and restraining orders.

Immunity From Liability

Under the act, 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, failure to receive the electronic transmission due to electronic or technical malfunctions, or other similar errors, or
- 2. erroneous service of process due to the attorney's or public agency's failure to comply with the act's requirements for transmitting and filing the process.

§ 14 — SERVICE OF PROCESS FOR RESTRAINING ORDERS

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

The law (1) 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 and (2) requires respondents to be given notice of the hearing on the application and other required documents. Existing law requires the proper officer responsible for serving process to accept these documents in an electronic format if they are presented to him or her in that way.

The act correspondingly allows applicants to transmit the documents electronically to a proper officer for service, subject to certain provisions that apply to attorneys and public agencies electronically transmitting process under the act (see § 13 above). Specifically, it applies the provisions that:

- 1. require the electronic transmissions to be in a specified format and include specific instructions and information;
- 2. prohibit the electronic transmission of the same process to more than one officer for service;
- 3. deem electronically transmitted process to be an original document in the hands of a state marshal for service;
- 4. establish how electronically transmitted 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 act requires restraining order applicants to also include the respondent profile form on the judicial branch's website.

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

§ 15 — STATUTE OF LIMITATIONS AND SERVICE OF PROCESS

Limits the existing grace period for service of process delivered within a required statute of limitation to process printed on paper

By law, a cause or right of action is not lost because the statute of limitation has passed if the process to be served is personally delivered to a state marshal, constable, or other proper officer within the required statute of limitation and the process is served within 30 days of delivery. The act 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 act 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 under the UAPA to be made by a state marshal, eliminating the option of service by U.S. mail or personal service by proper officers or indifferent persons

The Uniform Administrative Procedure Act (UAPA) allows a person to appeal decisions of administrative agencies to Superior Court and prescribes procedures for doing so. Under these procedures, prior law required the appealing party to serve copies of the appeal by (1) mail 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 way complaints are served in ordinary civil actions. The act instead requires service of the appeal to be made by a state marshal in the same way complaints are served in ordinary civil actions. In doing so, it eliminates the option of service by mail or personal service by proper officers or indifferent persons. It also makes a conforming change.

§ 17 — SERVICE OF PROCESS ON MUNICIPALITIES

Expands the list of people who may be served process in civil actions against a municipality or municipal employees

As shown in the table below, the act expands the list of people who may be served process in civil actions against municipalities or their employees. It primarily does so by adding the assistant and deputy clerks, among others, as applicable.

Process Served on Municipalities or Their Employees

Entity or Person	Persons Who May Receive Process Under Existing Law	Additional Persons Who May Receive Process Under the Act
Town	<ul style="list-style-type: none"> Clerk 	<ul style="list-style-type: none"> Deputy clerk

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Entity or Person	Persons Who May Receive Process Under Existing Law	Additional Persons Who May Receive Process Under the Act
	<ul style="list-style-type: none"> • Assistant clerk • Manager • One of its Selectmen 	
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 or deputy clerk • Superintendent • Assistant or deputy superintendent
Town, city, or borough board, commission, department, or agency	<ul style="list-style-type: none"> • Clerk 	<ul style="list-style-type: none"> • Assistant or 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 or deputy clerk
Town, city, or borough employee for actions arising from the employee's duties or employment	<ul style="list-style-type: none"> • Clerk 	<ul style="list-style-type: none"> • Assistant or deputy clerk

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

Makes changes related to the service of an eviction notice and 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 property at least three days before the rental agreement or lease terminates, if any, or before the time in the notice to

quit.

Prior law required that a copy of this notice be delivered by a proper officer or an indifferent person to each lessee or occupant, or left where they live or, for commercial property, at the commercial establishment.

The act 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 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, if judgment is entered for the landlord in an eviction process (and after any stay has expired), he or she must ask the court for an order to evict the tenant. 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. Under prior law, the marshal had to give the town's chief executive 24 hours' notice about the eviction. But, before doing so, the marshal had to use reasonable efforts to locate and notify the defendant about the eviction date and time. The act 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. By 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 their release.

The act requires the form to also state that anyone 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 (see [Table on Penalties](#)).)

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. Prior law required the marshal, before any removal, to give the town's chief executive 24 hours' notice about the ejectment. But at least five business days before doing so, the state marshal had to use reasonable efforts to locate and notify the person or persons about the ejectment (date, time, and possibility that the tenant's possessions may be sold at public auction if they are not reclaimed). The act 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. But the marshal must give the town's chief executive notice about the ejectment before the removal.

Ejectment Form. By 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 act further 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 the law and a notice that any person bound by the ejectment order may be subject to arrest for 1st degree criminal trespass if they (1) remain at the property after the time of the removal listed on the ejectment order when a state marshal returns for the ejectment and (2) fail to vacate when told to do so.

§§ 21 & 22 — MILEAGE REIMBURSEMENT RATE

Requires the mileage reimbursement rate for process servers to be adjusted within 30 days after a revision to the federal GSA mileage reimbursement rate

Under existing law, each person who serves process must be reimbursed for mileage the rate set by the Department of Administrative Services for state employee mileage reimbursements. The act requires this rate to be adjusted within 30 days after any revision to the federal General Services Administration (GSA) mileage reimbursement rate.

The law, unchanged by the act, establishes how the miles must be computed for reimbursement in various circumstances. The act 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 act's new electronic format

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

electronic format.

By an Attorney-at-Law or Public Agency

Under the act, an “attorney-at-law” (attorney) or “public agency” (as described in § 13 above) 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 to effectuate service, or (2) transmitting the process to a state marshal electronically according to the act’s new process described above (see § 13 above).

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

Under the act, process directed to a state marshal by all other parties, including self-represented parties, which are returnable to a Connecticut court, agency, board, or tribunal, 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. If 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 act, 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 act’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 act allows the state marshal to charge a fee to produce the copies needed. 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

Changes the signature requirements for witness subpoenas and writs of summons in civil actions; authorizes the chief court administrator to prescribe alternative signature requirements for subpoenas and writs involving court employees

Witness Subpoenas (§ 24)

Prior law required witness subpoenas to be signed by the court clerk or a

Superior Court commissioner. The act instead specifies that these subpoenas (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 act further authorizes the chief court administrator to prescribe an alternative way to sign subpoenas for witnesses involving judicial branch employees. Under the law, unchanged by the act, 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.

Writ of Summons or Attachment (§ 25)

By law, civil actions 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.

Prior law required that the writ be signed by a Superior Court commissioner or a judge or clerk of the court to which it is returnable. The act instead requires a Superior Court commissioner to personally sign it in ink by hand and allows it to also be signed by a judge, court clerk, or authorized court employee by hand. It eliminates the requirement that the judge or clerk signing the writ be from the court to which it is returnable. The act further allows the chief court administrator to prescribe an alternative way to sign writs involving judicial branch employees.

§ 26 — REPEALER

Repeals an obsolete provision that allowed high sheriffs to apply for state marshal appointments

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