

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-80—sSB 291
Judiciary Committee

**AN ACT CONCERNING THE RESPONSIBILITIES AND DUTIES OF THE
STATE MARSHAL COMMISSION, THE STATE MARSHALS ADVISORY
BOARD AND STATE MARSHALS**

SUMMARY: This act makes changes in laws related to state marshals, including changes to the State Marshal Commission and the State Marshals Advisory Board.

Regarding the State Marshal Commission, the act:

1. broadens the scope of its responsibilities, specifies certain functions, and establishes what constitutes a quorum for the commission's actions;
2. creates new processes and requirements for the commission to follow when filling state marshal vacancies and examining and recruiting new state marshals in each county (Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham), including establishing an interview committee and setting candidate training and swearing in requirements; and
3. requires it to annually report certain state marshals-related information (for example, turnover data and recruitment and appointment information) to the Judiciary Committee, starting by January 1, 2027.

Regarding the State Marshals Advisory Board, the act requires the 24-member board to (1) be the judge of the county elections, returns, and qualifications of its own members and (2) include procedures for administering the county elections in its rules.

It also increases officers' (including state marshals) maximum flat rate and hourly fees for serving and executing residential and commercial evictions and foreclosure ejectments by \$50.

Finally, the act makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2026

STATE MARSHAL COMMISSION

The act makes various changes to the existing eight-member State Marshal Commission by broadening the scope of its responsibilities, creating expressly stated functions, establishing what constitutes a quorum for the commission's actions, and requiring it to develop and maintain new member orientation material (see below). It does so without changing the board's composition or the requirement that it develop rules to conduct its internal affairs. The act states that its provisions and existing law on the commission's authority do not limit the commission's authority or responsibility to take actions necessary to implement provisions on the commission's policies, procedures, and duties and the appointment of state marshals.

OLR PUBLIC ACT SUMMARY

By law, the commission is within the Department of Administrative Services. The act specifies that this is for administrative purposes only.

Stated Functions

The act explicitly states that the functions of the commission are at a minimum to:

1. promote a professional and effective state marshal system to provide competent service of process and execution throughout the state's counties;
2. establish and apply appropriate standards of conduct and competence;
3. recruit, vet, and appoint qualified and suitable people to serve as state marshals;
4. establish and oversee appropriate training and continuing education, within available appropriations;
5. support and administer state marshal-related operational, administrative, and programmatic systems; and
6. take actions necessary to maintain the proper and efficient administration of the state marshal system.

Assigning Civil Protection Orders. By law, the commission is responsible for (1) the equitable assignment of service of restraining orders to the state marshals in each county and (2) ensuring that the restraining orders are served expeditiously. To do so, the commission, in cooperation with the judicial branch, developed and adopted policies establishing a statewide system of on-call state marshals.

The act also requires the commission to equitably assign service of civil protection orders and ensure they are served expeditiously. Existing law and the act subject any state marshal who fails to accept service for assigned orders to a removal hearing.

New Member Orientation Materials. The act requires the commission to develop and maintain orientation materials for new commission members. The materials must provide a summary and overview of the commission's role and authority and the state marshal appointment process. The act requires the commission to coordinate with the State Marshals Advisory Board to give new members opportunities to observe the actual service of process, evictions, and the restraining order duties of state marshals.

Quorum

The act specifies that a majority of the membership of the commission constitutes a quorum. For any action by the commission, the act (1) requires the affirmative vote of at least a majority of the members present and voting and (2) prohibits any action from passing by a tie vote.

State Marshal Positions

The act also creates new processes and requirements for the commission in filling state marshal vacancies; interviewing, examining, and recruiting new state

OLR PUBLIC ACT SUMMARY

marshals in each county; setting candidate training; and swearing in approved candidates.

Filling Vacancies. The law requires the commission to fill state marshal vacancies with an applicant (1) who is an elector in the county where the vacancy occurs and (2) whose permanent place of abode, domicile, and residence is in the county where the vacancy occurs. The act disqualifies an applicant who (1) is a former police officer who was dismissed for malfeasance or serious misconduct or resigned or retired while under investigation and was not exonerated or (2) cannot qualify for a security service license.

The act allows the commission to give preference to applicants who can serve on a full-time basis or who demonstrate good-faith intent and ability to transition to service on a full-time basis within a reasonable period after appointment. Under the act, “full-time basis” means the ability to be regularly and consistently available on weekdays during court hours to perform a state marshal’s statutory duties.

By law, applicants for any vacancy are subject to the commission’s application, examination, bonding, and investigation requirements. Under the act, they are also subject to the commission’s interview and training requirements.

Number of New Appointments. The act requires the commission to consult with the State Marshals Advisory Board on the need for additional state marshals in each county before starting the process to examine or recruit new ones. And before starting recruitment, it must also determine the number of state marshals to be appointed in each county during the recruitment process. The commission must vote on the number and record it in its meeting minutes. The number may be adjusted for additional vacancies occurring during the recruitment process.

Interview Committees. The act requires the commission to establish interview committees to interview the most suitable candidates for appointment. A state marshal may be a member of the interview committee. The interview committee must conduct candidate interviews; review applications, exam results, and investigation materials; and report recommendations to the full commission.

Candidate Training. The commission must approve candidates to enter a training program before they can be appointed. It must provide one state-wide training program that includes (1) in-person classroom instruction developed and conducted by a commission-approved qualified vendor and (2) supervised field instruction by experienced, commission-approved state marshals. The training program must be comprehensive and cover subjects relating to the state marshals’ statutory duties and responsibilities.

Swearing In. Approved candidates must be sworn into office at a public ceremony by the commission on a date it sets.

Report to the Legislature

Starting by January 1, 2027, the act requires the State Marshal Commission to annually report to the Judiciary Committee on the following regarding state marshals:

1. workforce and turnover data, including the number (a) that resigned, retired, or died in office during the preceding period and (b) on voluntary inactive

OLR PUBLIC ACT SUMMARY

- status and for how long;
- 2. the number and age distribution of state marshals per county;
- 3. recruitment and appointment information, including the commission's recruitment plan, number of applicants and examination outcomes in the preceding period, and appointment demographics in each county;
- 4. the proportion of those serving on a full- versus part-time basis;
- 5. training and professional development information, including summaries of the training programs for new and current state marshals and any material changes made in the preceding period; and
- 6. a summary of any policies, rules, or directives adopted or modified by the commission during the preceding period.

STATE MARSHALS ADVISORY BOARD

County Elections

By law, the State Marshals Advisory Board advises and makes recommendations to the State Marshal Commission and considers matters the commission refers to it. The board consists of 24 state marshals who serve for one year but can be reelected. Election of the marshals representing each county occurs annually between November 1 and November 20.

The act requires the State Marshals Advisory Board to be the judge of the county elections, returns, and qualifications of its own members. It also requires that the board's rules include procedures for administering the county elections.

Ex-Officio Members of the Commission

Existing law requires the board to meet annually in December to select two state marshals to serve as ex-officio members of the State Marshal Commission for a one-year term. The act specifies that the ex-officio members serve for one year or until a successor is appointed and qualified.

FEES TO EXECUTE EVICTIONS AND FORECLOSURES

The act increases, from \$100 to \$150, the maximum flat rate and hourly fees an officer or person (such as state marshals) can receive to do the following:

- 1. serving and scheduling an execution on an eviction or a foreclosure ejectment;
- 2. removing a defendant or other occupant bound by an eviction judgment from residential property, and their possessions and personal effects;
- 3. removing and taking inventory of possessions and personal effects of a defendant or other occupant bound by an eviction judgment from commercial property; or
- 4. removing a defendant or other occupant bound by an ejectment on a foreclosure judgment, and their possessions and personal effects.

Unchanged by the act, serving and scheduling an execution on an eviction or

OLR PUBLIC ACT SUMMARY

foreclosure ejectment is compensated with a flat fee; while the other services are compensated hourly.

As under existing law, under the act, the officer or person is also entitled to a fee for mileage at the same rate as the Department of Administrative Services sets for state employees.