



General Assembly

**Substitute Bill No. 5379**

February Session, 2024



**AN ACT CONCERNING THE DUTIES OF THE STATE MARSHALS AND THE OPERATION OF THE STATE MARSHAL COMMISSION AND THE STATE MARSHALS ADVISORY BOARD.**

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

1 Section 1. Subsection (a) of section 6-30a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2024*):

4 (a) [On and after December 1, 2000, each] Each state marshal shall  
5 carry personal liability insurance for damages caused by reason of such  
6 state marshal's tortious acts in not less than the following amounts: (1)  
7 For damages caused to any one person or to the property of any one  
8 person, [one hundred] two hundred fifty thousand dollars; and (2) for  
9 damages caused to more than one person or to the property of more  
10 than one person, [three] five hundred thousand dollars. On and after  
11 January 1, 2025, such personal liability insurance shall be a policy with  
12 a renewal date and a term of coverage commencing on October first of  
13 each year and extending through September thirtieth of the following  
14 year. For the purpose of this subsection, "tortious act" means negligent  
15 acts, errors or omissions for which a state marshal may become legally  
16 obligated to any damages for false arrest, erroneous service of civil  
17 papers, false imprisonment, malicious prosecution, libel, slander,  
18 defamation of character, violation of property rights or assault and

19 battery if committed while making or attempting to make an arrest or  
20 against a person under arrest, but does not include any such act unless  
21 committed in the performance of the official duties of such state  
22 marshal.

23 Sec. 2. Section 6-35 of the general statutes is repealed and the  
24 following is substituted in lieu thereof (*Effective October 1, 2024*):

25 A state marshal shall pay<sub>z</sub> [over,] to the person authorized to receive  
26 [it] such payment, any money collected by such state marshal on behalf  
27 of or on account of such person not later than thirty calendar days from  
28 the date of collection of the money<sub>z</sub>. [or upon the collection of one  
29 thousand dollars or more on behalf of or on account of such person,  
30 whichever first occurs, except that the state] Notwithstanding the  
31 provisions of this section, when any money collected by a state marshal  
32 on behalf of a person authorized to receive the payment is in the form  
33 of a personal check, the state marshal shall expeditiously deposit such  
34 check into the marshal's noninterest-bearing trustee account and  
35 payment to the person authorized to receive such check shall be not later  
36 than forty days after the date on which the personal check was collected.  
37 In addition, a state marshal and such person may agree to a different  
38 time [for paying over] frame for the payment of such money from the  
39 time frames prescribed in this section. A state marshal who fails to  
40 comply with the requirements of this section or any such agreement, as  
41 applicable, shall be liable to such person for the payment of interest on  
42 the money at the rate of five per cent per month from the date on which  
43 such state marshal received the money.

44 Sec. 3. Section 6-38 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective October 1, 2024*):

46 The number of state marshals to be appointed for Hartford County  
47 shall not exceed [seventy-two] sixty-two; for New Haven County, [sixty-  
48 two] fifty-five; for New London County, [thirty-eight] twenty; for  
49 Fairfield County, [fifty-five] fifty; for Windham County, [eighteen]  
50 seven; for Litchfield County, [thirty] thirteen; for Middlesex County,

51 [twenty-one] thirteen; for Tolland County, [twenty-two] ten.

52 Sec. 4. Subsection (a) of section 6-38a of the general statutes is  
53 repealed and the following is substituted in lieu thereof (*Effective October*  
54 *1, 2024*):

55 (a) For the purposes of the general statutes, "state marshal" means a  
56 qualified deputy sheriff incumbent on June 30, 2000, under section 6-38~~a~~  
57 as amended by this act, or appointed pursuant to section 6-38~~b~~, as  
58 amended by this act, who [shall have] has authority to provide legal  
59 execution and service of process in the counties in this state pursuant to  
60 section 6-38, as amended by this act, [as an independent contractor] who  
61 is compensated on a fee for service basis, which is determined [,] subject  
62 to any minimum rate promulgated by the state, by agreement with an  
63 attorney, court or public agency requiring execution or service of  
64 process. A state marshal shall not be deemed a state employee, but  
65 instead shall be an appointed state officer whose exclusive method of  
66 compensation related to the marshal's statutory duties is prescribed in  
67 this section.

68 Sec. 5. Section 6-38b of the general statutes is repealed and the  
69 following is substituted in lieu thereof (*Effective October 1, 2024*):

70 (a) There is established a State Marshal Commission which shall  
71 consist of eight members appointed as follows: (1) The Chief Justice  
72 shall appoint one member who shall be a judge of the Superior Court;  
73 (2) the speaker of the House of Representatives, the president pro  
74 tempore of the Senate, the majority and minority leaders of the House  
75 of Representatives and the majority and minority leaders of the Senate  
76 shall each appoint one member; and (3) the Governor shall appoint one  
77 member who shall serve as chairperson. Of the seven members  
78 appointed pursuant to subdivisions (2) and (3) of this subsection, no  
79 more than four of such members may be members of any state bar. No  
80 member of the commission shall be a state marshal, except that two state  
81 marshals appointed by the State Marshals Advisory Board in  
82 accordance with section 6-38~~c~~, as amended by this act, shall serve as ex-

83 officio, nonvoting members of the commission.

84 (b) The chairperson shall serve for a three-year term and all  
85 appointments of members to replace those whose terms expire shall be  
86 for terms of three years.

87 (c) If any vacancy occurs on the commission, the appointing authority  
88 having the power to make the initial appointment under the provisions  
89 of this section shall appoint a person for the unexpired term in  
90 accordance with the provisions of this section.

91 (d) Members shall serve without compensation but shall be  
92 reimbursed for actual expenses incurred while engaged in the duties of  
93 the commission.

94 (e) The commission, in consultation with the State Marshals Advisory  
95 Board, shall (1) adopt regulations in accordance with the provisions of  
96 chapter 54 to establish professional standards, including training  
97 requirements and minimum fees for execution and service of process,  
98 and (2) implement policies and procedures to increase state marshal  
99 participation in the serving of *capias* [mittimus] orders. Such policies  
100 and procedures may require that at all times a certain minimum  
101 percentage of the overall number of state marshals be actively engaged  
102 in the service of *capias* [mittimus] orders.

103 (f) The commission shall be responsible for the equitable assignment  
104 of service of restraining orders to the state marshals in each county and  
105 ensure that such restraining orders are served expeditiously. Failure of  
106 any state marshal to accept for service any restraining order assigned by  
107 the commission or to serve such restraining order expeditiously without  
108 good cause shall be sufficient for the convening of a hearing for removal  
109 under subsection (i) of this section.

110 (g) Any vacancy in the position of state marshal in any county as  
111 provided in section 6-38, as amended by this act, shall be filled by the  
112 commission with an applicant (1) who shall be an elector in the county  
113 where such vacancy occurs, and (2) whose permanent place of abode is

114 in the county where such vacancy occurs. Any applicant for such  
115 vacancy shall be subject to the application, examination, bonding and  
116 investigation requirements of the commission.

117 (h) Except as provided in section 6-38f, no person may be a state  
118 marshal and a state employee at the same time. This subsection does not  
119 apply to any person who was both a state employee and a deputy sheriff  
120 or special deputy sheriff on April 27, 2000.

121 (i) No state marshal may be removed except by order of the  
122 commission for cause after due notice and hearing.

123 (j) The commission, in consultation with the Judicial Department,  
124 shall adopt rules as it deems necessary for conduct of its internal affairs,  
125 including, but not limited to, rules that provide for: (1) The provision of  
126 timely, consistent and reliable access to a state marshal for persons  
127 applying for a restraining order under section 46b-15; (2) the provision  
128 of services to persons with limited English proficiency; (3) the provision  
129 of services to persons who are deaf or hard of hearing; [and] (4) service  
130 of process that is a photographic copy, micrographic copy or other  
131 electronic image of an original document that clearly and accurately  
132 copies such original document; and (5) timely payment, as described in  
133 section 4a-71, from the Judicial Department to state marshals.

134 (k) The commission shall adopt regulations, in accordance with the  
135 provisions of chapter 54, for the application, examination, bonding and  
136 investigation requirements for filling vacancies in the position of state  
137 marshal.

138 [(k)] (l) The commission shall be within the Department of  
139 Administrative Services, provided the commission shall have  
140 independent decision-making authority.

141 Sec. 6. Section 6-38c of the general statutes is repealed and the  
142 following is substituted in lieu thereof (*Effective October 1, 2024*):

143 (a) There is established a State Marshals Advisory Board which shall

144 consist of twenty-four state marshals. [Between November 9, 2000, and  
145 November 14, 2000, and annually thereafter] Annually, in the month of  
146 November, the state marshals in each county shall elect from among the  
147 state marshals in their county the following number of state marshals to  
148 serve on the board: Hartford, New Haven and Fairfield counties, four  
149 state marshals; New London and Litchfield counties, three state  
150 marshals; and Tolland, Middlesex and Windham counties, two state  
151 marshals. State marshals elected to serve on the board shall serve for a  
152 term of one year and may be reelected.

153 [(b) On or after April 27, 2000, the Chief Court Administrator shall  
154 designate a date and time for the state marshals in each county to come  
155 together for the purpose of electing state marshals from each county to  
156 serve on the State Marshals Advisory Board pursuant to subsection (a)  
157 of this section. A majority of the filled state marshal positions in each  
158 county shall constitute a quorum for that county. The election of state  
159 marshals to serve on the board shall be by majority vote. The names of  
160 the state marshals elected in each county shall be forwarded to the Chief  
161 Court Administrator. The Chief Court Administrator, upon receipt of  
162 the election results from all counties, shall designate a date and time for  
163 the first meeting of the board to take place as soon as practicable after  
164 November 14, 2000.]

165 (b) The State Marshals Advisory Board shall adopt rules as the board  
166 deems necessary for the conduct of its internal affairs, which rules shall  
167 continue in effect from year to year, as amended from time to time. Such  
168 rules shall include procedures for selection of a chairperson and other  
169 officers as may be necessary, from the members of the board elected  
170 pursuant to subsection (a) of this section. Annually, in the month of  
171 December, the State Marshals Advisory Board shall hold a meeting and  
172 select two state marshals to be appointed as ex-officio members of the  
173 State Marshal Commission, in accordance with the provisions of section  
174 6-38b, as amended by this act, for a term of one year. If any vacancy  
175 occurs in such appointments, the State Marshals Advisory Board shall  
176 appoint a state marshal to fill the remainder of the unexpired term.

177 Sec. 7. Section 6-38d of the general statutes is repealed and the  
178 following is substituted in lieu thereof (*Effective October 1, 2024*):

179 No state marshal shall (1) knowingly bill for, or receive fees for, work  
180 that such state marshal did not actually perform, (2) unlawfully allow  
181 another person to serve process in the place of such state marshal, or (3)  
182 knowingly make a false or illegal return of process. Any violation of this  
183 section without good cause shall be sufficient for the convening of a  
184 commission hearing concerning removal of the state marshal under  
185 subsection (i) of section 6-38b, as amended by this act.

186 Sec. 8. Section 6-38e of the general statutes is repealed and the  
187 following is substituted in lieu thereof (*Effective October 1, 2024*):

188 (a) The State Marshal Commission shall periodically review and  
189 audit the records and accounts of the state marshals. [Upon] In addition,  
190 the commission shall conduct audits of the records and accounts of state  
191 marshals pertaining to the collection of money by a state marshal upon  
192 (1) the receipt of a written complaint that is signed by the person filing  
193 such complaint, or (2) a complaint filed on behalf of the commission. An  
194 audit conducted pursuant to subdivision (1) or (2) of this subsection  
195 shall be prioritized by the commission.

196 (b) Not later than thirty days after the death or disability of a state  
197 marshal, the commission shall appoint a qualified individual to oversee  
198 and audit the records and accounts of such state marshal and render an  
199 accounting to the commission.

200 (c) Upon the death or disability of a state marshal, the commission,  
201 through its chairperson, may direct any financial institution, as defined  
202 by section 52-367a, with access to, or custody of, financial accounts of a  
203 state marshal utilized for the collection of moneys under chapters 204  
204 and 906, to turn over such financial accounts to a successor state marshal  
205 appointed by the commission. A letter signed by the commission  
206 chairperson shall constitute an order of the commission pursuant to this  
207 subsection. If any person or financial institution refuses to comply with  
208 such order, the commission shall certify the facts relating to the

209 noncompliance to the Office of the Attorney General, who shall apply  
210 to the Superior Court for an order compelling compliance.

211 (d) All information obtained by the commission from any audit  
212 conducted pursuant to this section shall be confidential and shall not be  
213 subject to disclosure under the Freedom of Information Act, as defined  
214 in section 1-200.

215 Sec. 9. Section 6-39 of the general statutes is repealed and the  
216 following is substituted in lieu thereof (*Effective October 1, 2024*):

217 Each state marshal, before entering upon the duties of a state marshal,  
218 shall give to the State Marshal Commission a bond in the sum of [ten]  
219 one hundred thousand dollars conditioned that such state marshal will  
220 faithfully discharge the duties of state marshal and answer all damages  
221 which any person sustains by reason of such state marshal's  
222 unfaithfulness or neglect. The premium for said bonds shall be paid by  
223 the state. No state marshal shall collect tax warrants for the state or any  
224 municipality until such state marshal executes a bond in the sum of one  
225 hundred thousand dollars.

226 Sec. 10. Subsection (f) of section 14-10 of the general statutes is  
227 repealed and the following is substituted in lieu thereof (*Effective October*  
228 *1, 2024*):

229 (f) The commissioner may disclose personal information from a  
230 motor vehicle record to:

231 (1) Any federal, state or local government agency in carrying out its  
232 functions or to any individual or entity acting on behalf of any such  
233 agency, or

234 (2) Any individual, organization or entity that signs and files with the  
235 commissioner, under penalty of false statement as provided in section  
236 53a-157b, a statement on a form approved by the commissioner,  
237 together with such supporting documentation or information as the  
238 commissioner may require, that such information will be used for any



239 of the following purposes:

240 (A) In connection with matters of motor vehicle or driver safety and  
241 theft, motor vehicle emissions, motor vehicle product alterations, recalls  
242 or advisories, performance monitoring of motor vehicles and dealers by  
243 motor vehicle manufacturers, motor vehicle market research activities  
244 including survey research, motor vehicle product and service  
245 communications and removal of nonowner records from the original  
246 owner records of motor vehicle manufacturers to implement the  
247 provisions of the federal Automobile Information Disclosure Act, 15  
248 USC 1231 et seq., the Clean Air Act, 42 USC 7401 et seq., and 49 USC  
249 Chapters 301, 305 and 321 to 331, inclusive, as amended from time to  
250 time, and any provision of the general statutes enacted to attain  
251 compliance with said federal provisions;

252 (B) In the normal course of business by the requesting party, but only  
253 to confirm the accuracy of personal information submitted by the  
254 individual to the requesting party;

255 (C) In connection with any civil, criminal, administrative or arbitral  
256 proceeding in any court or government agency or before any self-  
257 regulatory body, including the service of process, an investigation in  
258 anticipation of litigation by an attorney-at-law or any individual acting  
259 on behalf of an attorney-at-law and the execution or enforcement of  
260 judgments and orders, or pursuant to an order of any court provided  
261 the requesting party is a party in interest to such proceeding;

262 (D) In connection with matters of motor vehicle or driver safety and  
263 theft, motor vehicle emissions, motor vehicle product alterations, recalls  
264 or advisories, performance monitoring of motor vehicles and motor  
265 vehicle parts and dealers, producing statistical reports and removal of  
266 nonowner records from the original owner records of motor vehicle  
267 manufacturers, provided the personal information is not published,  
268 disclosed or used to contact individuals except as permitted under  
269 subparagraph (A) of this subdivision;

270 (E) By any insurer or insurance support organization or by a self-

271 insured entity or its agents, employees or contractors, in connection  
272 with the investigation of claims arising under insurance policies,  
273 antifraud activities, rating or underwriting;

274 (F) In providing any notice required by law to owners or lienholders  
275 named in the certificate of title of towed, abandoned or impounded  
276 motor vehicles;

277 (G) By an employer or its agent or insurer to obtain or verify  
278 information relating to a holder of a passenger endorsement or  
279 commercial driver's license required under 49 USC Chapter 313, and  
280 sections 14-44 to 14-44m, inclusive;

281 (H) In connection with any lawful purpose of a labor organization, as  
282 defined in section 31-77, provided (i) such organization has entered into  
283 a contract with the commissioner, on such terms and conditions as the  
284 commissioner may require, and (ii) the information will be used only for  
285 the purposes specified in the contract other than campaign or political  
286 purposes;

287 (I) For bulk distribution for surveys, marketing or solicitations  
288 provided the commissioner has obtained the express consent of the  
289 individual to whom such personal information pertains;

290 (J) For the purpose of preventing fraud by verifying the accuracy of  
291 personal information contained in a motor vehicle record, including an  
292 individual's photograph or computerized image, as submitted by an  
293 individual to a legitimate business or an agent, employee or contractor  
294 of a legitimate business, provided the individual has provided express  
295 consent in accordance with subdivision (5) of subsection (a) of this  
296 section;

297 (K) Inclusion of personal information about persons who have  
298 indicated consent to become organ and tissue donors in a donor registry  
299 established by a procurement organization, as defined in section 19a-  
300 289a;

301 (L) By any private detective or private detective licensed in  
302 accordance with the provisions of chapter 534, in connection with an  
303 investigation involving matters concerning motor vehicles;

304 (M) By a state marshal, for use in the performance of duties under the  
305 provisions of section 6-38a, as amended by this act. Such information,  
306 including operator photos, may be requested [by facsimile  
307 transmission] electronically, or by such other means as the  
308 commissioner may require, and shall be provided [by facsimile  
309 transmission] electronically, or by such other means, within a  
310 reasonable time.

311 Sec. 11. Section 6-39a of the general statutes is repealed and the  
312 following is substituted in lieu thereof (*Effective October 1, 2024*):

313 (a) A state marshal shall not be charged any fee by a private entity for  
314 performing such state marshal's statutory duties.

315 (b) No state marshal, as a matter of practice, shall receive, direct,  
316 transfer, control or solicit process from an attorney at law, for which the  
317 state marshal cannot lawfully serve within the state marshal's appointed  
318 precinct or extension of precinct in accordance with section 52-56.

319 Sec. 12. Section 6-38n of the general statutes is repealed. (*Effective*  
320 *October 1, 2024*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	6-30a(a)
Sec. 2	October 1, 2024	6-35
Sec. 3	October 1, 2024	6-38
Sec. 4	October 1, 2024	6-38a(a)
Sec. 5	October 1, 2024	6-38b
Sec. 6	October 1, 2024	6-38c
Sec. 7	October 1, 2024	6-38d
Sec. 8	October 1, 2024	6-38e
Sec. 9	October 1, 2024	6-39
Sec. 10	October 1, 2024	14-10(f)

Sec. 11	<i>October 1, 2024</i>	6-39a
Sec. 12	<i>October 1, 2024</i>	Repealer section

**JUD**      *Joint Favorable Subst.*