

<b>Act Number:</b>	09-215	
<b>Bill Number:</b>	6248	
<b>Senate Pages:</b>	6090-6091, 6100-6102	<b>5</b>
<b>House Pages:</b>	6387-6390	<b>4</b>
<b>Committee:</b>	Judiciary: 6582-6583, 6722-6724	<b>5</b>
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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 19  
5944 - 6203**

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SENATE

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There's a motion on the floor to place Calendar number 678 on the Consent Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Continuing Calendar page 13, Calendar 679, House Bill 6279, move to place the item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar number 679 on the Consent Calendar. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. And continuing Calendar page 13, Calendar 682, House bill 6041, move to place the item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar number 682 -- I thought Senator Fasano was running to do something there -- Calendar 682 on the Consent Calendar. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page 14, Calendar 692, House bill 6248, move to place the

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item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar number 692 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page 15, Calendar 700, House Bill 6693, move to place the item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar number 700 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Continuing Calendar page 15, Calendar 701, House bill 6642, move to place the item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar number 701 on the Consent Calendar. Without objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, Calendar

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Back on Calendar page 18, Calendar 719, House Bill 6676 is marked go and Calendar page 33, Calendar 354, Senate bill 499 is marked go.

Yes, Mr. President, thank you. At this point if the Clerk might call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed on the first Consent Calendar begin on Senate Agenda number one, Substitute for House bill 5211, Substitute for House bill 6672 and Senate bill 880.

From Senate Agenda number two, Substitute for House bill 6481 and Senate bill 1128.

Going to Senate Calendar, calendar page 229, Substitute for Senate bill 549. Calendar 229, substitute for Senate bill 547. Calendar page 7,

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Calendar 602, substitute for House bill 6584.

Calendar page 10, Calendar 639, House bill 6684.

Calendar page 12, Calendar 667, substitute for House

bill 6539. Calendar page 13, Calendar 678, substitute

for House bill 6306. Calendar 679, substitute for

House bill 6279 and Calendar 682, substitute for House

bill 6041. Calendar page 14, Calendar 692, House bill

6248. Calendar page 15, Calendar 700, substitute for

House bill 6693. Calendar 701, substitute for House

bill 6642. Calendar page 17, Calendar 714, substitute

for House bill 6280. Calendar page 21, Calendar 735,

House bill 6523. Calendar page 26, Calendar 337,

Senate bill 1047.

THE CHAIR:

Sir, I believe that was 377.

THE CLERK:

Yes, Mr. President, Calendar 377, Senate bill 1047. And Calendar page 33, Calendar 378, substitute for Senate bill 1048. Mr. President, that completes the items placed on the first Consent Calendar.

THE CHAIR:

Please call for Roll Call vote.

Please call for a Roll Call vote on Consent number

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one, the machine will be open.

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber? The Senate is now voting by Roll Call. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote, the machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number One.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number One passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, would move for immediate transmittal to the House of Representatives

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

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item be passed temporarily.

SPEAKER DONOVAN:

Motion is to pass the bill temporarily. Is there  
any objection? This bill is passed temporarily.

Will the Clerk please call Calendar 468?

THE CLERK:

On page 14, Calendar 468, House Bill Number 6248,  
AN ACT CONCERNING THE TIME LIMIT FOR ENFORCING A STATE  
COURT JUDGMENT IN A FOREIGN JURISDICTION, favorable  
report of the Committee on Judiciary.

SPEAKER DONOVAN:

(Inaudible) Representative Fox, you have the  
floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the  
acceptance of the joint committee's favorable report  
and passage of the bill.

SPEAKER DONOVAN:

Request is for acceptance of joint committee's  
favorable report and passage of the bill. Remark,  
sir?

REP. FOX (146th):

Thank you, Mr. Speaker. Under current law, in  
the State of Connecticut when one obtains a judgment

in Superior Court, they can obtain an execution on that judgment for up to 20 years in a superior court case and up to ten years in a small claims case.

Mr. Speaker, however, what happens oftentimes is that one may attempt to enforce this judgment in a foreign jurisdiction in a different state, essentially, and sometimes those states have different rules.

And what this bill will do is enable the person who receives the judgment, who obtains the judgment, to revive that judgment in order to enforce it in a foreign jurisdiction.

And essentially what would happen is the person who has the judgment would go back into court and get a revival of that judgment which would enable the judgment to then be enforced in a foreign jurisdiction.

There's nothing in this bill that would enable the -- that possessor of the judgment to enforce that judgment beyond the time limit that Connecticut currently has.

So I move passage of the bill.

SPEAKER DONOVAN:

Motion on passage of the bill. Remark on the

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bill? Representative O'Neill.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. I also would urge support for this bill.

Thank you, Mr. Speaker.

Thank you, Representative. Remark further on the bill? Remark further on the bill?

If not, staff and guests come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your votes are properly cast.

If all the members have voted, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally?

THE CLERK:

House Bill Number 6248.

Total number voting 131

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Necessary for passage	66
Those voting Yea	131
Those voting Nay	0
Those absent and not voting	20

SPEAKER DONOVAN:

The bill is passed.

Any announcements or introductions? Any  
announcements or introductions?

Representative Piscopo, you're in first.

REP. PISCOPO (76th):

All right, Mr. Speaker, for a journal notation.

SPEAKER DONOVAN:

Please proceed, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. Will the journal please  
note that Representatives Harkins, Carson and Floren  
missed votes due to illness?

Will the journal please also note that  
Representatives Giuliano, Rowe, Bacchiochi, Coutu,  
Frey, Tong, Tercyak, Rigby and Hovey missed votes due  
to business in the district?

Will the transcript please note that  
Representative Gibbons missed votes. She's out of the  
chamber on legislative business. Oh, Representative

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 20  
6285 - 6583**

**2009**

jr JUDICIARY COMMITTEE

10:00 A.M.

REP. CANDELORA: Yes. I have the good fortune of being on a money committee, so...

SENATOR McDONALD: Ahh.

REP. CANDELORA: Thank you, Chairman McDonald, vice Chairman Fox, ranking members Kissel and O'Neill and remaining members of the Judiciary Committee.

I'm here to testify in favor of House Bill 6248, An Act Concerning the Time Limit for Enforcing the State Court Judgment in a Foreign Jurisdiction.

You have my testimony. I'm not going to read it. Essentially, what this bill seeks to do is allow for a post-judgment motion to revive a judgment once a money judgment is awarded.

It would allow a plaintiff to bring a motion to revive the judgment within the 24-year statute of limitations in order for that person to be able to collect the judgment in a foreign jurisdiction.

Typically, what happens is if a plaintiff is seeking to collect a foreign judgment or Connecticut judgment in a foreign jurisdiction, there are some states that have a catchall ten-year statute of limitations, so that Connecticut residence cannot obtain or enjoy the 20-year statute.

But those same states have recognized that if a motion to revive a judgment was awarded in the court of original jurisdiction, that they then would essentially honor that state's statute of limitations.

And that's what this bill seeks do. It's -- it's a bill. It doesn't cost any money. It

affords Connecticut residence an opportunity to enjoy their 20-year statute of limitations and be able to collect against a defendant a defendant that may have moved out of state and provide them an opportunity to be able to -- to seek a remedy.

Thank you.

SENATOR McDONALD: Thanks very much. Any questions? We like bills that doesn't cost money around here. Thanks very much.

REP. CANDELORA: Thank you.

SENATOR McDONALD: Is there anybody else who would like to testify before the Judiciary Committee? If not, thank you, everyone, and drive safely home.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 21  
6584 - 6932**

**2009**



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 HOUSE OF REPRESENTATIVES  
 STATE CAPITOL  
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 FINANCE, REVENUE AND BONDING COMMITTEE

MEMBER  
 PLANNING AND DEVELOPMENT COMMITTEE  
 PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE  
 REGULATIONS REVIEW COMMITTEE

Testimony of  
 State Representative Vincent J. Candelora  
 In Support of House Bill 6248,  
 An Act Concerning the Time Limit for Enforcing a State Court Judgment in a Foreign Jurisdiction.

Before the Judiciary Committee

March 26, 2009

Chairman Andrew McDonald, Chairman Michael Lawlor, Ranking Member John Kissel, Ranking Member Arthur O'Neil and other distinguished Members of the Judiciary Committee, thank you for the opportunity to provide testimony in support of HB 6248, An Act Concerning the Time Limit for Enforcing a State Court Judgment in a Foreign Jurisdiction.

HB 6248 affords Connecticut residents with another tool to collect a valid judgment against a nonresident. When a plaintiff receives a judgment against a defendant and the defendant does not have the means to pay the judgment, the plaintiff will not take action to collect the judgment immediately and wait in hopes that the defendant will have assets to pay the debt in the future. Under Connecticut law, a plaintiff has twenty (20) years to enforce a judgment in Connecticut.

If a defendant moves from Connecticut to another state, the judgment may still be enforced under that state's procedural laws or pursuant to the Uniform Enforcement of Foreign Judgment Act in states that have adopted the act. As a result, Connecticut residents sometimes lose the ability to collect under the twenty year statute of limitations. Because there is a discrepancy in how long one has to collect on a judgment between states, collecting judgments in foreign jurisdictions can prove problematic. For instance, if a judgment was rendered 11 years ago in Connecticut and the plaintiff seeks to enforce it in South Carolina, he or she cannot enforce the judgment because it is beyond the ten year period of collection allowed by South Carolina. This is despite the fact that the judgment is still enforceable in Connecticut. This means that the plaintiff in this instance would not be able to collect the judgment lawfully awarded to him or her. HB 6248 can change this injustice for Connecticut residents.

In several states, there is additional relief available to plaintiffs who cannot collect on their judgment in a foreign district, but would be eligible to collect on their judgment in their home jurisdiction. This relief is usually in the form of a Motion of Revival. A Motion of Revival basically serves to restart the clock for collection in a foreign jurisdiction. For instance, in the case of *Huff v. Pharr*, 748 F.2d 1553, plaintiff obtained a judgment against the defendant in California. The judgment was not immediately enforced and the defendant moved from California to Florida. Because Florida only allowed collection on foreign judgment within five years of its issuance, the plaintiff filed a Motion of Revival in order to reaffirm the validity of the underlying judgment in California, thus enabling the plaintiff to enforce his judgment in Florida. This motion restarted the clock in the foreign jurisdiction for which the plaintiff could enforce his judgment. Basically, once the Motion of Revival was granted, it gave the plaintiff five years to enforce a judgment in Florida's court.

HB 6248 would create a statutory provision for a Motion of Revival. A Motion of Revival would give a plaintiff in Connecticut the right to collect his or her judgment under Connecticut's twenty year statute. Simply put, I believe HB 6248 is a good bill. I believe we should give Connecticut residents every opportunity to collect the money they are entitled. Allowing for a Motion of Revival will add another opportunity for deserving individuals to gain what is rightfully theirs. This is why I respectfully request that this committee give a joint favorable report to HB 6248.

Once again, thank you for your time and consideration in regards to HB 6248. If you have any further questions, please do not hesitate to contact me.

Respectfully Yours,



Vincent Candelora  
State Representative

MICHAEL R. CAPORALE, JR.  
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March 23, 2009

Chairman Andrew McDonald  
Co-Chairman Michael Lawlor  
Committee On Judiciary  
State of Connecticut General Assembly

Gentlemen:

I write in support of Proposed Bill No. 6248, AN ACT CONCERNING THE TIME LIMIT FOR ENFORCING A STATE COURT JUDGMENT IN A FOREIGN JURISDICTION.

As a member of the Connecticut Bar, I can speak from personal experience as to the need for enactment of this bill.

On May 17, 1994, representing clients in Northford, Connecticut, I obtained a judgment in the Superior Court in New Haven in the amount of \$ 272,530.03 in damages and costs of \$ 201,20. Inasmuch as the defendants, at that time, lacked assets upon which my clients might seek enforcement of the judgment, no action was taken. Thereafter, the defendants moved out of Connecticut for parts unknown. Some months later, my clients received notice that one of the defendants filed for bankruptcy.

In 2005, information was obtained indicating that the other defendant resided in South Carolina and that assets were available upon which my clients might satisfy all or a part of their judgment. Acting upon this information, I contacted an attorney in Greenville, South Carolina, to represent my clients in the enforcement of their judgment.

Shortly thereafter, I was advised by the retained attorney, that according to South Carolina law, the time limit for enforcing a judgment was ten years. In addition, I was advised that any attempt to enforce the judgment in South Carolina was doomed to fail. This advice was based on a case with a similar issue rendered by the Court of Appeals in South Carolina.

Needles to say, I was left to wonder whatever happened to the full faith and credit provision of the public acts, records and judicial proceedings of every other state provided for in the United States Constitution?

Upon further research, I came upon a United States Supreme Court case dealing with this subject that offered hope that recovery might yet be possible (See *Watkins v. Conway*, 385 U.S. 188) According to the Supreme Court, in order to enforce the judgment, my clients would have to return to the original court of jurisdiction, the Superior Court in New Haven, to "revive" the original judgment.

Unfortunately, Connecticut law does not now specifically permit a successful judgment holder to seek a revival of an original judgment. However, the Proposed Bill No. 6248 is, in my opinion, exactly what my clients and others similarly aggrieved, need to seek restitution for their loss.

In closing, I strongly endorse the enactment of Proposed Bill No. 6248 because: (1) the State of Connecticut incurs no additional expenses; and (2) it offers all residents of Connecticut who find themselves in the same position as my clients, the opportunity to recover the damages owed to them by a judgment debtor who has left the state.

Respectively submitted.

Michael R. Caporale, Jr.