

Legislative History for Connecticut Act

**PA 14-86**

HB5554

House	4615-4641	27
Senate	3114, 3162-3164	4
Judiciary	(2626), (2627-2628), <u>2658-2659, 2661</u>	6
		<b>37</b>

**H – 1194**

**CONNECTICUT  
GENERAL ASSEMBLY  
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**PROCEEDINGS  
2014**

**VOL.57  
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Will the Clerk please call Calendar 362.

THE CLERK:

Mr. Speaker, on page 15, Calendar 362, favorable report of the joint Senate committee on Judiciary.

Substitute House Bill 5554, AN ACT CONCERNING THE DUTIES OF STATE MARSHALS.

SPEAKER SHARKEY:

Representative Gerry Fox.

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 SHARKEY:

Question is on acceptance of the joint committee's favorable report, and passage of the bill

Will you remark, sir.

REP. FOX (146th):

Thank you, Mr. Speaker. Mr. Speaker, I will begin with an amendment. The Clerk has LCO Number 4904. I would ask that that be called, and I be given leave to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO Number 4904 which will be designated House Amendment "A."

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THE CLERK:

House Amendment "A," LCO 4904 introduced by  
Representative Fox, et al.

SPEAKER SHARKEY:

Gentleman has sought leave of the Chamber to  
summarize. Is there objection? Seeing none, you may  
proceed with summarization, sir.

REP. FOX (146th):

Thank you, Mr. Speaker. The underlying bill that  
passed out of the Judiciary Committee included a section  
that would allow state marshals to have access to the  
Connecticut Online Law Enforcement Communications  
Teleprocessing System. The access to this system is,  
however, restricted by federal law and what this amendment  
does is it strikes Section 1 from the bill, and I would  
move adoption.

SPEAKER SHARKEY:

Question before the Chamber is adoption

Will you remark?

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr.  
Speaker, just a point of clarification regarding the  
amendment that's before us.

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SPEAKER SHARKEY:

Representative -- I'm sorry, you may proceed -- did you ask a question? I'm sorry, madam.

REP. REBIMBAS (70th):

Not yet, Mr. Speaker.

SPEAKER SHARKEY:

Please proceed, madam, I'm sorry.

REP. REBIMBAS (70th):

Asking your permission. Thank you, Mr. Speaker. So through you, Mr. Speaker, to Representative Fox. So my understanding of the amendment, again, is the fact that under federal law, because the state database accesses some information in the federal database, that would -- is what restricts the State Marshal from being able to access that. Is that correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, that is correct.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, at this time do we know of any other way that the

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State Marshal would be able to simply access the information in the state database without being exposed to what is in the federal database. And then if the Representative can inform us, what are the federal databases that are restricted? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, and through you, at the moment, and after some discussion, there did not appear to be a way that we could access this database that would not conflict with the federal law. That access is restricted and the data in that -- those databases are restricted for security purposes.

The -- it's the National Crime Information Center Database, which is one of the databases. It's the COLLECT system that is used in the National Crime Information Center Database that is also used as part of the CJIS system that is closely restricted for security purposes.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and I want to thank the Representative for his representation and information

regarding the amendment. I have to admit, having heard from the state marshals and understanding the work that they do, they sometimes work into very dangerous, high pressure situations, and very stressful.

Because they're providing service of an action on an individual, more often the defendant, at which time either it's for the collection of potentially, it could be a divorce action, it could be child support, it could be a variety of different things that they're doing.

And this is when those individuals are not at their best, unfortunately, and sometimes there's anger and other feelings that create a turmoil, and also a very unsafe environment for state marshals.

And what the original bill was attempting to do is allow the state marshals to access a database that they would get at least some information regarding these individuals in advance, regarding their criminal backgrounds and things of that nature so they could at least be, you know, informed and maybe even potentially better prepared before approaching the individual and take precautions in that regard.

Now, understanding that unfortunately there's a wrinkle in the system that through the Connecticut database there's some federal information that may be

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privileged that they would not, under federal law, have access to. So I understand the reason for the amendment today striking out that section. Certainly we will discuss the underlying bill as soon as the amendment is addressed.

But I did believe that this was a very important portion of the bill itself, and I hope, certainly, if not now, later on at a different time during future sessions we could see whether or not there's any way of restricting that access. So still being able to access the Connecticut database without being exposed to the federal protected information or potentially even asking state marshals that have the ability and then law enforcement to have the authority to communicate with them and be able only to disclose to them the information that's on the state database.

Because certainly our law enforcement has full access to these databases, and there is no privileged information in the federal databases. So again, just thinking forward of how we can, you know, assist our state marshals in the future, maybe they can have those conversations and access just the information through the Connecticut database with the assistance of law enforcement.

So, Mr. Speaker, unfortunately, it's, you know, I'd

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like to support the amendment, understanding that there is a federal restriction, and there's little that we can do, but I wish we didn't have to do this amendment. But certainly it is before us, and it's an issue that's come up, and it's certainly one that we have to address. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark? Would you care to remark further on House Amendment "A"?

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and good afternoon to you.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. SMITH (108th):

I share the same concerns that were just stated by our good ranking member in the Judiciary Committee. Having heard the testimony at the public hearing from the marshals and the situations they find themselves in when serving process or issuing writs, it's often a dangerous situation and they were looking forward to have this information.

And I know the question was asked of the good

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chairman. I did not hear the answer. So I'm going to ask him if he would just give it to me again. And just what is the reason that we cannot get this information now from -- on a statewide level. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. And through you, it is because it is restricted by federal law.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

So is there any other way -- so when you say it's restricted by federal law, I would assume, then, that there's a federal law that restricts this information for every state or is there certain information that we had requested that was part of this Section 1 that could be provided and other information that could not be? Is there a way to break it down? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I would agree that the federal law would apply to every state. I did discuss

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with DESPP whether there's any alternatives, and they really didn't have one, because I do share and agree with the comments made by the good ranking member of the Judiciary Committee in that this wasn't a part of the bill that many people liked and supported.

However, I also know that we all would want to -- we would not want to pass a bill if we are told that it conflicts with the federal law. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I guess just one final question, then, Mr. Speaker. If, in fact, we were to go ahead and ignore federal law, which is -- everybody knows in this Chamber we have done in the past. I could stand here for a while and reiterate the bills that we have passed, such as the marijuana bill.

I'm just thinking of one off the top of my head that violates federal law, but nonetheless we passed. If we went ahead and kept Section 1 in the bill and passed this law as it came out of the committee, what would be the effect of that? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

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REP. FOX (146th):

Through you, Mr. Speaker, I have not contacted any federal officials to determine what the impact would be. But I do know that there was enough concern amongst the state officials.

I suppose the worst thing that could happen would be if we were somehow prohibited or given reduced access to the -- to the federal database systems, which as we all know, we worked hard in recent years to try to update our online databases. And if -- we don't want to do something to jeopardize -- to jeopardize that. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I certainly appreciate the Chairman's response and understand that we certainly would not want to jeopardize our law enforcement officials as well, in their endeavor to fight crime.

I would hope it would be incumbent upon us in hopefully reaching out to our federal representatives to see if we can do something that could not only help the law enforcement, but help the marshals do their job as well. So I thank the Chairman for his answers, and I'll continue to listen to the debate. Thank you, Mr. Speaker.

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SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on House Amendment "A"? If not, let me try your minds. All those in favor of House "A" please justify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed nay. The ayes have it -- meekly. The amendment is adopted.

Would you care to remark on the bill as amended?

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, just some questions to the proponent of the underlying bill. So through you.

SPEAKER SHARKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, on the bill that's before us as amended. Certainly we just struck out Section 1 through the amendment, and that still leaves us with Section 2 and 3 and it goes on of the bill.

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that's before us.

In Section 2, if the Representative can inform us of the penalties associated with an individual who attempts to impersonate themselves as a State Marshal or some other authorized process server. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Through you, Section 2 of the bill makes that type of activity a Class A misdemeanor.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and through you, Mr. Speaker, a Class A misdemeanor, for those of us who aren't familiar with it, if the Representative can highlight what that would entail. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. A Class A misdemeanor is the highest level of misdemeanor. It can impose a criminal penalty of up to one year and a fine of up to \$2,000.

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SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and through you, Mr. Speaker, are we creating a new category of criminal impersonation or are we just expanding on its definition in order to include specific individuals? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, we are expanding on an existing crime to include state marshals. Or impersonating a state marshal. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and through you, Mr. Speaker, I believe in lines 48 forward, I know we've been talking about state marshals, and sometimes we refer to people as process servers. I see what could be potentially is a new term to some of the members in this Chamber called an indifferent person. Through you, Mr. Speaker, if the Representative can inform us exactly what the definition of an indifferent person is and then what their

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obligations are under the underlying bill. Through you,  
Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. We have, under our laws,  
three types of individuals who can serve papers, process  
in court actions. There's state marshals, there's  
constables, and then there's indifferent persons. State  
marshals have the greatest power or ability to serve the  
widest range of types of activities. And what this bill  
does is it just makes it clear that if an indifferent  
person knowingly serves a paper that they don't -- serves  
papers that they don't have statutory authority to do,  
that they are then subject also to a Class A misdemeanor.  
Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and through you, Mr. Speaker,  
in lines 70 through 77, I see that this bill also mentions  
support enforcement officers having the ability to do  
services and/or an investigator. Through you, Mr.  
Speaker, just for clarifications, would the crime of

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impersonating a process server -- an unauthorized process server, would they also be facing a Class A misdemeanor under this bill? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, if they -- indifferent person does an activity that they knowingly do not have statutory authority to do, then yes, they would be subject to a Class A misdemeanor.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And Mr. Speaker, I certainly do rise in support of the bill that's before us. And I'd like to thank Representative Fox for highlighting all of the different provisions in the bill that's before us, and also answering all the questions regarding what led to us have to adopt the amendment that now has ultimately become the bill.

This bill, with Section 1, previously did pass unanimously in the Judiciary Committee. We certain did hear from testimony from state marshals as well as their union. And we did not hear any opposition to the bill.

Now certainly, we have heard from several representatives here today that the importance of having had Section 1 included in the bill, again for safety purposes for our state marshals, but having been articulated by Representative Fox, but at this time it would be against federal law to have them access that information. It's understandable the amendment that had to be adopted.

With that said, I do hope that in the future we could look at ways to see how we can have the state marshals access this very important information, even if it is just restricted to this state information.

And again, a suggestion would be to have them work collaboratively with law enforcement to get this information before they go out and serve or if there's any other type of, you know, department that has access to it that maybe can provide them with the limited information that they should certainly be entitled to.

So I certainly look forward to that in the future. But as the bill before us is amended, I do rise in support of it as it does put very important criteria in place for those people who impersonate these process servers to be served -- to be charged criminally with a Class A misdemeanor.

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That's very important, because once again, we don't want for public policy purposes people holding themselves out to be these people of authority, and taking advantage of the public. So I rise in support of the bill as amended. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark? Would you care to remark further on the bill as amended? Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, just a few questions, following up on the questions I posed already to the good chairman. As I was sitting here, I'm wondering if, since the marshal cannot get the information that was struck in Section 1 directly, if they were to go to the Police Department and request that information from the Police Department, would the police be able to release that to the marshal? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you -- thank you, Mr. Speaker. And I think the answer to that would be, it would depend on the circumstances. But I think it would be possible. There

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might be situations where the police would not want to release that information. So it would really depend upon the judgment of the Police Department.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. And I was also wondering, looking at the language of the statute that's in effect already, I've wondered, and I don't recall from the public hearing whether, and I'm assuming there is.

But whether there is, in fact, an issue with people who are, in fact, impersonating marshals or process servers. And I'm wondering if the Chairman may have recalled some testimony where that actually occurred or what the impetus behind this change is. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, as -- as I know the good Representative is aware, state marshals do have certain powers under our statutes that can impose certain obligations on individuals.

And there was at least peripheral testimony that yes,

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individuals have acted as if they were state marshals, whether it be in the -- in the context of serving papers or in the context of other actions that a state marshal can do. And it was enough of a concern that they felt this type of legislation was necessary.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

I thank the Chairman for that answer. I was -- I suspect there has to be enough of an issue for us to be doing what we're doing. And then just looking at the language of the statute that exists, and this is one of those little pet peeves I have with what we do up here in Hartford.

It seems like the statute we have in place already would cover what we're trying to create here. And I'm certainly not opposed to providing protections to our marshals and giving them the -- giving them the, I guess, the powers and tools they need to be protected when they serve.

But as I read the statute that exists already, it seems to me that even without this language, had somebody impersonated themselves as a marshal, they still would be subject to a Class A misdemeanor. I'm just wondering if

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the good chairman reads the statute the same way. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I read it the same way in that yes, they could potentially be charged under this statute. However, I think what the language that is part of this bill does is it makes it clear that yes, in fact, impersonating a marshal is a crime, and is a Class A misdemeanor. Through you.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I guess it never hurts to say it again and then repeat it. I guess we're kind of taught that when we're doing our closing arguments in court. So I think that's what we're doing here. We're just clarifying the language so that those who impersonate a marshal or process server will know they're look at a Class A misdemeanor.

I supported the bill in committee. I will continue to support it here. I think it's important that we protect our marshals. They engage in inherently dangerous activity, and they deserve all the protections we can give

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them. So I urge my colleagues to support it as well. And  
I thank the Chairman for his answers.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark  
further on the bill as amended?

Representative Srinivasan.

REP. SRINIVASAN (31st):

Good afternoon, Mr. Speaker.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, on the bill as amended,  
just a few questions to the proponent for clarification.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Go ahead.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, line 20, where the state  
marshal with intent to obtain a benefit. Through you, Mr.  
Speaker, what would be the benefit that this impersonator  
would be looking for? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

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REP. FOX (146th):

Well, through you, Mr. Speaker, I mean, state marshals have certain powers, as I stated earlier. They can do things, such as bank executions. They can attach property. They can -- there are certain types of liens that they can serve. There's certain search warrants or capias orders that are done in support cases.

So there's a number of different powers that a state marshal has. And if somebody who is not a State of Connecticut State Marshal attempts to do these acts, they would -- could cause harm to somebody, and that's the reason for this part of the bill. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, when this person serves these various papers, is that -- will there be or could there be a personal benefit to this person. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, there could be or there could be -- the individual could be working on behalf of

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somebody else who is attempting to get an individual to act a certain way. And that was the concern that was raised before the Judiciary Committee, and that was the reason for this section of the bill. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, I do understand it was raised in front of Judiciary. But through you, Mr. Speaker, in the opinion of the good chairman, is this an occurrence that happens very frequently that he's aware of or is it relatively infrequent? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

I suppose frequently -- it happens enough, I would say, Mr. Speaker, that there was enough of a concern that the need for this section of the bill came before us. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, I stand in strong support of the bill as amended. I can just imagine the anxiety

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and the concern by anybody who served any papers. And on top of that, down the line to find out that this person did not have the authority to begin with. You know, that makes things even worse. So I am glad that we are bringing up this bill and I will be a strong supporter of the bill as amended. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill as amended?

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker I rise in support of this bill. I supported it out of Judiciary, and I would ask my colleagues to support it here now. Just a few questions, or actually, I believe just one question for the proponent. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Please proceed, sir.

REP. O'DEA (125th):

Thank you. There was some testimony from the president of the State Marshal Local Council 4, Mark DeAngelis, that when service is made by someone other than a state marshal, court documents can be dismissed.

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Through you, Mr. Speaker, what documents can be dismissed if service is made by someone other than a state marshal?

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, there's a number of documents that state marshals have the ability to serve. And if an individual is not a state marshal and does not have the authority to do so, then there's an, A, risk of those documents being dismissed.

Those can include a summons and complaint, a writ summons and complaint in a civil action. There are certain family support documents that are served by state marshals. There are warrants that they serve on lottery agents.

There are -- they have -- they have ability to serve subpoenas and other documents that, if not properly served and by an authorized official, they would then potentially be dismissed and cause damage to our judicial system.

SPEAKER SHARKEY:

Representative Fox.

REP. O'DEA (125th):

Thank you, for your response --

SPEAKER SHARKEY:

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Sorry, Representative O'Dea.

REP. O'DEA (125th):

Thank you for the response to the proponent. As Representative Rebimbas had stated, I do believe Section 1 that was stricken would be a benefit to the state marshal system. Hopefully somehow in the future we can allow state marshals to have access to the criminal system. So I would ask my colleagues to support this bill. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on the bill as amended? If not, staff and guests to the well of the House. Members, take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will Members return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Members, check the board to make sure your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

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A VOICE: 144-0-7.

SPEAKER SHARKEY:

Clerk, please announce the tally.

THE CLERK:

On House Bill 5554 as amended by House "A."

Total number voting	144
Necessary for passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER SHARKEY:

The bill as amended passes

Will the Clerk please call Calendar 462.

THE CLERK:

On page 25, Calendar 462, favorable report of the joint standing committee on Planning and Development.

Substitute Senate Bill 314, AN ACT CONCERNING THE HERITAGE

PARKS ADVISORY BOARD.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

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MR. LOONEY:

Thank you, Mr. President.

And also Calendar Page 30, Calendar 563, House Bill Number 5554, also move to place that on our Consent Calendar.

THE CHAIR:

Without objection, so ordered.

MR. LOONEY:

Thank you, Mr. President.

Also, Mr. President, I would move for immediate transmittal to the House of Representatives of Senate Bill 29, the last bill voted on by roll call.

THE CHAIR:

So ordered.

MR. LOONEY:

Thank you, Mr. President.

Mr. President, at this point I would yield the floor if there are any announcements or points of personal privilege before calling for a recess for purposes of caucuses.

THE CHAIR:

Thank you, Senator Looney.

Are there any announcements or points of personal privilege?

Senator McLachlan. Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you, Mr. President.

I just wanted to thank everybody. I've been in and

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Opposed. Reconsideration is passed.

SENATOR LOONEY:

Right now since the matter is before us again, Madam President, I would move to mark it passed temporarily.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Now if the Clerk would call those Consent Calendar items so that we might move to a vote on the Consent Calendar, and then we might proceed to the items that were marked go.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 2 Calendar 166, Senate Bill 427.

Page 4 Calendar 300 Senate Bill 417.

Page 6, Calendar 331, House Bill 5248.

Page 7, Calendar 340, House bill 5273.

On page 10, Calendar 416, House Bill 5407. Calendar 415, House Bill 5518. Calendar 396, Senate Bill 114.

On page 11, Calendar 419, House Bill 5477.

Page 12, Calendar 426, House Bill 5023.

On page 18, Calendar 489, House Bill 5227. Calendar 470, House Bill 5506. Calendar 490, House Bill 5113.

On page 19, Calendar 494, House Bill 5573.

Page 20, Calendar 498, House Bill 5467. Calendar 499, House Bill 5419.

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And on page 22 Calendar 513, House Bill 5353.  
Calendar 515, House Bill 5361.

And on page 24, Calendar 526, House Bill 5556.  
Calendar 524, House Bill 5219.

Page 25, Calendar 4. -- sorry, Calendar 530, House Bill 5368,  
page 27, Calendar 546, House Bill 5061.  
Calendar 543, House Bill 5037.

On page 28, Calendar 550, House Bill 5514.

Page 29, Calendar 554, House Bill 5148.

Page 30, Calendar 563, House Bill 5554.

Page 31, Calendar 567, House Bill 5229. Calendar 565,  
House Bill 5028.

And on page 42, Calendar 384, Senate Bill 442.

THE CHAIR:

Senator Looney, do you have any more good news for us?

SENATOR LOONEY:

Yes, thank you, Madam President. One additional item  
to add before we call for the actual vote on the  
Consent Calendar, and that is item an Calendar page  
33, Calendar 575, House Bill 5359. With that one  
addition it would call for a vote on the Consent  
Calendar.

THE CHAIR:

Mr. Clerk, please call for a vote on the Consent  
Calendar, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Immediate roll call on the second Consent Calendar  
today has been ordered in the Senate.

THE CHAIR:

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If all members have voted? All membered voted, the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On the second Consent Calendar for today.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent not voting	1

THE CHAIR:

Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. If the Clerk would call the first item marked go to follow the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 33, Calendar 579, Substitute for House Bill Number 5348, AN ACT CONCERNING THE PAYMENT OF DELINQUENT PROPERTY TAXES. Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you. Thank you, Madam President. Pursuant to Rule 15 of the Joint Rules, I am recusing myself from consideration of this bill.

THE CHAIR:

Thank you, sir. Please leave the Chamber.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 6  
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**2014**

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increases have occurred. And the net result from any in our system has been, in essence, a decline in wages at a time of increased work demand.

Voting for passage of House Bill 5488 will result in equitable treatment of all employees in state government. I thank you for your time today and I urge your passage of this bill. Thank you again for the opportunity to speak before you today.

SENATOR COLEMAN: Thank you.

And Mr. Mahon, do you have any comments you'd like to make.

JUDGE BRIAN MAHON: No. I'm in support of the bill I'm here to answer any questions along with Judge Strerit-Kefalas.

SENATOR COLEMAN: Are there questions for either? Seeing none thank you both very much.

Mark DeAngelis.

MARK DeANGELIS: Good morning, Mr. Chairman and committee members. My name is Mark DeAngelis. I am the President of the State Marshal Local Counsel 4 AFSCME. We strongly support House Bill 556, AN ACT CONCERNING FEES RECEIVED BY OFFICERS AND PERSONS SERVING PROCESS AND PERFORMING OTHER DUTIES. And House Bill 554, AN ACT CONCERNING DUTIES OF A STATE MARSHAL.

(HB 5556)

(HB 5554)

House bill 556, increase private fee for service and hourly rate for evictions. State marshal fees have not increased since the year 2000. At the same time state marshal costs have gone up vastly. Gasoline, healthcare, mandated liability insurance and related costs have increased considerably. The state marshal

(HB 5556)

licensing fee has increased from 250, to now 750 per year. The bulk of the marshal's training must be paid for by the marshals themselves. Marshals most deliver restraining orders, deadbeat dad warrants and other legal documents. Most times these services need to be delivered in hand and require multiple trips.

We request that the fee service increase be increased from \$40 for the first defendant. It is currently 30 dollars and that the fee for each additional defendant at the same address be increased from 10 to 20. This is a fee schedule more in line with the state marshal's actual costs.

The price of gasoline has gone up in Connecticut in excess of \$2 a gallon since 2000, more than doubling. Mandated liability insurance costs, about \$800 in the year 2000. Now the cost is approximately 14 to 16 hundred dollars a year.

(HB 5554)

House Bill 554 allows state marshals access to criminal records so they may safely perform their duties. It also prevents improper service of legal documents that are only to be served by a properly licensed and insured state marshal. State marshals must regularly serve capiases and other court summons to people accused of domestic abuse and other violent crimes, yet there is no means for a state marshal to know the danger level of who they are serving.

Our members are often unarmed and alone. Our members have been assaulted. Three years ago a state marshal was shot while serving a deadbeat dad warrant. One state marshal arrested one of the states top ten fugitives on a deadbeat dad warrant without knowing the seriousness of the

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man's other crimes. Allowing state marshals access to information from the state police database will make our members safer and thereby cut down on state costs due to assaults upon them.

Another section of this bill creates the penalty for someone serving process that should only be served by a state marshal. When service is made by someone other than a state marshal court documents can be dismissed. Unfortunately such illegal service is happening more frequently in our State. Such improper service can cause this case to be thrown out of court. This could adversely affect our judicial system and cost serious financial burden to the injury that played it.

Thank you for your time and I'll answer any questions.

SENATOR COLEMAN: Are there questions for Mr. DeAngelis? Seeing none -- apparently no members have a question for you. Thank you for your testimony.

MARK DeANGELIS: Thank you.

SENATOR COLEMAN: Don Doeg.

DON DOEG: Senator Coleman, Representative Fox, members of the Judiciary Committee. My name is Don Doeg and I'm an attorney (inaudible).

HB 5570

Sorry. The State of Connecticut V. Lombardo decision came out in November of 2012; and the court found that the statute of limitations does not apply to the State of Connecticut. That same decision said that any change that has to be done through the Legislature -- and that's a why we're here with this bill today -- the raised bill would mandate that the State of

TARA COURTMANCHE: Good afternoon.

REP. DILLON: I guess, first of all I just really wanted to welcome you to the hearing today and to thank you for the really important work you do. I really support what you're talking about and that it's an anomaly in a way that, you know, state legislators are considered state employees, too. And so we get the downside of some of that and we didn't get the upside either.

So that everything that you're saying rings really true and the work that you do is so important and we're really proud of what you've been able to do. It was a change. It was different and it's turned out to really make us look good and I'm excited about it. So I hope that we're successful and thank you very much for coming up here.

TARA COURTMANCHE: Thank you, Representative Dillon.

REP. DILLON: And happy birthday. Happy St. Patrick's Day, Tara.

SENATOR COLEMAN: Any other with questions? Seeing none thank you, ladies.

John Barbieri.

JOHN BARBIERI: Mr. Chairman, members of the committee, I'm here to testify. I'm State Marshal John Barbieri this is State marshal Sharon Allman. I'm here to testify on House Bill 5554.

Prior to the year 2000 and we went from being part of the oldest law enforcement agency in the country as sheriffs. We were turned into marshals and removed from the law enforcement

status. Over the years this has caused a negative impact on our ability to perform our duties effectively and safely.

From serving divorces to restraining orders to deadbeat dads capias warrants we have no way of identifying the possible threat that we are being exposed to before we head into a potentially dangerous situation. Marshals have been involved in verbal, physical and life-threatening altercations, which may have been avoided if we were allowed more information on an individual before we went after them.

Our number one goal is to leave our home in the morning, do our job professionally and safely and return home at night to our families. Thank you for your time and I would hope that you would support our efforts and pass this bill.

SENATOR COLEMAN: And I'm sorry. Can you state your name again so we we'll have it for the record.

SHARON ALLMAN: Sharon Allman.

SENATOR COLEMAN: Sharon Allman?

SHARON ALLMAN: Yes.

SENATOR COLEMAN: And do you care to comment?

SHARON ALLMAN: I would obviously be in strong support of this bill as well. We even have one of our members here who was shot while executing a capias warrant on a deadbeat dad. This is a bill that is really important to us as a group.

SENATOR COLEMAN: Thank you.

international reputation.

The Lombardo case is very, very negative on our profession. We have member firms who will, in all probability, reconsider their business plan when the economic climate improves about whether or not they can afford to do business with the State. I won't take more of your time. It is better for you to hear directly from them, but I do ask that you favorably consider providing these professionals a reasonable period of time within which they are responsible for actions that are only human.

And I'm happy to take any questions, but they're best left to these three gentlemen.

SENATOR COLEMAN: Are there any questions for Ms. Jones?

DIANE HARP JONES: Thank you.

SENATOR COLEMAN: Thank you.

Carmen Baez.

SB464 CARMEN MILAGROS SAEZ: My name is Carmen Saez. I'm a civil rights activist Barbara Wethersfield and I would like to speak on behalf of a couple of bills. The first bill, just to get it out of the way, I was overhearing the marshal speaking about their concerns and their safety. HB 5554 I support that bill. I think that that's a good idea to support them. Okay.

The act Number 462, the act concerning civil and restraining and protective orders. I think that was important because if you are being attacked and you are put in a position where you have to put a restraining order on a person, they shouldn't be double punished that they're in an abusive situation where they then