



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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**Testimony of the Honorable Patrick L. Carroll III**  
**Judiciary Committee Public Hearing**  
**April 1, 2015**

**Senate Bill 1033, An Act Concerning Court Operations**

Thank you for the opportunity to provide written testimony on behalf of the Judicial Branch in support of **Senate Bill 1033, An Act Concerning Court Operations**. This is one of three bills that the Judicial Branch has submitted as part of our legislative package this year, and it makes a variety of changes that are intended to enhance the operations of the Judicial Branch. Since it covers a variety of topics, I will provide you with a section by section summary of the bill:

**Section 1** would delete the requirement that, should a municipality and its employee be represented by the same attorney, the municipality file a statement with the court that it will pay any final judgment rendered against the employee. Filing this statement, without allowing it to be made part of the court file and not mentioned during the trial, is difficult to process in an age of e-filing. A similar provision in C.G.S. § 7-308 was removed in 2011, pursuant to P.A. 11-243.

**Sections 2 and 3** provide the court with explicit authority to remand matters to land use agencies in two sections that deal with zoning and wetlands appeals, and also eliminates inconsistencies in these sections. Explicit authority to remand is important because there are scenarios where an appeal shouldn't be simply affirmed or denied.

**Sections 4 and 5** clarify that a family support referee may solemnize marriages, and specifically validates marriages otherwise valid except that the family support referee may not have had authority to marry a couple.

**Section 6** would add judicial marshals to the list of individuals, including state marshals and special police officers, authorized to execute a *capias mittimus* by means of a copy.

Authority for state marshals and special police officers to serve a copy can be found in § 52-56(d).

It is important to note that our Support Enforcement Services (SES) does not distribute copies of a *capias* if the original is in the hands of another for service. The use of a copy is strictly limited to instances where SES has possession of the original, but cannot get it to the appropriate proper office in time for service to be effectuated. Therefore, no concern should exist that the same order will be in the hands of two different officers for service.

**Sections 7 and 15** eliminate the statutory requirement for a bond for prosecution or recognizance but permit the court to grant a motion for a bond for prosecution or recognizance, for good cause shown. A bond for prosecution or recognizance unnecessarily increases the burden on self-represented parties who file a lawsuit, and does not provide any realistic security for costs of an action.

**Section 8** conforms with section 11 of the bill.

**Section 9** would provide more flexibility in the appointment of the official court reporter by deleting the requirement that the official court reporter be a “skilled stenographer”. This outdated requirement limits the applicant pool for the job and may exclude highly qualified candidates.

**Section 10** would exclude “cap” plea agreements from review by the Sentence Review Division. “Cap” plea agreements are negotiated arrangements, similar to other plea agreements that are not reviewable.

**Section 11** would repeal C.G.S. §51-215a(a) which calls for the Reporter of Judicial Decisions to review all trial court decisions to determine which ones will be useful as precedents and which ones serve the public interest. Repeal will not impact publication because the Judicial Branch provides copies of the decisions to outlets for publication and will continue to do so. Decisions are also published electronically by private services.

**Sections 12 and 13** conform with sections 11 and 27 of the bill.

**Section 14** conforms with section 27 of the bill.

**Sections 16 and 17** waive the entry fee for applicants seeking relief by means of a Civil Protection Order, just as it is waived for restraining order applicants.

**Sections 18 and 19** provide that it is not a criminal violation of a restraining order or a civil protection order if a respondent causes legal documents to be sent to the protected party by mail or through a third party, such as a state marshal. Respondents have a right to file legal documents, in good faith, without the risk of violating a no contact order.

I should note that this is not an abstract problem; our Clerk's offices receive inquiries from respondents asking whether it would be a violation of an order to have papers served in a pending or impending matter. This is not a question that can be answered by a Clerk. We believe that the proposed language strikes the right balance in ensuring that the right of a respondent to file papers is protected, while also taking into account that it must be done in good faith.

**Sections 20, 21, and 22** would provide that certain forms (utilized for diversionary programs such as accelerated rehabilitation, the pretrial alcohol education program, and psychiatric accelerated rehabilitation) may be prescribed by the office of the Chief Court Administrator instead of approved by rule of court. This proposal would bring these sections into conformance with most others.

**Section 23** would exclude life insurance benefits from consideration by the Office of Victim Services, or a Victim Compensation Commissioner, as a collateral source when determining the amount of compensation to be allowed to an applicant.

**Sections 24, 25 and 26** would authorize the Chief Clerk of the Litchfield Judicial District to turn over money that he administers on behalf of the Litchfield Cemetery Association to the Association, pursuant to a 1917 special act.

**Section 27** repeals the following sections:

- Section 51-215b, since the Reporter of Judicial Decisions no longer compiles digests of decisions. Publication of digests ceased in the 1980's due to the availability of private services that provided access to Superior Court decisions electronically, staff limitations, and the increase in the number of opinions by the Supreme and Appellate Court that were required to be published.
- Sections 52-186, 52-187, 52-188, and 52-190, which are all related to the repeal of the bond for prosecution or recognizance, unless for good cause shown.

Finally, I would like to respectfully request that the Committee consider making one change to the bill as drafted. It would clarify that the judges of the Superior Court will continue to appoint Official Court Reporters, but not others:

- In lines 193-194, after "reporters," delete "court reporters and court recording monitors".

In conclusion, I urge the Committee to act favorably on these provisions. Thank you again for the opportunity to submit written testimony in support of this bill.