



General Assembly

February Session, 2020

Raised Bill No. 5394

LCO No. 2075



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT PERMITTING THE COMMISSIONER OF CORRECTION TO
ACCEPT SERVICE OF PROCESS ON BEHALF OF AN EMPLOYEE OF
THE DEPARTMENT OF CORRECTION.***

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

1 Section 1. Section 52-64 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) Service of civil process in any civil action or proceeding
4 maintainable against or in any appeal authorized from the actions of, or
5 service of any foreign attachment or garnishment authorized against,
6 the state or against any institution, board, commission, department or
7 administrative tribunal thereof, or against any officer, servant, agent or
8 employee of the state or of any such institution, board, commission,
9 department or administrative tribunal, as the case may be, may be made
10 by a proper officer (1) leaving a true and attested copy of the process,
11 including the declaration or complaint, with the Attorney General at the
12 office of the Attorney General in Hartford, or (2) sending a true and
13 attested copy of the process, including the summons and complaint, by
14 certified mail, return receipt requested, to the Attorney General at the

15 office of the Attorney General in Hartford.

16 (b) In any civil action commenced by a person who is incarcerated
17 against the state or any institution, board, commission, department or
18 administrative tribunal thereof, or against any officer, servant, agent or
19 employee of the state or of any such institution, board, commission,
20 department or administrative tribunal, as the case may be, service of
21 process on all defendants in such civil action, who are sued in their
22 official capacity, shall be accomplished by a proper officer (1) leaving
23 one true and attested copy of the process, including the declaration or
24 complaint, with the Attorney General at the office of the Attorney
25 General in Hartford, or (2) sending one true and attested copy of the
26 process, including the summons and complaint, by certified mail, return
27 receipt requested, to the Attorney General at the office of the Attorney
28 General in Hartford.

29 (c) In any civil action commenced by a person who is incarcerated
30 against any officer, servant, agent or employee of the Department of
31 Correction, as the case may be, service of process on a defendant in such
32 civil action, who is sued in his or her individual capacity, shall be
33 accomplished by a proper officer leaving two true and attested copies of
34 the process for each individually named defendant, including the
35 declaration or complaint, at the central office of the Department of
36 Correction in Wethersfield. The Commissioner of Correction shall
37 designate an employee of the department who shall be responsible
38 receiving the process in connection with the provisions of this
39 subsection. The department shall maintain a copy of such process on file
40 with the department and record the date of receipt of such process. The
41 department shall promptly deliver such process to the officer, servant,
42 agent or employee and confirm receipt of the delivery of such process.
43 Any person in the employ of the Department of Correction as an officer,
44 servant, agent or employee, who is sued in their individual capacity by
45 a person who is incarcerated, shall be deemed to have appointed the
46 department as his or her attorney and to have agreed that any process
47 in any civil action against him or her personally, on account of any claim
48 for damages resulting during the course of such individual's employ

49 with this state, may be served upon the Department of Correction as
50 provided in this section and shall have the same validity as if served
51 upon such individual personally.

52 Sec. 2. Subsection (c) of section 52-56 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective October*
54 *1, 2020*):

55 (c) In any action where process is permitted to be served upon the
56 Secretary of the State, the Commissioner of Motor Vehicles, the Attorney
57 General, [or] the Insurance Commissioner or the Commissioner of
58 Correction, service of such process may be made by any officer of any
59 precinct having such process in his hands for service. Service by an
60 officer upon the Secretary of the State, the Commissioner of Motor
61 Vehicles, the Attorney General, [or] the Insurance Commissioner or the
62 Commissioner of Correction pursuant to this subsection shall constitute
63 the commencement of service within such officer's precinct and such
64 officer may then complete service as provided in subsection (a) or (b) of
65 this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	52-64
Sec. 2	<i>October 1, 2020</i>	52-56(c)

Statement of Purpose:

To permit the Commissioner of Correction to accept service of process on behalf of an employee of the department who is named as a defendant in a civil action in his or her individual capacity.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]