Justices of The Peace

Manual

Secretary of the State
State of Connecticut

ED-516 (Rev. 2012)

Table of Contents

Forward

"This pamphlet is dedicated to the many Justices of the Peace of Connecticut who faithfully and honestly perform their duties in all the towns and cities of our state.

It is hoped that the material contained in this pamphlet will help to clarify those duties and give guidance in answering questions regarding relevant state regulations and legislation that pertain to Justices of the Peace. Of course, such a pamphlet cannot be all-inclusive. Many towns have specific ordinances and charter provisions governing Justices of the Peace. Therefore, Justices of the Peace should consult with their town attorney when specific questions arise regarding their duties."

Denise Merrill
Secretary of the State
Hartford, Connecticut

Introduction

The office of Justice of the Peace originated in England and was brought to this country by the early colonists. The office existed in Connecticut in some form from the beginning of the colony.

At one time when this State had a multi-tiered Court system with substantial judicial business being conducted by municipal and city Court judges, the elected Justice of the Peace had substantial authority with respect to the administration of minor Courts in this State. Over the years the scope of authority of this official has been narrowed so that in 1988 the role of the Justice of the Peace was limited to certain grants of authority enumerated by statute. Justices of the Peace have general oath giving powers (Conn. Gen. Stat.§1-24), may take acknowledgments (Conn. Gen. Stat.§1-29), may join persons in marriage (Conn. Gen. Stat.§46b-22), and may take depositions (Conn. Gen. Stat.§52-148c). There are also many statutory grants of power regarding specific documents. This pamphlet will discuss each of these areas as well as outlining how a person becomes a Justice of the Peace.

I. SELECTION OF JUSTICES OF THE PEACE

A. General

Connecticut General Statutes Section 9-183a, 9-183b, and 9-183c prescribe the manner in which Justices of the Peace are selected in Connecticut. Under this system the total number of Justices a town is entitled to select are allocated first among major political parties and then among unaffiliated voters and minor party members. Justices are selected during the year of the Presidential election and serve a four year term.

1. Major parties

Two-thirds of a town's Justice positions are allocated to "major" political parties that acquired that status by virtue of having enrolled as members at least 20% of all enrolled party members in the state. Currently, only the Democrats and the Republicans qualify under this provision, and therefore they each can select one third of the Justices in each town in the state.[1]

The major party candidates for Justices of the Peace are endorsed according to the rules of each major party. The Democrats and the Republicans endorse by the party town committee, a caucus of enrolled party members, or party convention between the 84th and 77th days before a primary, if applicable. The names of those endorsed must be certified to the town clerk no later than the 14th day after the endorsement meeting. The persons endorsed need not be enrolled in the party unless the party rules so prescribe.

The names of Justice of the Peace candidates do not appear on the November election ballot. They are however subject to primary. The winners of the primary are the nominees of the party and become the Justices of the Peace. In the event that no petition is filed, the endorsees become the nominees and are qualified to serve as Justices of the Peace. (Conn. Gen. Stat. § 9-183b)

2. Unaffiliated voters and Minor party members

The last one-third[2] of Justice positions in each town are reserved for electors who are NOT members of the major parties. These minor party members and unaffiliated electors could become Justices by applying to their town clerk between August 1 and November 1 of the Presidential election year. Previously appointed non-major party Justices who reapply must be reappointed. After reappointing these incumbents, if the town clerk received more applications than

[1]Twenty percent of the remaining one-third of the Justice positions is reserved for any "major" party that acquired that status solely by virtue of its candidate for governor receiving 20% per cent of the vote in the last election. (Conn. Gen. Stat. § 9-183c).

[2]If there were a party which qualified for major party status solely by virtue of its candidate for governor receiving 20% of the vote in the last election, it would get 20% of this last 1/3 of the Justice slots and 80% of this last 1/3 would go non-major party electors.

there were slots for non-major-party members, the clerk must hold a lottery on or before the fifteenth business day of November to determine the order of all non-incumbent applications. Those applications drawn first are appointed Justices until all non-major-party slots have been filled. The lottery continues until all applications are drawn so that a list can be established for filling vacancies. (Conn. Gen. Stats. § 9-184c)

3. Oath and signature -- Major party nominees

After a person is nominated by a major party as a Justice of the Peace, he/she must take the official oath of office on or before the first Monday of January following nomination, (or the first Tuesday, if the first Monday is a legal holiday). Unless the official oath is administered by the town clerk, the officer who administers it shall transmit a certificate of the taking of the oath to the town clerk.

After the Justice of the Peace takes the official oath, he/she must furnish his/her signature to the town clerk. If the Justice of the Peace nominated by a major party fails to take the oath or furnish his/her signature by the first Monday of January (or first Tuesday, as the case may be), the office shall be deemed vacant (Conn. Gen. Stat. §51-95).

Within thirty days after the fifteenth day of January following the nomination of the Justices of the Peace, and provided the signature form has been received by the town clerk, the clerk shall issue to each qualified Justice of the Peace a certificate of qualification setting forth his/her name, address, term of office and a statement that he/she is qualified to act as a Justice of the Peace.

4. Oath and signature -- Minor Party Members and Unaffiliated Electors

After a non-major party member is appointed as a Justice of the Peace by the town clerk, he/she must take the official oath of office and furnish his/her signature to the town clerk before commencing the duties of the office. Unless the official oath is administered by the town clerk, the officer who administers it shall transmit a certificate of the taking of the oath to the town clerk. (Conn. Gen. Stat. §51-95).

On or before the fifteenth day of January following the appointment of such non-major party Justices of the Peace, and provided the official oath has been taken and the signature form has been received by the town clerk, the clerk shall issue to each qualified Justice of the Peace a certificate of qualification setting forth his/her name, address, term of office and a statement that he/she is qualified to act as a Justice of the Peace.

B. Vacancies

The town clerk notifies the Secretary of the State of any vacancies.

1. Major parties

Vacancies in Justice positions allocated to major parties (Democrats or Republicans) can be filled by appointment by the town committee of the political party of the vacating Justice of the Peace for the remainder of the term. The town chairman or secretary of the town committee shall file a certificate of appointment of the Justice of the Peace with the town clerk. The oath of office and the furnishing of his/her signature must be completed within ten days of this appointment. If this is not done within ten days, a vacancy is again declared and the person must be reappointed by the town committee in order to qualify as a Justice of the Peace. (Conn. Gen. Stat. §9-184)

2. Unaffiliated voters and Minor party members

Vacancies in the non-major party Justice positions may only be filled if there had been more applications received by the town clerk between August 1 and November 1 of the last Presidential election year than there were non-major party Justices positions to be filled. If an excess of such applications had been received during the application period, the town clerk held a lottery and established a list of all applicants based upon the order their names were drawn in that original lottery. Only persons on that list may be appointed to fill vacancies in these non-major party Justice positions. If no excess of applications was received during that original application period, or if all persons on the list have already been appointed, no additional Justices may be appointed to fill non-major party vacancies. (Conn. Gen. Stat. §9-184c)

C. Incompatible Offices

No Justice of the Peace shall hold the office of state marshal. (Conn. Gen. Stat. §6-29)

D. Retirement

Formerly, Justices of the Peace faced a mandatory retirement age, but this provision was eliminated from the Constitution by the voters of Connecticut in 1974.

E. Certificate of Authority

The town clerk of a town wherein a Justice of the Peace resides or is employed is authorized to issue certificates of the authority of such person. (Conn. Gen. Stat. §7-33a)

As a practical matter, a town clerk could not issue a certificate of authority to a Justice of the Peace who does not reside in the town clerk's town unless he/she receives corroboration from the town clerk of the town of residence of the Justice of the Peace, the clerk of the Superior Court or the Secretary of the State.

II. ADMINISTRATION OF OATHS

A. General

A Justice of the Peace may administer an oath in all cases except as otherwise provided by law, pursuant to §1-24 of the Connecticut General Statutes. Black's Law Dictionary defines an oath as "Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.... An outward pledge by the person taking it that his attestation or promise is made under an immediate sense of responsibility to God."[3] An oath is personal in nature and thus one person may not take an oath for another.

In administering an oath, the person to whom the oath is administered should hold up his/her right hand. If a person, by reason of scruples of conscience, objects to such ceremony, or if the Justice of the Peace administering the oath has reason to believe that any other ceremony will be more binding upon the conscience of the person taking the oath, he/she may permit or require any other ceremony to be used (Conn. Gen. Stat.§1-22). If, through scruples of conscience, a person declines to take the usual form of an oath, a solemn affirmation may be administered to him/her in the form of the oath prescribed, except that instead of the word "swear" the words "solemnly and sincerely affirm" shall be used and instead of the words "so help you God" the words "upon penalty of perjury" shall be used (Conn. Gen. Stat.§1-23). The person to whom an oath is administered should answer "I do".

The statutory forms of oaths are provided for in Conn. Gen. Stat.§1-25.

Conn. Gen. Stat. §53-368, provides a penalty that may be imposed upon a Justice of the Peace who falsely certifies to an oath.

B. Specific Statutory Administration of Oath

Section 52-53 of the Connecticut General Statutes specifically empowers Justices of the Peace to take the oaths of special deputies who have been authorized by a state marshal to make service of process. The Justice of the Peace must certify in writing on the process document itself (the legal document which has been served by the special deputy) that he/she (the Justice of the Peace) administered to the special deputy an oath whereby the deputy has sworn to the Justice of the Peace that he/she (the deputy) faithfully served the process in accordance with the terms of the marshal's special endorsement on the process and that he/she (the deputy) did not fill out the process or direct any person to fill it out. If the Justice of the Peace certifies on the process itself (process being the subpoena, the summons, or any document used to assert the jurisdiction of the Court) that he/she (the Justice of the Peace) administered the oath, then the service shall be just as valid as if made by a marshal or by a regular deputy marshal.

[3]Black's Law Dictionary (5th ed. 1979)

III. AFFIDAVITS

A. General

An affidavit is "a written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation."[4] Because a Justice of the Peace has general oath giving powers (Conn. Gen. Stat.§1-24), a Justice of the Peace in Connecticut may sign an affidavit after administering an oath (see section on "Oaths").

The usual procedure for taking an affidavit is as follows:

The Justice of the Peace administers an oath to the party making the affidavit following which the party signs the affidavit in the presence of the Justice of the Peace. If the document being signed does not already contain a form of affidavit (jurat) the Justice of the Peace then attaches a certificate substantially as follows:

"**Subscribed and sworn to before me this _____ day of _____ , 20__.**

_____

Signature of Justice of the Peace"

In an affidavit the legal emphasis is on the oath as to the veracity of the statements in the document.

Many legal documents require an affidavit. The Justice of the Peace should be cautioned that his/her legal authority extends only to the giving of the oath and signing of the affidavit. He/She should not actually draw up the document in question as most documents have very specific requirements that must be met in order to be legally sufficient. In other words, a Justice of the Peace should not practice law without a license!

B. Justice of the Peace and Notary Public Distinguished

Both Justices of the Peace and Notaries Public are given general oath giving powers under Conn. Gen. Stat.§1-24. However a Justice of the Peace does not have a seal. If a document requiring an affidavit requires a seal, the Justice of the Peace would be advised not to take the affidavit in this instance. In addition, some other jurisdictions may not recognize an affidavit taken by a Justice of the Peace. Therefore, in this, as in other matters where a legal question arises, the Justice of the Peace should consult an attorney.

[4]Black's Law Dictionary (5th ed. 1979)

C. Specific Examples of Affidavits

The following is a list of some commonly used documents in Connecticut which require an affidavit. Of course, this list is not exhaustive, but is to serve for sample purposes only.

1. Enrollment

Effective January 1, 1995, enrollment in a political party, transfer from one political party to another and erasure from membership in a political party will no longer have to be done under oath. Consequently Justices of the Peace will no longer need to use their general oath giving powers in connection with any transactions regarding enrollment in a political party.

2. Voter Registration

Connecticut law no longer requires that a mail-in voter registration form be signed before an official authorized to administer oaths, such as a Justice of the Peace. Consequently a Justice no longer has any official role in the registration of voters.

3. Application for Liquor Permit

The application must be signed and sworn to by the applicant and all backers. If the backer is a corporation or an unincorporated association, the application must be signed and sworn to by an authorized agent.

4. Motor Vehicle Documents

Both the Application for Duplicate Certificate of Title and Ownership Transfer in Absence of Title and the Report of Sale/Transfer of Non-Titled Motor Vehicle require an affidavit to be completed.

5. Will

The probate laws of Connecticut contain very specific requirements as to the proper execution of a will. The average Justice of the Peace is not often called upon to perform this duty because it requires a technical knowledge of the method and steps to be employed in order to properly perform this function. Thus the Justice of the Peace should consult with an attorney before signing an affidavit in this case and a Justice of the Peace should not actually draw up a will.

IV. ACKNOWLEDGMENTS

A. General

An acknowledgment is a "formal declaration before authorized official, by person who executed instrument, that it is his free act and deed. The certificate of the officer on such

instrument that it has been so acknowledged."[5] Conn. Gen. Stat.§1-29 grants the power to take acknowledgments to Justices of the Peace.

When a Justice of the Peace takes an acknowledgment, he/she shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument (Conn. Gen. Stat.§1-32). The forms of acknowledgments are contained in Conn. Gen. Stat.§1-34.

Most documents have an acknowledgment form included in the text which the Justice of the Peace need only complete. If there is no such form, the Justice of the Peace should attach and complete an acknowledgment form on the document.

The usual acknowledgment form states that the signer of the instrument personally appeared before the Justice of the Peace and acknowledged the instrument to be his/her free act and deed. Each one of these claims then should be fulfilled: (1) the signer must personally appear before the Justice of the Peace, (2) must acknowledge that he/she signed the instrument in question, and (3) that it is his/her free act and deed and done for the purposes contained in the instrument. Some acknowledgment forms state that the Justice of the Peace personally knows the signer. If this is not so, great care should be exercised before an acknowledgment is taken or the Justice of the Peace may be liable for damages.

The taking of affidavits and the taking of acknowledgments should be distinguished. In the former, the emphasis is on the oath as to the veracity of the statements in the document while in the latter, the emphasis is upon the fact that the act is the free act and deed of the signer and the verification of his/her identity.

B. Conveyance of Real Estate

A typical instrument requiring an acknowledgment is a conveyance of real estate.

Section 47-5a of the Connecticut General Statutes confers upon a Justice of the Peace the authority to take the acknowledgment in a conveyance of real estate. Unlike a notary public, a Justice of the Peace does not have an official seal to impress upon his/her signature; however, the Justice of the Peace must ascertain that certain requirements have been met by the person who is acknowledging the signing of the document. These essential requirements are as follows:

1. The signer of the document must personally appear before the Justice of the Peace;
2. The Justice of the Peace must know the signer or have satisfactory evidence of the identity of the signer;
3. The signer of the document must either give evidence (e.g. represent) that the signature is his/her own or sign the document in the presence of the justice of the peace; and
4. The signer of the document must verbally acknowledge that the signing was his/her free act and deed and done for the purposes contained in the document.

[5]Black's Law Dictionary (5th ed. 1979)

In order to protect the Justice of the Peace from any subsequent charges that the deed or other document was improperly acknowledged, the following precautionary measures should be taken before certifying to the acknowledgment of a legal document:

1. The Justice of the Peace, if he/she does not know the signer, should require some independent proof of the identity of the person signing the document and whose acknowledgment is being taken. Such proof may be given in the form of a driver's license, social security card, credit card, etc.;
2. In the case of a deed conveying real estate, or Power of Attorney, including the power to convey real estate, the document should reflect that two independent witnesses were present at the time the document was signed by the person giving the acknowledgment. Although not legally necessary for a valid acknowledgment, the Justice of the Peace may ask for assurance that this witnessing requirement was in fact complied with at the time of such signing. The Justice of the Peace may keep in mind that he/she may act as one of these independent witnesses and also act as the acknowledging authority on the deed or other instrument;
3. The Justice of the Peace should also obtain a verbal acknowledgment from the signer of the document in the following fashion: The Justice of the Peace should require the signer to raise his/her right hand and to affirm, acknowledge or swear that the signing of the document in question is done freely and not as a result of any influence or duress exercised by another person. The following language is recommended: "Do you, John Jones, signer of the foregoing document acknowledge the same to be your free act and deed and done for the purposes contained therein?"; and
4. It is recommended that the Justice of the Peace make an independent visual observation that the signer of the document is in fact acting of his/her free and act deed (i.e., that he/she is not under the effects of any medication or that he/she does not appear to be impaired mentally to such a degree that he/she does not understand the consequences of his/her actions). For convenience sake a model attestation and signing section of a Deed has been attached to this section and labeled Schedule A.

C. Primary Petitions

After primary petitions are circulated, the circulator must sign a statement which must be acknowledged. This acknowledgment may be before a Justice of the Peace. (see Schedule B)

D. Nominating Petitions (Third Party)

As in the case of primary petitions, the circulator of nominating petitions must sign a statement as to the authenticity of signatures and have it acknowledged prior to submitting the petitions. Again, a Justice of the Peace may legally acknowledge this statement. (see Schedule C)

V. JUDICIAL BUSINESS

A. General

As mentioned in the introduction, under the current judicial system in this State, Justices of the Peace are no longer permitted to conduct "judicial business", (i.e., hear testimony and evidence in civil and criminal proceedings, make rulings, decrees or orders, impose fines or penalties, make or certify official Court records). Under our current one-tier trial Court system, Justices of the Peace have been stripped of their judicial powers. However, any former Justice of the Peace may complete his/her official records and may provide certified copies of them as documentary evidence to be used in Court proceedings, by virtue of the provisions of Conn. Gen. Stat.§51-105.

In order for a judgment of a Justice of the Peace to be qualified to be used as evidence in Courts of law, the proponent of such documentary evidence must obtain a copy of the judgment attested to by the Justice of the Peace, which judgment must have been recorded and must have been:

1. Recorded in the record book of the town where the action was brought;
2. With the certificate of the town clerk that it has been recorded; and
3. The seal of the town must be affixed to said judgment.

For purposes of admissibility as evidence, if it is impossible to obtain a formal record of proceedings brought and concluded before a Justice of the Peace under the old system, then the files and minutes of the Justice of the Peace shall be admissible as evidence in any Court action brought on such a judgment after the removal of the Justice of the Peace from this State or his/her decease. This procedure is authorized by Conn. Gen. Stat.§51-108.

B. Depositions

In this State depositions may be taken before a Justice of the Peace. A deposition is the taking of testimony under oath for subsequent use in Court proceedings. In Connecticut, a Justice of the Peace may issue a subpoena (sample attached hereto as Schedule D) for the appearance of any witness in the context of such a deposition in a civil action or probate proceeding. This subpoena may be issued by the Justice of the Peace so long as he/she is satisfied that the party moving for the deposition has complied with the statutory requirements with respect to the giving of notice as set forth in Conn. Gen. Stat.§52-148b.

The authority of a Justice of the Peace to take depositions extends to the taking of a deposition of a witness living in Connecticut whose testimony will be used as evidence in a civil action or probate proceeding in a Court outside the State of Connecticut (i.e., a state court, a federal court or a court of a foreign country). (Conn. Gen. Stat. §52-148c)

This duty of Justices of the Peace requires a technical knowledge of the method and steps to be employed in order to properly perform this function. Therefore, it is urged that a Justice of the Peace seek the advice of an attorney prior to taking depositions.

C. Issuance of Subpoenas in Relationship to Depositions

A Justice of the Peace may issue subpoenas to compel attendance of witnesses not only at depositions to be taken before the Justice of the Peace himself, but also upon the request of a commissioner from outside Connecticut duly appointed by the laws or Court of any state or foreign government, if the commissioner has been appointed to take testimony in Connecticut to be used in an out-of-state Court. The subpoena, authorized by Conn. Gen. Stat.§52-155, will compel the appearance of any such witness before the commissioner. However, before he/she issues such a subpoena, the Connecticut Justice of the Peace must have proof of the out-of-state commissioner's authority and proof also that the testimony of the witness in question is material. (Conn. Gen. Stat. §52-148c)

D. Erasure of Criminal Records

In the case of a "nolle" (an official decision not to prosecute), which nolle has been entered in a criminal case by a Justice of the Peace prior to April 1, 1972, the records pertaining to such criminal case shall be deemed erased by operation of law, as provided by Conn. Gen. Stat.§54-142a. The Justice of the Peace or former Justice of the Peace retaining and controlling such criminal records shall not disclose to anyone the existence of such records or any information pertaining to any criminal charge so erased.

E. Subpoena to Appear before Municipal Police Commissioners

Conn. Gen. Stat. §7-279 gives any Justice of the Peace the power to sign and issue subpoenas to compel the attendance of witnesses before the board of police commissioners of any municipality at any lawful meeting of such board.

F. Tax Warrants

Justices of the peace are authorized by Conn. Gen. Stat.§12-130, to issue tax warrants for the collection of any sums due on rate bills upon application of the town tax collector. The form of the tax warrant is found in Conn. Gen. Stat.§12-132.

VI. PERFORMING MARRIAGES

Many Justices of the Peace are called upon to perform marriages. The following is a listing of the most commonly asked questions concerning this duty and their answers. For any other questions, please contact the Department of Public Health or visit their webpage at http://www.ct.gov/dph.

◆*Is there something the justice of the peace should do when presented with the marriage license prior to performing the marriage?*

The justice of the peace should read the marriage license carefully and determine that the following items are in order:

1. Verify that both individuals are the persons who are named on the license and that the license was issued by the registrar of vital statistics for the town in which the marriage is to be celebrated.

2. Verify that the signatures of both people to be married and the certification of the registrar are on the marriage license.
3. If either person is under the age of 18, assure that written consent of the parent or guardian has been filed with the registrar and that such consent was signed and acknowledged before a person authorized to take acknowledgments. If there is no parent or guardian who is a resident of the United States than ensure that a written endorsement on the license has been provided by the judge of probate for the district in which the minor resides.
4. If either person is under the age of 16, assure that a written endorsement on the license has been provided by the judge of probate for the district in which the minor resides.
5. If either person is under the supervision or control of a conservatorship, assure that written consent of the conservator has been filed with the registrar and that such consent was signed and acknowledged before a person authorized to take acknowledgments.
6. Verify that the marriage license is still within the valid period of not more than sixty-five days after the date of application. The justice of the peace should complete the certificate in BLACK INK, sign it, and mail it to the registrar of vital records of the town where the marriage was performed. DO NOT give the certificate back to the persons joined in marriage. Filing the license is the justice of the peace's responsibility.

◆*Can I change any information on the license if either party state that it is wrong?*

No. All changes, corrections, or amendments are the responsibility of the registrar of vital statistics who issued the license.

◆*How many witnesses are needed?*

The Connecticut General Statutes do not require witnesses to the marriage. The marriage is performed by an official empowered by statute to do so. Different religions may require a varying number of witnesses.

◆*How soon after the ceremony do I have to return the license?*

The marriage license should be returned to the town in which the marriage took place as soon as possible. Conn. Gen. Stat.§46b-34 indicates the license must be returned before or during the first week of the month following the marriage. It is the responsibility of the person performing the marriage to return the license - DO NOT give it to the either person joined in marriage to return. However, if any person fails to return the certificate to the registrar, as required, the persons joined in marriage may provide the registrar with a notarized affidavit attesting to the fact that they were joined in marriage and stating the date and place of the marriage. Upon the recording of such affidavit by the registrar, the marriage of the affiants shall be deemed to be valid as of the date of the marriage stated in the affidavit.

◆*Could some standard form of marriage ceremony be provided?*

See Schedules E and G.

◆*Do I have anything to give the persons joined in marriage such as a certificate or proof of marriage?*

No. There is nothing officially required, although many justices of the peace have created their own personalized certificates to give to the couple as a memento. These certificates have no legal status.

◆*What is the acceptable fee to charge?*

This depends on the nature of the service performed and the amount of effort expended by the justice of the peace. No statutory reference is made with respect to how much money a justice of the peace may charge; however a fee should be discussed and agreed upon by the parties in advance of the ceremony.

◆*Can marriage be performed by justices of the peace anywhere in this state?*

A justice of the peace can perform a marriage in any town in the state of Connecticut. Remember, the marriage license must be issued by the registrar of vital statistics in the town in which the marriage will take place.

◆*Can a justice of the peace perform marriage out of this state?*

No. The justice of the peace has jurisdiction only in Connecticut.

◆*Can a justice of the peace perform the marriage ceremony for his own child?*

The justice of the peace may perform the marriage of any member of his/her family.

◆*What are the marriage laws?*

See Appendix and *Elizabeth Kerrigan et al. v. Commissioner of Public Health et al*. 289 Conn. 135 (2008),

◆*Does a justice of the peace have to perform a marriage if asked?*

Connecticut General Statute 46b-22b and 46b-35a state:

Sec. 46b-22b. Refusal to solemnize or participate in ceremony solemnizing a marriage on religious grounds. (a) No member of the clergy authorized to join persons in marriage pursuant to section 46b-22 shall be required to solemnize any marriage in violation of his or her right to the free exercise of religion guaranteed by the first amendment to the United States Constitution or section 3 of article first of the Constitution of the state.

(b) No church or qualified church-controlled organization, as defined in 26 USC 3121, shall be required to participate in a ceremony solemnizing a marriage in violation of the religious beliefs of that church or qualified church-controlled organization.

Sec. 46b-35a. Refusal to provide services or accommodations related to the solemnization or celebration of a marriage on religious grounds. Notwithstanding any other provision of law, a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, shall not be required to provide services, accommodations, advantages, facilities, goods or privileges to an individual if the request for such services, accommodations, advantages, facilities, goods or privileges is related to the solemnization of a marriage or celebration of a marriage and such solemnization or

celebration is in violation of their religious beliefs and faith. Any refusal to provide services, accommodations, advantages, facilities, goods or privileges in accordance with this section shall not create any civil claim or cause of action, or result in any state action to penalize or withhold benefits from such religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

◆*Are marriages performed on Indian Reservations valid?*

In an Attorney General's opinion, marriages solemnized on Indian lands have fulfilled the requirements of Connecticut law. The certificate of marriage should be issued by the town in which the reservation is located. *See Attorney General's opinion September 7, 2005.*

SCHEDULE A

Model Attestation and Acknowledgment Clause on a Deed

*In Witness Whereof……*I……*have hereto set my hand and seal this…….*1st ……*day of……*July, *20*12.

Signed, Sealed and Delivered in the presence of

/s/	/s/
Oliver J. Wolcott	Roger W. Sherman
/s/	
Samuel T. Huntington	

*State of Connecticut, County of……*Hartford……***SS.:….***Hartford, July 1, 2012*

*On this the ….*1st *…...day of……*July*…..20 12, before me,….*Justice O. T. Peace*….the undersigned office, personally appeared:*

Roger W. Sherman

*known to me (or satisfactorily proven) to be the person whose name….*is*….subscribed to the within instruments and acknowledged that….*he*….executed the same for the purposes therein contained.*

In Witness Whereof, I hereunto set my hand.

/s/ Justice O.T. Peace
Justice of the Peace
Title of Office

State of Connecticut, County of ……..SS.:…….
On this the……..day of……20……., before me,……...
The undersigned officer, personally appeared……
who acknowledged himself to be the……of
…….…., a corporation, and that he, as such
……..……being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as:
In Witness Whereof, I hereunto set my hand.

Title of Office

SCHEDULE **B**
Portion Of Primary Petition Form

CIRCULATOR'S STATEMENT OF AUTHENTICITY OF SIGNATURES

D. Part D must be completed, by Circulator and by Acknowledging Officer, after obtaining all signatures on this page and before filing it with party's Registrar in municipality in which the signers of the page are enrolled.

I am the Circulator of this petition page and I make this statement pursuant to the provisions of Chapter 153 of the General Statutes of Connecticut. My address is _____, in the town of_____. I am an enrolled member of the political party designated on this petition in said town. Each person whose name appears on this petition signatures page signed the same in person in my presence. I either know each such signer or such signer satisfactorily identified himself or herself to me. The spaces for candidates supported, offices sought and the political party involved were filled in prior to my obtaining the signatures. The number of signatures on this petition signatures page is _____.

I hereby declare under the PENALTIES OF FALSE STATEMENT, that the statements made in the foregoing Circulator's Statement of Authenticity of Signatures are true.

_____
Signature of Circulator

CERTIFICATION OF ACKNOWLEDGING OFFICER

State of Connecticut }
} ss: _____
County of } (city or town)

On this the _____ day of _____, 20___, before me, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose
(name of circulator)
name is subscribed to the foregoing Statement of Circulator and acknowledged that he executed the same for the purpose contained therein.

In witness whereof, I have hereunto set my hand.

_____
Judge of a court of record or family support magistrate; clerk or deputy clerk of a court having a seal; commissioner of deeds or town clerk; notary public; justice of the peace; or attorney admitted to the Connecticut Bar

My commission expires:
_____ (date)
(Notary Public only)

****

SCHEDULE C
Portion of Nominating Petition Form

CIRCULATOR'S STATEMENT OF AUTHENTICITY OF SIGNATURES (To be completed by Circulator and by acknowledging Officer, after obtaining all signatures on this page and before filing it with the town clerk in the town in which the signers of the page reside.)

I, circulator of this Nominating Petition Page, state under the penalties of false statement that my street address is as stated above, in the town specified; that I am a United States citizen at least 18 years of age, a resident of a town in this state and that I am not on parole for conviction of a felony; that each person whose name appears on this page signed the same in person in my presence; and that I either know each signer, or each such signer satisfactorily identified himself or herself to me.

_____ _____ **X**_____

DATE SIGNED DATE OF BIRTH SIGNATURE OF CIRCULATOR

CIRTIFICATE OF ACKNOWLEDGING OFFICER

State of Connecticut

County of ……..}SS……..
(City or Town)

On this the……day of ……20……., before me, the undersigned officer personally appeared _____, known to me (or satisfactorily proven) to be the person whose name
(Name of circulator)
is subscribed to the foregoing Statement of Circulator and acknowledged that he executed the same for the purpose contained therein.

In Witness Whereof I hereunto set my hand.

_____

Judge of a court of record; family magistrate, clerk or deputy clerk of a court having a seal; commissioner of deeds or town clerk; notary public; justice of the peace; attorney admitted to the Connecticut bar; or Secretary of the State

NOTARIES PUBLIC ONLY

My Commission Expires _____
Date

SCHEDULE D

Model Subpoena

SUBPOENA/CIVIL
JD-CL-43 Rev. 3-09
C.G.S. § 52-143, 52-144
Pr. Bk. Secs. 7-19, 24-22

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

Court Use Only
SUBISSU

Instructions:

1. *Do **Not** use this subpoena if the witness is being summoned by the state or by the attorney general or an assistant attorney general or by any public defender or assistant public defender acting in his/her official capacity.*
2. *The person being subpoenaed and the items they are ordered to bring as listed below must be identical to the names and items as ordered on the Application for Issuance of Subpoena, form JD-CV-62.*

Name of Case	Docket Number

☐ Judicial District ☐ Housing Session ☐ Geographical Area Number ____ ☐ Small Claims Area

Address of Court *(Number, street and town)*

To: *(Name and address)*

Date and time you are to appear	**Report to**
Time _____ **. m.**	☐ **Clerk's office** ☐ **Courtroom number** _____ ☐ **Person requesting subpoena**

By Authority of The State of Connecticut, you are commanded to come to the court at the Address of Court above on the Date and Time indicated above or to another day after (within 60 days of the Date indicated above) when the case will be tried; you must come to the court to testify what you know in the case.

You Are Further Commanded To Bring With You And Produce:

Hereof Fail Not, Under Penalty Of The Law.
To any proper officer or indifferent person to serve and return.

Name of person requesting subpoena	Telephone number

Signed *(Clerk, Commissioner of Superior Court)*	Print or type name	Date	At

Notice To The Person Summoned

If you do not come to court on the day and at the time stated, or on the day and at the time which your appearance may have been postponed or continued to by order of an officer of the court, the court may order that you be arrested. Also, if one day's attendance and traveling fees have been paid to you and you do not come to court and testify, without reasonable excuse, you will be fined not more than $25.00 (twenty-five dollars) and pay all damages to the aggrieved party. **The party requesting the subpoena is responsible for paying the witness fees.**

Any questions regarding this subpoena should be directed to the person who requested it.

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact the clerk of the court at the Address of Court shown above.

Telephone number: _____

Return Of Service

Judicial District of ss.	Date
Then and there I made service of the within subpoena not less than eighteen hours prior to the time designated for the person summoned to appear, by reading the same in the presence and hearing/leaving a true and attested copy hereof in the hands/at the last usual place of abode of each of the within-named persons, viz:	**Fees** Copy Endorsement Service Travel *(Show miles & amount)*
Attest *(Signature of proper officer or indifferent person)* / Title *(If applicable)*	**Total**

Distribution: Original - Return to clerk after making service Copy 1 - Witness Copy 2 - Court file

SCHEDULE E
Marriages

Today we are here to join you in marriage and to share in the joy of this occasion which should be one of the most memorable and happy days of your life.

On this day of your marriage, you stand somewhat apart from all other human beings. You stand within the charmed circle of your love; and this is as it should be. But love is not meant to be the possession of two people alone. Rather it would serve as a source of common energy, as a form in which you find the strength to live your lives with courage. From this day onward you must come closer together than ever before, you must love one another in sickness and in health, for better and for worse, but at the same time your love should give you the strength to stand apart, to seek out your unique destinies, to make your special contribution to the world which is always part of us and more than us.

Being assured that you are aware of the meaning of this ceremony, I will now ask you to repeat the marriage vows.

1. DOUBLE RING CEREMONY

Do you, , take this woman , to be your lawful wedded wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, , take this man, , to be your lawful wedded husband, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part? (Place the ring upon his finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

2. SINGLE RING CEREMONY

Do you, , take this woman , to be your lawful wedded wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, , take this man, , to be your lawful wedded husband, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

3. NO RING CEREMONY

Do you, , take this woman, , to be your lawful wedded wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part?

Do you, , take this man, , to be your lawful wedded husband, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

(The parties are now directed to join hands.)

Having joined hands, the person officiating will say:

"By the act of joining hands you take to yourself the relation of husband and wife and solemnly promise to love, honor, comfort and cherish each other so long as you both shall live. Therefore, in accordance with the law of Connecticut and by virtue of the authority vested in me by the law of Connecticut I do pronounce you husband and wife."

CLOSE OF CEREMONY

"You came to me as two single people and you will now leave as a married couple, united to each other by the binding contract you have just entered. Your cares, your worries, your pleasures and your joys you must share with each other. The best of good fortune to both of you."

SCHEDULE F

Civil Unions

This section is no longer valid as all Civil Unions have been converted to marriages by statute.

SCHEDULE G
Same-Sex Marriages

Today we are here to join you in marriage and to share in the joy of this occasion which should be one of the most memorable and happy days of your life.

On this day of your marriage, you stand somewhat apart from all other human beings. You stand within the charmed circle of your love; and this is as it should be. But love is not meant to be the possession of two people alone. Rather it would serve as a source of common energy, as a form in which you find the strength to live your lives with courage. From this day onward you must come closer together than ever before, you must love one another in sickness and in health, for better and for worse, but at the same time your love should give you the strength to stand apart, to seek out your unique destinies, to make your special contribution to the world which is always part of us and more than us.

Being assured that you are aware of the meaning of this ceremony, I will now ask you to repeat the marriage vows.

1. DOUBLE RING CEREMONY

Do you, , take this woman/man/person, , to be your lawful wedded spouse/husband/wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon his/her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, , take this woman/man/person, , to be your lawful wedded spouse/husband/wife, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part? (Place the ring upon his/her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

2. SINGLE RING CEREMONY

Do you, , take this woman/man/person, , to be your lawful wedded spouse/husband/wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part? (Place the ring upon his/her finger and repeat after me.) With this ring, I thee wed, and forever pledge my devotion.

Do you, , take this woman/man/person, , to be your lawful wedded spouse/husband/wife, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

3. NO RING CEREMONY

Do you, , take this woman/man/person, , to be your lawful wedded spouse/husband/wife, to love, honor and cherish her through sickness and in health, through times of happiness and travail, until death do you part?

Do you, , take this woman/man/person, , to be your lawful wedded spouse/husband/wife, to love, honor and cherish him through sickness and in health, through periods of tranquility and travail, until death do you part?

(The parties are now directed to join hands.)

Having joined hands, the person officiating will say:

"By the act of joining hands you take to yourself the relation of husband and wife and solemnly promise to love, honor, comfort and cherish each other so long as you both shall live. Therefore, in accordance with the law of Connecticut and by virtue of the authority vested in me by the law of Connecticut I do pronounce you spouses in life."

CLOSE OF CEREMONY

"You came to me as two single people and you will now leave as a married couple, united to each other by the binding contract you have just entered. Your cares, your worries, your pleasures and your joys you must share with each other. The best of good fortune to both of you."

APPENDIX of STATUTES

SECTIONS OF THE GENERAL STATUTES OF CONNECTICUT

1-22	12-132	46b-34
1-23	46b-20	46b-35
1-24	46b-20a	46b-35a
1-25 (in part)	46b-21	47-5a
1-29	46b-22	51-52
1-32	46b-22a	51-52a
1-34 (in part)	46b-22b	51-95
1-35	46b-23	51-95a
6-29	46b-24	51-105
7-33a	46b-24a	51-107
7-279	46b-25	51-108
9-183a	46b-26	52-53
9-183b	46b-27	52-148b
9-183c	46b-28	52-148c
9-184	46b-28a	52-148e
9-184c	46b-28b	52-155
9-186	46b-29	53-368
9-328	46b-30	54-142a
9-372 (5)	46b-31	
9-422	46b-32	
12-130	46b-33	

P. A. 04-188, amending 46b-34 (a)
P.A. 09-13 An Act Implementing the Guarantee of Equal Protection Under the Constitution of the State for Same Sex Couples

THIS PAGE LEFT INTENTIONALLY BLANK

Statutes

Sec.1-22. Ceremony. The ceremony to be used, by persons to whom an oath is administered, shall be the holding up of the right hand; but when any person, by reason of scruples of conscience, objects to such ceremony or when the court or authority by whom the oath is to be administered has reason to believe that any other ceremony will be more binding upon the conscience of the witness, such court or authority may permit or require any other ceremony to be used.

(1949 Rev., S. 3573.)

Sec.1-23. When affirmation may be used. When any person, required to take an oath, from scruples of conscience declines to take it in the usual form or when the court is satisfied that any person called as a witness does not believe in the existence of a Supreme Being, a solemn affirmation may be administered to him in the form of the oath prescribed, except that instead of the word "swear" the words "solemnly and sincerely affirm and declare" shall be used and instead of the words "so help you God" the words "upon the pains and penalties of perjury or false statement" shall be used.

(1949 Rev., S. 3574; 1971, P.A. 871, S. 57.)

Sec.1-24. Who may administer oaths. The following officers may administer oaths: (1) The clerks of the Senate, the clerks of the House of Representatives and the chairpersons of committees of the General Assembly or of either branch thereof, during its session; (2) state officers, as defined in subsection (t) of section 9-1, judges and clerks of any court, family support magistrates, judge trial referees, justices of the peace, commissioners of the Superior Court, notaries public, town clerks and assistant town clerks, in all cases where an oath may be administered, except in a case where the law otherwise requires; (3) commissioners on insolvent estates, auditors, arbitrators and committees, to parties and witnesses, in all cases tried before them; (4) assessors and boards of assessment appeals, in cases coming before them; (5) commissioners appointed by governors of other states to take the acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school district meeting, in such meeting, to the clerk of such district, as required by law; (7) the first selectman, in any matter before the board of selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner and assistant medical examiners of the Office of the Medical Examiner, in any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c; (13) the Commissioner of Public Safety and any sworn member of any local police department or the Division of State Police within the Department of Public Safety, in all affidavits, statements, depositions, complaints or reports made to or by any member of any local police department or said Division of State Police or any constable who is under the supervision of said commissioner or any of such officers of said Division of State Police and who is certified under the provisions of sections 7-294a to 7-

294e, inclusive, and performs criminal law enforcement duties; (14) judge advocates of the United States Army, Navy, Air Force and Marine Corps, law specialists of the United States Coast Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding officers, executive officers and officers whose rank is lieutenant commander or major, or above, of the armed forces, as defined in section 27-103, to persons serving with or in the armed forces, as defined in said section, or their spouses; (15) investigators, deputy investigators, investigative aides, secretaries, clerical assistants, social workers, social worker trainees, paralegals and certified legal interns employed by or assigned to the Public Defender Services Commission in the performance of their assigned duties; (16) bail commissioners employed by the Judicial Department in the performance of their assigned duties; (17) juvenile matter investigators employed by the Division of Criminal Justice in the performance of their assigned duties; (18) the chairperson of the Connecticut Sitting Council or the chairperson's designee; (19) the presiding officer at an agency hearing under section 4-177b; (20) family relations counselors employed by the Judicial Department and support enforcement officers and investigators employed by the Department of Social Services Bureau of Child Support Enforcement and the Judicial Department, in the performance of their assigned duties; (21) the chairperson, vice-chairperson, members and employees of the Board of Pardons and Paroles, in the performance of their assigned duties; and (22) the Commissioner of Correction or the commissioner's designee.

(1949 Rev., S. 3575; 1955, S. 1958d; 1959, P.A. 152, S. 2; 1961, P.A. 165; 1967, P.A. 66, S. 1; 1969, P.A. 699, S. 17; 1971, P.A. 412, S. 9; 752; P.A. 73-185; P.A. 74-170; 74-186, S. 3, 12; P.A. 75-567, S. 19, 80; P.A. 76-111, S. 2; P.A. 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-143, S. 3; 79-181; P.A. 80-174; 80-190, S. 1; 80-281, S. 1, 31; P.A. 82-104; 82-298, S. 6; P.A. 86-180; 86-187, S. 1, 10; P.A. 87-316, S. 1; P.A. 88-132; 88-317, S. 35, 107; P.A. 90-57; P.A. 91-24, S. 1, 8; P.A. 93-262, S. 1, 87; 93-329, S. 7; 93-435, S. 59, 95; P.A. 95-283, S. 22, 68; P.A. 96-58, S. 1, 2; P.A. 97-256, S. 2; P.A. 01-7; 01-84, S. 1, 26; P.A. 02-71, S. 1; 02-132, S. 1; P.A. 03-278, S. 1; P.A. 04-234, S. 2; 04-257, S. 113; P.A. 05-108, S. 1.)

Sec.1-25. (<u>In Part</u>) Forms of oaths. The forms of oaths shall be as follows, to wit:

FOR ALL OTHER PERSONS OF WHOM AN OATH IS REQUIRED.

You solemnly swear or solemnly and sincerely affirm, as the case may be, that you will faithfully discharge, according to law, your duties as .... to the best of your abilities; so help you God or upon penalty of perjury.

(1949 Rev., S. 3576, 7911(b); March, 1958, P.A. 27, S. 40, 41; 1961, P.A. 207; 1967, P.A. 901, S. 10; 1969, P.A. 235, S. 1; P.A. 81-350, S. 3, 17; P.A. 83-2; 83-475, S. 2, 43; P.A. 85-613, S. 4, 154; P.A. 86-131, S. 1, 2; 86-184, S. 1, 2; P.A. 89-177, S. 2; May Sp. Sess. P.A. 92-1, S. 5, 7; P.A. 93-167; P.A. 02-71, S. 2.)

Sec.1-29. Acknowledgments within state. The acknowledgment of any instrument may be made in this state before: (1) A judge of a court of record or a family support magistrate; (2) a clerk or deputy clerk of a court having a seal; (3) a town clerk; (4) a notary public; (5) a justice of the peace; or (6) an attorney admitted to the bar of this state.

(1961, P.A. 65, S. 2; P.A. 87-316, S. 2; P.A. 03-278, S.2.)

Sec.1-32. Identification of person making acknowledgment. The officer taking the acknowledgment shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument.

(1961, P.A. 65, S. 6.)

Sec.1-34. (In Part) Certificate of officer. An officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in one of the following forms:

(1) By individuals:

State of ....
County of ....

On this the .... day of ...., 20.., before me, ..., the undersigned officer, personally appeared ...., known to me (or satisfactorily proven) to be the person whose name .... subscribed to the within instrument and acknowledged that .... he .... executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

....
....
Title of Officer.

(1961, P.A. 65, S. 7; February, 1965, P.A. 226; P.A. 04-132, S. 2.)

Sec.1-35. Identification of acknowledging officer. The certificate of the acknowledging officer shall be completed by his signature, his official seal if he has one, the title of his office and, if he is a notary public, the date his commission expires.

(1961, P.A. 65, S. 8.)

Sec.6-29. Ineligibility for office. No judge, except a judge of probate, and no justice of the peace shall be a state marshal.

(1949 Rev., S. 450; 1953, S. 190d; P.A. 00-99, S. 126, 154.)

Sec.7-33a. Issuance of certificates of authority of justices of peace, notaries and Superior Court commissioners. The town clerk of a town wherein a justice of the peace, notary public or commissioner of the Superior Court resides or is employed is authorized to issue certificates of the authority of such person.

(1971, P.A. 387, S. 1; P.A. 78-280, S. 2, 127; P.A. 81-34, S. 1, 9.)

Sec.7-279. Subpoena to appear before municipal police commissioners. The chief executive officer of any municipality, the clerk of the board of police commissioners in any municipality or any justice of the peace may sign and issue subpoenas to compel the attendance of witnesses before the board of police commissioners in such municipality at any lawful meeting of such board. Any such subpoena may be served in the same manner as by law provided for witnesses in civil causes, except that no fees shall be tendered to any witness at the time of such service. Any person upon whom such process has been legally served shall appear before such board in obedience to such process and testify as to any matters lawfully pending before such board. If any person upon whom such a subpoena has been served refuses to attend before such board, the clerk of such board, by direction of the board, may issue a capias, directed to some proper officer, to arrest such witness and bring him before the board to testify; and, in case such person refuses to testify, the board shall have the power to adjudge such person to be in contempt and may issue a mittimus, signed by its clerk, and commit such person to a community correctional center for not more than thirty days.

(1949 Rev., S. 661; 1969, P.A. 297; P.A. 77-178, S. 1.)

Sec.9-183a. Number of justices of the peace, exceptions. (a) The number of justices of the peace for each town shall be equal to one-third the number of jurors to which such town is by law entitled, except in the town of Waterbury the number shall be sixty-nine, in the town of Trumbull the number shall be thirty, in the town of Meriden the number shall be thirty-six, and in the town of Litchfield the number shall be fifteen; provided any town, by ordinance, may provide for the selection of a lesser number of justices of the peace for such town as herein provided, which shall be not less than fifteen.

(b) Notwithstanding any provision of any special act or charter to the contrary:

(1) In 1994, the number of justices of the peace for any town which selects a number of justices of the peace under a special act or charter, which is fewer than one-third the number of jurors to which the town is by law entitled, shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen;

(2) In 1996, the number of justices of the peace for any such town shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen, unless the town amends such special act or charter or adopts an ordinance under subdivision (3) of this subsection;

(3) Any town which selects a number of justices of the peace under a special act or charter, which is fewer than one-third the number of jurors to which the town is by law entitled, may amend such special act or charter under chapter 99 or may adopt an ordinance superseding such special act or charter provision, to provide for a number of justices of the peace to be selected in 1996, and quadrennially thereafter, which shall be not less than fifteen nor more than one-third the number of jurors to which the town is by law entitled, or may repeal the special act or charter provision.

(c) Notwithstanding any provision of any ordinance to the contrary:

(1) In 1994, the number of justices of the peace for any town which selects a number of justices of the peace under an ordinance, which is fewer than one-third the number of jurors to which the town is by law entitled, shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen;

(2) In 1996, the number of justices of the peace for any such town shall be one and one-half times the number authorized for the town on May 1, 1994, but not less than fifteen, unless the town amends such ordinance under subdivision (3) of this subsection;

(3) Any town which selects a number of justices of the peace under an ordinance, which is fewer than one-third the number of jurors to which the town is by law entitled, may amend such ordinance to provide for a number of justices of the peace to be selected in 1996, and quadrennially thereafter, which shall be not less than fifteen nor more than one-third the number of jurors to which the town is by law entitled, or may repeal the ordinance provision.

(d) Upon the adoption, amendment or repeal of any ordinance under this section, the clerk of such town shall send a certified copy thereof to the Secretary of the State.

(P.A. 74-109, S. 1, 11; P.A. 94-230, S. 1, 10; P.A. 96-120, S. 1, 3; P.A. 04-142, S. 10; P.A. 06-137, S. 14.)

Sec.9-183b. (Formerly Sec. 9-252). Nomination of justices of the peace by parties qualifying as major parties based on enrollment. Terms. Primaries. In 1994, 1996, and quadrennially thereafter, two-thirds of the total number of justices of the peace in each town shall be selected in accordance with the provisions of this section. Such percentage shall be rounded down to the nearest whole number of justices of the peace. The political parties which are major parties, as defined in subparagraph (B) of subdivision (5) of section 9-372, shall each be entitled to nominate an equal number of the total number of justices of the peace to be selected in each town under this section, provided in towns where the number of justices of the peace to be nominated under this section is not divisible by the number of political parties entitled to nominate justices of the peace under this section, the registrars of voters shall determine by lot which of said parties may nominate one more justice of the peace than may be nominated by the other party or parties. Such nomination by such parties shall qualify the nominees to serve as justices of the peace. Such nomination shall be made within the time limits prescribed in section 9-391, for endorsing candidates for nomination for municipal offices to be voted upon at a state election, for a term of two years to begin the first Monday of January in 1995, for any such nomination made in 1994, and for a term of four years to begin the first Monday of January in the year succeeding any such nomination made in 1996, or thereafter. Primaries for justices of the peace shall be by slate and shall be held on the same day as primaries for municipal offices to be voted upon at a state election.

(1949 Rev., 1201; March, 1950, S. 261b; 1953, S. 729d; 1957, P.A. 128, S. 1; P.A. 74-11, S. 3, 4; 74-109, S. 6, 11; P.A. 76-71, S. 1, 3; P.A. 94-230, S. 2, 10; P.A. 00-66, S. 20.; P.A. 03-241, S.5)

Sec.9-183c. Nomination of justices of the peace by parties qualifying as major parties based solely on gubernatorial vote. Terms. Primaries. In 1994, 1996, and quadrennially thereafter, when there is a political party which is a major party, as defined in subparagraph (A) of subdivision (5) of section 9-372, but is not a major party, as defined in subparagraph (B) of said subdivision (5), a percentage of the number of justices of the peace in each town selected under section 9-184c shall be selected in accordance with the provisions of this section. Such percentage shall be rounded down to the nearest whole number of justices of the peace. Each such party shall be entitled to nominate twenty per cent of the total number of justices of the peace to be selected in each town under section 9-184c. Such nomination by such parties shall qualify the nominees to serve as justices of the peace. Such nomination shall be made within the time limits prescribed in section 9-391, for endorsing candidates for nomination for municipal offices to be voted upon at a state election, for a term of two years to begin the first Monday of January in 1995, for any such nomination made in 1994, and for a term of four years to begin the first Monday of January in the year succeeding any such nomination made in 1996, or thereafter. Primaries for justices of the peace shall be by slate and shall be held on the same day as primaries for municipal offices to be voted upon at a state election.

(P.A. 94-230, S. 5, 10; P.A. 00-66, S. 21; P.A. 01-26, S. 7; P.A. 03-241, S.6.)

Sec.9-184. Vacancy in office of justice of the peace when justice nominated by a major party. Any vacancy in the office of a justice of the peace selected (1) pursuant to section 9-183b or (2) pursuant to section 9-183c shall be filled by appointment by the town committee of the political party of the vacating justice until the day on which the term of office of such vacating justice would have terminated. The town chairman or the secretary of the appointing town committee shall file with the town clerk a certificate of each such appointment and the town clerk shall record the certificate with the records of the town meeting. The town clerk shall notify the Secretary of the State of any such vacancy.

(1949 Rev., S. 7547; 1953, S. 666d; P.A. 73-475, S. 1, 3; P.A. 74-109, S. 3, 11; P.A. 80-215, S. 1; P.A. 94-230, S. 3, 10; May 25 Sp. Sess. P.A. 94-1, S. 118, 130.)

Sec.9-184c. Appointment as justices of the peace of electors who are not members of major parties. Terms. Vacancies. (a) In 1994, 1996, and quadrennially thereafter, the town clerk of each town shall appoint as justice of the peace a number of electors of the town who are not members of major parties, as defined in section 9-372, which shall not exceed (1) where no justices of the peace are selected under section 9-183c, one-third of the total number of justices of the peace in the town, or (2) where justices of the peace are selected under section 9-183c, one-third of the total number of justices of the peace in the town less the number of justices of the peace in the town selected under section 9-183c. Such percentage shall be rounded up to the nearest whole number of justices of the peace. Any such appointment shall be made upon written application submitted on or after August first and on or before November first, in such year. No person who has enrollment privileges in the town in a political party which selected justices of the peace under section 9-183b or under section 9-183c within the

period beginning three months before said August first and ending on the date the person is to be appointed under this section, shall be eligible for such appointment. Not later than August 1, 1996, and quadrennially thereafter, the town clerk shall send a written notice to each incumbent justice of the peace appointed under this section. Such notice shall inform such justices of the peace of the procedures set forth in this section concerning the reappointment of such justices of the peace.

(b) If, on November first in such year, the number of applications for justice of the peace filed with the town clerk under subsection (a) of this section exceeds the number of justices of the peace allowed under this section, (1) each such applicant who is an incumbent justice of the peace appointed under this section shall be reappointed if there are sufficient openings and (2) the town clerk shall, on or before the fifteenth business day of November, select the remaining applicants to be appointed as justices of the peace by lot in a ceremony which shall be open to the public and held on five days' public notice. At such lottery the town clerk shall determine the order of all such remaining applications for the purpose of filling future vacancies under subsection (d) of this section. If a town clerk receives a number of applications that is less than the number of justices of the peace that he is authorized to appoint under this section in any year, he shall not appoint any additional justices of the peace.

(c) Justices of the peace appointed in 1994, shall serve a term of two years beginning on the first Monday in 1995, and justices of the peace appointed in 1996 and thereafter shall serve a term of four years beginning on the first Monday in January in the succeeding year.

(d) Any vacancy in the office of any such justice of the peace shall be filled by appointment by the town clerk of an elector qualifying under subsection (a) of this section in the order determined in the lottery held under said subsection. If no such lottery is held, the vacancy shall not be filled.

(P.A. 94-230, S. 6, 10; P.A. 96-120, S. 2, 3.)

Sec.9-186. Electoral status of municipal officers and justices of the peace. Each elected municipal officer and each justice of the peace shall be an elector of the municipality in which he is elected, or in the case of a justice of the peace, nominated or appointed to office and, if for any reason he ceases to be an elector thereof, he shall thereupon cease to hold office therein and such office shall be deemed vacant.

(1949 Rev., S. 516; 1953, S. 251d; P.A. 76-173, S. 3; P.A. 80-281, S. 11, 31; P.A. 94-230, S. 8, 10.)

Sec.9-328. Contests and complaints in election of municipal officers and nomination of justices of the peace. Any elector or candidate claiming to have been aggrieved by any ruling of any election official in connection with an election for any municipal office or a primary for justice of the peace, or any elector or candidate claiming that there has been a mistake in the count of votes cast for any such office at such election or primary, or any candidate in such an election or primary claiming that he

is aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election or primary, may bring a complaint to any judge of the Superior Court for relief therefrom. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election or primary, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to such election or primary, it shall be brought not later than fourteen days after such election or primary, except that if such complaint is brought in response to the manual tabulation of paper ballots, authorized pursuant to section 9-320f, such complaint shall be brought not later than seven days after the close of any such manual tabulation, to any judge of the Superior Court, in which he shall set out the claimed errors of the election official, the claimed errors in the count or the claimed violations of said sections. Such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five nor less than three days from the making of such order, and shall cause notice of not less than three nor more than five days to be given to any candidate or candidates whose election or nomination may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, he may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge shall thereupon, if he finds any error in the rulings of the election official or any mistake in the count of the votes, certify the result of his finding or decision to the Secretary of the State before the tenth day succeeding the conclusion of the hearing. Such judge may order a new election or primary or a change in the existing election schedule. Such certificate of such judge of his finding or decision shall be final and conclusive upon all questions relating to errors in the ruling of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, except that this section shall not affect the right of appeal to the Supreme Court and it shall not prevent such judge from reserving such questions of law for the advice of the Supreme Court as provided in section 9-325. Such judge may, if necessary, issue his writ of mandamus, requiring the adverse party and those under him to deliver to the complainant the appurtenances of such office, and shall cause his finding and decree to be entered on the records of the Superior Court in the proper judicial district.

(1949 Rev., S. 527; 1953, S. 806d; 1957, P.A. 526, S. 7; 1963, P.A. 163; P.A. 74-109, S. 8, 11; P.A. 78-125, S. 9; P.A. 83-583, S. 4, 6; P.A. 84-511, S. 6, 15; P.A. 87-545, S. 3; P.A. 95-88, S. 6; P.A. 07-194, S. 5.)

Sec.9-372. (In Part) Definitions. The following terms, as used in this chapter, chapter 157 and sections 9-51 to 9-67, inclusive, 9-169e, 9-217, 9-236 and 9-361, shall have the following meanings:

***

(5) "Major party" means (A) a political party or organization whose candidate for Governor at the last-preceding election for Governor received, under the designation of that political party or organization, at least twenty per cent of the whole number of votes cast for all candidates for Governor, or (B) a political party having, at the last-preceding election for Governor, a number of enrolled members on the active registry list equal to at least twenty per cent of the total number of enrolled members of all political parties on the active registry list in the state;

(June, 1955, S. 572d; November, 1955, S. N45; 1957, P.A. 518, S. 1; 1958 Rev., S. 9-68; 1963, P.A. 17, S. 1; 296; April, 1964, P.A. 2, S. 5; 1967, P.A. 557, S. 7-10; 1969, P.A. 694, S. 12; P.A. 73-657, S. 5, 6, 13; P.A. 79-363, S. 36, 38; P.A. 81-447, S. 5; Nov. Sp. Sess. P.A. 81-3, S. 4, 5; P.A. 83-213, S. 6-8; P.A. 87-509, S. 13, 24; P.A. 94-12, S. 1, 2; P.A. 97-154, S. 25, 27; P.A. 03-241, S. 17; P.A. 08-2, S. 2.)

Sec.9-422. Primaries for justices of the peace. Any provision of sections 9-382 to 9-450, inclusive, to the contrary notwithstanding, no primary shall be held for nomination by a party to the office of justice of the peace unless candidacies for such nomination numbering at least a bare majority of the number of justices of the peace to be nominated by such party are filed in conformity with the provisions of sections 9-400 to 9-414, inclusive, by persons other than party-endorsed candidates.

(November, 1955, S. N98; 1958 Rev., S. 9-126; 1963, P.A. 17, S. 49; P.A. 79-616, S. 18.)

Sec.12-130. Collectors; rate bills and warrants. Statements of state aid. (a) When any community, authorized to raise money by taxation, lays a tax, it shall appoint a collector thereof; and the selectmen of towns, and the committees of other communities, except as otherwise specially provided by law, shall make out and sign rate bills containing the proportion which each individual is to pay according to the assessment list; and any judge of the Superior Court or any justice of the peace, on their application or that of their successors in office, shall issue a warrant for the collection of any sums due on such rate bills. Each collector shall mail or hand to each individual from whom taxes are due a bill for the amount of taxes for which such individual is liable and shall attach thereto a statement of the year and amount of all back taxes for which such individual is liable. In addition, the collector shall include with such bill, using one of the following methods (1) attachment, (2) enclosure or (3) printed matter upon the face of the bill, a statement of state aid to municipalities which shall be in the following form:

The (fiscal year) budget for the (city or town) estimates that .... Dollars will be received from the state of Connecticut for various state financed programs. Without this assistance your (fiscal year) property tax would be (herein insert the amount computed in accordance with subsection (b) of this section) mills.

Failure to send out any such bill or statement shall not invalidate the tax.

(b)The mill rate to be inserted in the statement of state aid to municipalities required by subsection (a) shall be computed on the total estimated revenues required to

fund the estimated expenditures of the municipality exclusive of assistance received or anticipated from the state.

(1949 Rev., S. 1813; 1961, P.A. 517, S. 10; 1963, P.A. 471, S. 1; P.A. 74-183, S. 190, 291; P.A. 76-436, S. 166, 681; P.A. 77-452, S. 3, 72; P.A. 78-249, S. 2, 4; P.A. 85-467, S. 1, 2.)

Sec.12-132. Form and tax warrant. Warrants for the collection of taxes may be in the following form:

To A.B., collector of taxes of the (here insert the name of community laying the tax), in the county of ...., greeting: By authority of the state of Connecticut, you are hereby commanded forthwith to collect of each person named in the annexed list his proportion of the same, as therein stated, being a tax laid by (name of community), on the .... day of ...., A.D. 20... And you are to pay the amount of said tax, less abatements, and less taxes the lien for which has been continued by certificate to the treasurer of said (name of the community), on or before the .... day of ...., A.D. 20... And if any person fails to pay his proportion of said tax, upon demand, you are to levy upon his goods and chattels, and dispose of the same as the law directs; and after satisfying said tax and the lawful charges, return the surplus, if any, to him; and if such goods and chattels do not come to your knowledge, you are to levy upon his real estate, and sell enough thereof to pay his tax and the costs of levy, and give to the purchaser a deed thereof.

Dated at .... this .... day of ...., A.D. 20...

A.B.,

Judge of the Superior Court.

Justice of the peace.

(1949 Rev., S. 1815; 1961, P.A. 517, S. 11; 1963, P.A. 471, S. 2; 1971, P.A. 11, S. 1; P.A. 74-183, S. 191, 291; P.A. 76-436, S. 167, 681.)

Sec.46b-20. Definitions. As used in this chapter:

(1) "Registrar" means the registrar of vital statistics;

(2) "Applicant" means applicant for a marriage license;

(3) "License" means marriage license; and

(4) "Marriage" means the legal union of two persons.

(P.A. 78-230, S. 1, 54; P.A. 09-13, S. 3.)

Sec. 46b-20a. Eligibility to marry. A person is eligible to marry if such person is:

(1) Not a party to another marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, entered into in this state or another state or jurisdiction, unless the parties to the marriage will be the same as the parties to such other marriage or relationship;

(2) Except as provided in section 46b-30, at least eighteen years of age;

(3) Except as provided in section 46b-29, not under the supervision or control of a conservator; and

(4) Not prohibited from entering into a marriage pursuant to section 46b-21.

(P.A. 09-13, S. 4.)

Sec.46b-21. (Formerly Sec. 46-1). Kindred who may not marry. No person may marry such person's parent, grandparent, child, grandchild, sibling, parent's sibling, sibling's child, stepparent or stepchild. Any marriage within these degrees is void.

(1949 Rev., S. 7301; P.A. 78-230, S. 3, 54; P.A. 09-13, S. 6.)

Sec.46b-22. (Formerly Sec. 46-3). Who may join persons in marriage. Penalty for unauthorized performance. (a) Persons authorized to solemnize marriages in this state include (1) all judges and retired judges, either elected or appointed, including federal judges and judges of other states who may legally join persons in marriage in their jurisdictions, (2) family support magistrates, state referees and justices of the peace who are appointed in Connecticut, and (3) all ordained or licensed members of the clergy, belonging to this state or any other state, as long as they continue in the work of the ministry. All marriages solemnized according to the forms and usages of any religious denomination in this state, including marriages witnessed by a duly constituted Spiritual Assembly of the Baha'is, are valid. All marriages attempted to be celebrated by any other person are void.

(b) No public official legally authorized to issue marriage licenses may join persons in marriage under authority of a license issued by himself, or his assistant or deputy; nor may any such assistant or deputy join persons in marriage under authority of a license issued by such public official.

(c) Any person violating any provision of this section shall be fined not more than fifty dollars.

(1949 Rev., S. 7306; 1951, S. 3001d; 1967, P.A. 129, S. 1; P.A. 78-230, S. 4, 54; P.A. 79-37, S. 1, 2; P.A. 87-316, S. 3; June Sp. Sess. P.A. 01-4, S. 27, 58; P.A. 06-196, S. 276; P.A. 07-79, S. 5.)

Sec.46b-22a. Validation of marriages performed by unauthorized justice of the peace. All marriages celebrated before June 7, 2006, otherwise valid except that the justice of the peace joining such persons in marriage did not have a valid certificate of qualification, are validated, provided the justice of the peace who joined such persons in

marriage represented himself or herself to be a duly qualified justice of the peace and such persons reasonably relied upon such representation.

(P.A. 82-166, S. 1, 4; P.A. 84-171, S. 1, 7; P.A. 85-83, S. 1, 2; P.A. 87-587, S. 13, 18; P.A. 89-4, S. 1, 2; P.A. 91-12, S. 1, 3; P.A. 93-87, S. 1, 3; P.A. 95-6, S. 1, 3; P.A. 96-258, S. 4, 5; P.A. 97-10, S. 1, 3; P.A. 99-20, S. 1, 3; P.A. 01-4, S. 1, 3; P.A. 02-71, S. 3; P.A. 03-238, S. 1; P.A. 06-195, S. 18.)

Sec. 46b-22b. Refusal to solemnize or participate in ceremony solemnizing a marriage on religious grounds. (a) No member of the clergy authorized to join persons in marriage pursuant to section 46b-22 shall be required to solemnize any marriage in violation of his or her right to the free exercise of religion guaranteed by the first amendment to the United States Constitution or section 3 of article first of the Constitution of the state.

(b) No church or qualified church-controlled organization, as defined in 26 USC 3121, shall be required to participate in a ceremony solemnizing a marriage in violation of the religious beliefs of that church or qualified church-controlled organization.

(P.A. 09-13, S. 7.)

Sec.46b-23. (Formerly Sec. 46-4). Joining persons in marriage knowingly without authority. Any person who undertakes to join persons in marriage, knowing that he is not authorized to do so, shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

(1949 Rev., S. 8595.)

Sec.46b-24. (Formerly Sec. 46-5a). License required. Period of validity. Penalty. a) No persons may be joined in marriage in this state until both have complied with the provisions of sections 46b-24, 46b-25 and 46b-29 to 46b-33, inclusive, and have been issued a license by the registrar for the town in which the marriage is to be celebrated, which license shall bear the certification of the registrar that the persons named therein have complied with the provisions of said sections.

(b) Such license, when certified by the registrar, is sufficient authority for any person authorized to perform a marriage ceremony in this state to join such persons in marriage, provided the ceremony is performed within a period of not more than sixty-five days after the date of application.

(c) Anyone who joins any persons in marriage without having received such license from them shall be fined not more than one hundred dollars.

(d) Except as otherwise provided in this chapter, in order to be valid in this state, a marriage ceremony shall be conducted by and in the physical presence of a person who is authorized to solemnize marriages.

(1967, P.A. 313, S. 1; P.A. 78-230, S. 5, 54; P.A. 03-188, S. 3; P.A. 07-79, S. 6; P.A. 09-232, S. 73.)

S**ec.46b-24a. Validation of marriages occurring in town other than town where license issued.** All marriages celebrated before June 7, 2006, otherwise valid except that the license for any such marriage was issued in a town other than the town in this state in which such marriage was celebrated, or where either party to the marriage resided at the time of the marriage license application, are validated.

(P.A. 79-298, S. 1; P.A. 82-166, S. 3, 4; P.A. 89-151, S. 1, 2; P.A. 91-12, S. 2, 3; P.A. 93-87, S. 2, 3; P.A. 95-6, S. 2, 3; P.A. 97-10, S. 2, 3; P.A. 99-20, S. 2, 3; P.A. 01-4, S. 2, 3; P.A. 02-71, S. 4; P.A. 03-238, S. 2; P.A. 06-195, S. 19.)

Sec.46b-25. (Formerly Sec. 46-5b). Application for license No license may be issued by the registrar until both persons have appeared before the registrar and made application for a license. The registrar shall issue a license to any two persons eligible to marry under this chapter. The license shall be completed in its entirety, dated, signed and sworn to by each applicant and shall state each applicant's name, age, race, birthplace, residence, whether single, widowed or divorced and whether under the supervision or control of a conservator or guardian. The Social Security numbers of both persons shall be recorded in the "administrative purposes" section of the license. If the license is signed and sworn to by the applicants on different dates, the earlier date shall be deemed the date of application.

(1967, P.A. 313, S. 2; P.A. 78-230, S. 6, 54; P.A. 96-3; June 18 Sp. Sess. P.A. 97-7, S. 16, 38; P.A. 01-163, S. 34; P.A. 04-255, S. 26; P.A. 09-13, S. 5

Secs. 46b-26 and 46b-27. (Formerly Secs. 46-5c and 46-5d). Test for venereal disease and rubella prerequisite. Issuance of license. Sections 46b-26 and 46b-27 are repealed, effective October 1, 2003.

(1967, P.A. 313, S. 3, 4; P.A. 77-614, S. 323, 610; P.A. 78-165, S. 2, 5; 78-230, S. 7, 8, 52, 54; P.A. 79-30; P.A. 93-279, S. 14; 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 96-19, S. 9; P.A. 03-19, S. 103; 03-188, S. 6.)

Sec. 46b-28. (Formerly Sec. 46-6). Validity of marriages celebrated in a foreign country. All marriages in which one or both parties are citizens of this state, celebrated in a foreign country, shall be valid, provided: (1) Each party would have legal capacity to contract such marriage in this state and the marriage is celebrated in conformity with the law of that country; or (2) the marriage is celebrated, in the presence of the ambassador or minister to that country from the United States or in the presence of a consular officer of the United States accredited to such country, at a place within his consular jurisdiction, by any ordained or licensed clergyman engaged in the work of the ministry in any state of the United States or in any foreign country.

(1949 Rev., S. 7303; February, 1965, P.A. 94; P.A. 78-230, S. 14, 54.)

Sec. 46b-28a. Recognition of marriages and other relationships entered into in another state or jurisdiction. A marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, between two persons entered into in another state or jurisdiction and recognized as valid by such other state or jurisdiction shall be recognized as a valid marriage in this state, provided such marriage or relationship is not expressly prohibited by statute in this state.

(P.A. 09-13, S. 1.)

Sec. 46b-28b. Recognition by another state or jurisdiction of marriages entered into in this state. A marriage between two persons entered into in this state and recognized as valid in this state may be recognized as a marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, in another state or jurisdiction if one or both persons travel to or reside in such other state or jurisdiction.

(P.A. 09-13, S. 2.)

Sec. 46b-29. (Formerly Sec. 46-5e). Marriage of persons under conservatorship. (a) No marriage license may be issued to any applicant under the supervision or control of a conservator, appointed in accordance with sections 45a-644 to 45a-662, inclusive, unless the written consent of the conservator, signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5a, or authorized to take acknowledgments in any other state or country, is filed with the registrar.

(b) Any person married without the consent provided for in subsection (a) of this section shall acquire no rights by such marriage in the property of any person who was under such control or supervision at the time of the marriage.

(1967, P.A. 313, S. 5; P.A. 77-14; P.A. 78-230, S. 9, 54; P.A. 86-323, S. 13; P.A. 00-196, S. 25.)

Sec. 46b-30. (Formerly Sec. 46-5f). Marriage of minors. (a) No license may be issued to any applicant under sixteen years of age, unless the judge of probate for the district in which the minor resides endorses his written consent on the license.

(b) No license may be issued to any applicant under eighteen years of age, unless the written consent of a parent or guardian of the person of such minor, signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5a, or authorized to take acknowledgments in any other state or country, is filed with the registrar. If no parent or guardian of the person of such minor is a resident of the United States, the written consent of the judge of probate for the district in which the minor resides, endorsed on the license, shall be sufficient.

(1967, P.A. 313, S. 6; P.A. 78-230, S. 10, 54.)

Sec. 46b-31. (Formerly Sec. 46-5h). Marriage of person whose last previous marriage was terminated by divorce or dissolution. Section 46b-31 is repealed.

(1967, P.A. 313, S. 8; 1969, P.A. 400; P.A. 73-373, S. 29; P.A. 78-230, S. 11, 54; P.A. 79-298, S. 2.)

Sec. 46b-32. (Formerly Sec. 46-5i). Failure to make license available; penalty. Section 46b-32 is repealed, effective October 1, 2004.

(1967, P.A. 313, S. 9; P.A. 78-230, S. 12, 54; P.A. 03-188, S. 4; P.A. 04-255, S. 29.)

Sec. 46b-33. (Formerly Sec. 46-5j). Copy of law to applicants. Each registrar shall issue a copy of sections 46b-24, 46b-25 and 46b-29 to 46b-33, inclusive, to any person making application for a license.

(1967, P.A. 313, S. 10; P.A. 78-230, S. 13, 54; P.A. 03-188, S. 5.)

Sec.46b-34. (Formerly Sec. 46-7). Marriage certificate. Affidavit in lieu of certificate. (a) Each person who joins any person in marriage shall certify upon the license certificate the fact, time and place of the marriage, and return it to the registrar of the town where the marriage took place, before or during the first week of the month following the marriage. Any person who fails to do so shall be fined not more than ten dollars.

(b) If any person fails to return the certificate to the registrar, as required under subsection (a) of this section, the persons joined in marriage may provide the registrar with a notarized affidavit attesting to the fact that they were joined in marriage and stating the date and place of the marriage. Upon the recording of such affidavit by the registrar, the marriage of the affiants shall be deemed to be valid as of the date of the marriage stated in the affidavit.

(1949 Rev., S. 7304; P.A. 78-230, S. 15, 54; P.A. 02-71, S. 5; P.A. 04-255, S. 27.)

Sec. 46b-35. (Formerly Sec. 46-8). Certificates prima facie evidence. The certificates required by sections 46b-24, 46b-24a, 46b-25 and 46b-29 to 46b-34, inclusive, or an affidavit recorded pursuant to subsection (b) of section 46b-34, shall be prima facie evidence of the facts stated in them.

(1949 Rev., S. 7305; 1967, P.A. 313, S. 12; P.A. 78-230, S. 16, 54; P.A. 02-71, S. 6; P.A. 04-257, S. 73.)

Sec. 46b-35a. Refusal to provide services or accommodations related to the solemnization or celebration of a marriage on religious grounds. Notwithstanding any other provision of law, a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, shall not be required to provide services, accommodations, advantages, facilities, goods or privileges to an individual if the request for such services, accommodations, advantages, facilities, goods or privileges is related to the solemnization of a marriage or celebration of a marriage and such solemnization or celebration is in violation of their religious beliefs and faith. Any refusal to provide services, accommodations, advantages, facilities, goods or privileges in accordance with this section shall not create any civil claim or cause of action, or result in any state action to penalize or withhold benefits from such religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

(P.A. 09-13, S. 17.)

Sec.47-5a. Persons before whom acknowledgment may be made. If the acknowledgment in a conveyance of real estate is made in this state, it may be made before a judge of a court of record of this state or of the United States, a clerk of the Superior Court, a justice of the peace, a commissioner of the Superior Court, a notary public, either with or without his official seal, a town clerk or an assistant town clerk; and, if in any other state or territory of the United States, before a commissioner residing in such other state or territory appointed by the Governor of Connecticut, or an officer authorized to take the acknowledgment of deeds in such state or territory; and, if in a foreign country, before any ambassador, minister, charge d'affaires, consul, vice-consul, deputy-consul, consul-general, vice-consul-general, deputy-consul-general, consular-agent, vice-consular-agent, commercial agent or vice-commercial agent of the United States, representing or acting as agent of the United States in such foreign country, or before any notary public or justice of the peace, or before any other public officer, in such foreign country, before whom oaths or acknowledgments may be given; but no officer shall have power to take such acknowledgment, except within the territorial limits in which he may perform the duties of his office. The authentication of the signature and qualification of the acknowledging officer on any instrument executed out of this state may conform either to the provisions of chapter 6 or to section 47-7.

(P.A. 75-309, S. 4; P.A. 76-436, S. 646, 681; P.A. 79-602, S. 2.)

Sec.51-52. General duties of clerks. (a) Clerks shall: (1) Receive the files, processes and documents returnable to their court locations, (2) make records of all proceedings required to be recorded, (3) have the custody of the active files and records of the court, (4) have the custody of the records of the former county court within their districts, (5) have the custody of and keep safely in the appropriate office, or store as provided in subsection (b) of this section, as records of the court, all judicial files, records and dockets belonging to or concerning the office of justices of the peace and trial justices, judges of borough, city, town and police courts, the traffic court of Danbury, the Circuit Court and the Court of Common Pleas, or belonging to or concerning such courts, including record books kept by town clerks under the provisions of sections 51-101 and 51-106 of the general statutes, revision of 1958, (6) make and keep dockets of causes in their court locations, (7) issue executions on judgments, (8) collect and receive all fines and forfeitures imposed or decreed by the court including fines paid after commitment, (9) collect and receive monetary contributions made to the Criminal Injuries Compensation Fund pursuant to section 54-56h, (10) account for and pay or deposit all fees, fines, forfeitures and contributions made to the Criminal Injuries Compensation Fund and the proceeds of judgments of their office in the manner provided by sections 4-32 and 51-56a, (11) file with the Reporter of Judicial Decisions copies of memoranda of decisions in Superior Court cases, as provided in section 51-215a, and (12) perform all other duties imposed on them by law.

(b) Each clerk of court may store the inactive records of his court in any place of safekeeping designated by the Chief Court Administrator and may place the records in the direct custody of the records management officer or other designee of the Chief Court Administrator. The records management officer or designee shall be charged with the safekeeping of the records, and, when requested, may certify copies of the records.

(c) Temporary assistant clerks shall have the same duties as clerks of court.

(d) Each clerk for housing matters and the clerks for the judicial district of New Haven at Meriden shall supervise the handling of housing matters and the maintenance of court records relating thereto and shall provide assistance to pro se litigants and perform such other duties in connection with housing matters as the Chief Court Administrator or the judge assigned to hear the matters may assign to him.

(e) Notwithstanding any provision of the general statutes and except as otherwise ordered by the court or prescribed by the Chief Court Administrator, all funds in excess of a working balance established by the Chief Court Administrator held by a clerk of court in a fiduciary capacity shall be paid to the Treasurer or deposited in the Treasurer's accounts in depositories designated by the Treasurer in accordance with such regulations as the Treasurer prescribes. The Treasurer shall invest such funds in any manner he deems appropriate including, but not limited to, depositing the funds in public depositories and purchasing participation certificates in the Short-Term Investment Fund. If the court requests the return of all or a portion of such funds, the Treasurer shall return the amount of such funds requested to the court within two business days of the request. Notwithstanding any provision of the general statutes, all interest and earnings on funds paid to the Treasurer or deposited in the Treasurer's accounts pursuant to this subsection shall belong to and accrue to the benefit of the state.

(1949 Rev., S. 7718; 1959, P.A. 28, S. 172; 1963, P.A. 499; P.A. 74-183, S. 38, 291; P.A. 75-530, S. 5, 35; P.A. 76-436, S. 10a, 70, 681; P.A. 79-176, S. 1; P.A. 82-248, S. 51; 82-472, S. 134, 183; June Sp. Sess. P.A. 83-25, S. 3, 9; P.A. 84-162, S. 2; 84-262, S. 2; P.A. 92-239, S. 1, 3; P.A. 06-152, S. 7.)

Sec.51-52a. Powers of clerks and clerical assistants. (a) The clerk of any court may, when directed by the court, amend, make up and complete any imperfect or unfinished record in such manner as the court may direct.

(b) The clerk for each judicial district may certify to copies of the records and do all other acts in relation to the files and records of the county court which the clerk of the county court could have done and may, when directed by the superior court for such district, amend, make up and complete any record of the former county court, when necessary to supply any omission of a former clerk thereof, in such manner as the court directs.

(c) The chief clerk for each judicial district and the clerks for housing matters may certify, as clerk of the judicial district or of any county within or partly within the judicial district, to the authority of judges, justices of the peace and commissioners of the Superior Court.

(d) Deputy chief clerks, clerks, deputy clerks and assistant clerks shall have the same powers as chief clerks of the Superior Court, subject to the direction of the chief clerk, and shall be authorized clerks for the district for which they are appointed, for the purpose of certifying to the authority of any judge, justice of the peace or commissioner of the Superior Court. Deputy clerks and assistant clerks shall have the same powers as

clerks of the superior court, subject to the direction of the clerk for the geographical area for which they are appointed, and shall be authorized clerks for the geographical area for the purpose of certifying to the authority of any judge, justice of the peace or commissioner of the Superior Court.

(e) A deputy chief clerk, deputy clerk or assistant clerk may sign any process or other document requiring the signature of the chief clerk or clerk for the court location for which he is appointed or any other document which the chief clerk or clerk is otherwise authorized to sign.

(f) A temporary assistant clerk shall have the same powers as clerks of the court.

(g) If authorized by the clerk, as defined in subsection (g) of section 51-51v, a supervisor or a clerical or administrative assistant may sign any process or other document requiring the signature of the chief clerk or clerk or any other document which the chief clerk or clerk is authorized to sign and may administer the oath to any witness during the trial or hearing of any action.

(P.A. 82-248, S. 52; P.A. 84-262, S. 3; P.A. 91-24, S. 4, 8.)

Sec.51-95. Qualification and certification of nominated justices of the peace.

(a) Each person nominated to be a justice of the peace shall take the official oath on or before the first Monday of January following his nomination or, if nominated to fill a vacancy, within ten days thereafter. If the first Monday of January falls on a legal holiday, the oath shall be taken on or before the first Tuesday of January. Unless the official oath is administered by the town clerk, the officer who administers it shall transmit a certificate of the taking of the oath to the clerk of the town in which the justice of the peace was nominated.

(b) Each such justice of the peace, after taking the official oath, shall furnish his signature to such town clerk upon a form prescribed and provided by the Secretary of the State. The form shall be delivered or sent by the clerk to each nominated justice of the peace within the town.

(c) If a person nominated to be a justice of the peace fails to take the oath or to furnish his signature to the town clerk on or before the first Monday in January following his nomination, or the first Tuesday in January if the first Monday in January following the nomination is a legal holiday, the office to which he was nominated shall be deemed vacant.

(d) The town clerk of each town shall keep a record of the names of such qualified justices of the peace.

(e) On or before the fifteenth day of January following the nomination of justices of the peace or, if nominated to fill a vacancy, within ten days after the nomination, the town clerk shall make a certificate upon a form to be prescribed and furnished by the

Secretary of the State, stating the names of such qualified justices of the peace in the town, which names shall be set forth as on the registry list of electors in the town. The town clerk shall transmit the certificate to the Secretary of the State.

(f) The certificate shall be sufficient authority upon receipt for the Secretary of the State to certify that the justices of the peace were duly nominated and qualified. Town clerks may also certify to the nomination and qualification of justices of the peace in their respective towns.

(g) Within thirty days after the fifteenth day of January following the nomination of any justice of the peace, and provided the signature form has been received by the town clerk, the town clerk shall issue to each such qualified justice of the peace a certificate of qualification setting forth his name, address, term of office and a statement that he is qualified to act as a justice of the peace.

(h) Each such justice of the peace shall cause the certificate of qualification to be displayed to any person who seeks his service as a justice of the peace.

(1949 Rev., S. 7548; 1953, S. 3093d; 1957, P.A. 224; 1959, P.A. 28, S. 97; 1963, P.A. 532; February, 1965, P.A. 75; 1971, P.A. 443; 1972, P.A. 165, S. 13; June, 1972, P.A. 1, S. 20; P.A. 74-109, S. 9, 11; P.A. 76-71, S. 2, 3; P.A. 78-153, S. 3, 32; P.A. 82-248, S. 79; P.A. 91-24, S. 5, 8; P.A. 94-230, S. 4, 10.)

Sec.51-95a. (Formerly Sec. 51-193a). Justice of the peace not to transact judicial business. Judicial business shall not be transacted by any justice of the peace.

(1959, P.A. 28, S. 44; February, 1965, P.A. 187, S. 1; P.A. 74-183, S. 71, 291; P.A. 76-436, S. 83, 681; P.A. 82-248, S. 80.)

Sec.51-105. Former justice may perfect records; copies. Any former justice of the peace who has been removed from office for other cause than a conviction of crime may perfect his records from the files, as occasion may require, and give certified copies thereof, which shall be legal evidence.

(1949 Rev., S. 7560.)

Sec.51-107. Attested copies of judgments legal evidence. Each attested copy of any judgment of a justice of the peace which was recorded in the record book of the town where the action was brought, with a certificate of the town clerk that it has been recorded and with the seal of such town affixed thereto, shall be legal evidence in any court in this state.

(1949 Rev., S. 7562.)

Sec.51-108. Files and minutes admissible as evidence. In the absence of a formal record, the files and minutes of a justice of the peace in any action heard and determined by him shall be admissible as evidence in all actions brought on such judgment after his decease or removal from this state.

(1949 Rev., S. 7563.)

Sec.52-53. State marshal may make special deputation. A state marshal may, on any special occasion, depute, in writing on the back of the process, any proper person to serve it. After serving the process, such person shall make oath before a justice of the peace that he or she faithfully served the process according to such person's endorsement thereon and did not fill out the process or direct any person to fill it out; and, if such justice of the peace certifies on the process that such justice of the peace administered such oath, the service shall be valid.

(1949 Rev., S. 7772; P.A. 82-160, S. 12; P.A. 00-99, S. 109, 154; P.A. 01-195, S. 58, 181.)

Sec.52-148b. Notice of taking of deposition. (a) No party may take the deposition of any person unless he has first given reasonable written notice to each adverse party or his known agent or attorney of the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. Such notice shall be served by an indifferent person at the usual place of abode of each person entitled to notice or by mailing such notice to him by certified mail.

(b) An order of the court is not required for the taking of a deposition by the party initiating a civil action or probate proceeding if the notice (1) states that the person to be examined is about to go out of this state, or is bound on a voyage to sea, and will be unavailable for examination unless his deposition is taken before expiration of the twenty-day period, and (2) sets forth facts to support such statements. The attorney for the party seeking to take the deposition shall sign the notice, and his signature constitutes a certification by him that to the best of his knowledge, information, and belief the statement and supporting facts are true.

(c) Whenever the whereabouts of any adverse party is unknown, a deposition may be taken pursuant to section 52-148a after such notice as the court, in which such deposition is to be used, or, when such court is not in session, any judge thereof, may direct.

(P.A. 76-273, S. 2.)

Sec.52-148c. Before whom depositions may be taken. (a) Within this state, depositions shall be taken before a judge or clerk of any court, justice of the peace, notary public or commissioner of the Superior Court.

(b) In any other state or country, depositions for use in a civil action or probate proceeding within this state shall be taken before a notary public, a commissioner appointed by the Governor of this state, any magistrate having power to administer oaths or a person commissioned by the court before which such action or proceeding is pending, or when such court is not in session, by any judge thereof. Any person so commissioned shall have the power by virtue of his commission to administer any necessary oath and to take testimony. Additionally, if a deposition is to be taken out of the United States, it may be taken before any foreign minister, secretary of a legation,

consul or vice-consul, appointed by the United States or any person by him appointed for the purpose and having authority under the laws of the country where the deposition is to be taken; and the official character of any such person may be proved by a certificate from the Secretary of State of the United States.

(P.A. 76-273, S. 3.)

Sec. 52-148e. Issuance of subpoena for taking of deposition. Deposition to be used in federal court or court of other state or foreign country. (a) Each judge or clerk of any court, justice of the peace, notary public or Commissioner of the Superior Court, in this state, may issue a subpoena, upon request, for the appearance of any witness before him to give his deposition in a civil action or probate proceeding, if the party seeking to take such person's deposition has complied with the provisions of sections 52-148a and 52-148b and may take his deposition, each adverse party or his agent being present or notified.

(b) The subpoena may command the person to whom it is directed to produce and permit inspection and copying of designated books, papers, documents or tangible things which are material to the cause of action or the defense of the party at whose request the subpoena was issued and within the possession or control of the person to be examined. However, no subpoena may compel the production of matters which are privileged or otherwise protected by law from discovery.

(c) Any person to whom a subpoena commanding production of books, papers, documents or tangible things has been directed may, within fifteen days after the service thereof or on or before the time specified in the subpoena for compliance if such time is less than fifteen days after service, serve upon the issuing authority designated in the subpoena written objection to inspection or copying of any or all of the designated materials. If objection is made, the party at whose request the subpoena was issued shall not be entitled to inspect and copy the disputed materials except pursuant to an order of the court in which the cause is pending. The party who requested the subpoena may, if objection has been made, move upon notice to the deponent for an order at any time before or during the taking of the deposition.

(d) The court in which the cause is pending may, upon motion made promptly and in any event at or before the time for compliance specified in a subpoena authorized by subsection (b) of this section, (1) quash or modify the subpoena if it is unreasonable and oppressive or if it seeks the production of materials not subject to production under the provisions of subsection (b) of this section, or (2) condition denial of the motion upon the advancement by the party who requested the subpoena of the reasonable cost of producing the materials which he is seeking.

(e) If any person to whom a lawful subpoena is issued under any provision of this section fails without just excuse to comply with any of its terms, the court before which the cause is pending, or any judge thereof, may issue a capias and cause him to be brought before such court or judge, as the case may be, and, if the person subpoenaed refuses to comply with said subpoena, such court or judge may commit him to jail until

he signifies his willingness to comply with it.

(f) Deposition of witnesses living in this state may be taken in like manner to be used as evidence in a civil action or probate proceeding pending in any court of the United States or of any other state of the United States or of any foreign country, on application to the court in which such civil action or probate proceeding is pending of any party to such civil action or probate proceeding. The Superior Court shall have jurisdiction to quash or modify, or to enforce compliance with, a subpoena issued for the taking of a deposition pursuant to this subsection.

(P.A. 76-273, S. 5; P.A. 77-604, S. 32, 84; P.A. 06-152, S. 4.)

Sec.52-155. Depositions before commissioner appointed by other jurisdiction. Compulsory process for witnesses. (a) Each commissioner, appointed according to the laws or usages of any other state or government, or by any court of the United States or of any other state or government, to take testimony in this state to be used in any such court, may apply to a judge of any court of record, or to any justice of the peace, notary public or commissioner of the Superior Court, for a subpoena or to any such judge for a capias, to compel the appearance of any witness before such commissioner.

(b) Upon proof of the commissioner's authority and that the testimony of the witness is material, the judge, justice of the peace, notary public or commissioner of the Superior Court shall issue the subpoena or capias requested. If any person summoned as a witness to testify before the commissioner refuses to appear and testify, the judge of any court of record may commit the person to prison until he signifies his willingness to appear and testify.

(c) Before any compulsory process issues to cause any witness to attend and give his deposition, it shall appear to the officer who was to take the deposition, or, in the case of a commissioner, to the officer issuing the summons, that the witness has been duly summoned and the amount of his fees tendered to him by the officer serving the same.

(1949 Rev., S. 7878; 1959, P.A. 615, S. 13; P.A. 82-160, S. 74.)

Sec.53-368. Falsely certifying as to administration of oath. Any person authorized by the laws of this state to administer oaths and affirmations, who falsely certifies that an oath or affirmation has been administered by him to any person in any matter where an oath or affirmation is by law required or falsely certifies that any affidavit, deposition or written statement of any kind required by law to be made upon oath or affirmation has been sworn or affirmed to before him by the person making such affidavit, deposition or written statement in any case where the same is required by law to be made, shall be fined not more than one thousand dollars or be imprisoned not more than three years or both.

(1949 Rev., S. 8706.)

Sec.54-142a. (Formerly Sec. 54-90). Erasure of criminal records. (a) Whenever in any criminal case, on or after October 1, 1969, the accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of any state's attorney pertaining to such charge shall be erased upon the expiration of the time to file a writ of error or take an appeal, if an appeal is not taken, or upon final determination of the appeal sustaining a finding of not guilty or a dismissal, if an appeal is taken. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect or guilty but not criminally responsible by reason of mental disease or defect.

(b) Whenever in any criminal case prior to October 1, 1969, the accused, by a final judgment, was found not guilty of the charge or the charge was dismissed, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased by operation of law and the clerk or any person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased; provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition for erasure with the court granting such not guilty judgment or dismissal, or, where the matter had been before a municipal court, a trial justice, the Circuit Court or the Court of Common Pleas with the records center of the Judicial Department and thereupon all police and court records and records of the state's attorney, prosecuting attorney or prosecuting grand juror pertaining to such charge shall be erased. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect.

(c) (1) Whenever any charge in a criminal case has been nolled in the Superior Court, or in the Court of Common Pleas, if at least thirteen months have elapsed since such nolle, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased, except that in cases of nolles entered in the Superior Court, Court of Common Pleas, Circuit Court, municipal court or by a justice of the peace prior to April 1, 1972, such records shall be deemed erased by operation of law and the clerk or the person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased, provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition to the court or to the records center of the Judicial Department, as the case may be, to have such records erased, in which case such records shall be erased.

(2) Whenever any charge in a criminal case has been continued at the request of the prosecuting attorney, and a period of thirteen months has elapsed since the granting of such continuance during which period there has been no prosecution or other disposition of the matter, the charge shall be construed to have been nolled as of the date of termination of such thirteen-month period and such erasure may thereafter be effected or a petition filed therefor, as the case may be, as provided in this subsection for nolled cases.

(d) (1) Whenever prior to October 1, 1974, any person who has been convicted of an offense in any court of this state has received an absolute pardon for such offense, such person or any one of his heirs may, at any time subsequent to such pardon, file a petition with the superior court at the location in which such conviction was effected, or with the superior court at the location having custody of the records of such conviction or with the records center of the Judicial Department if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice court, for an order of erasure, and the Superior Court or records center of the Judicial Department shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased.

(2) Whenever such absolute pardon was received on or after October 1, 1974, such records shall be erased.

(e) (1) The clerk of the court or any person charged with retention and control of such records in the records center of the Judicial Department or any law enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under any provision of this section and such clerk or person charged with the retention and control of such records shall forward a notice of such erasure to any law enforcement agency to which he knows information concerning the arrest has been disseminated and such disseminated information shall be erased from the records of such law enforcement agency. Such clerk or such person, as the case may be, shall provide adequate security measures to safeguard against unauthorized access to or dissemination of such records or upon the request of the accused cause the actual physical destruction of such records, except that such clerk or such person shall not cause the actual physical destruction of such records until three years have elapsed from the date of the final disposition of the criminal case to which such records pertain.

(2) No fee shall be charged in any court with respect to any petition under this section.

(3) Any person who shall have been the subject of such an erasure shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

(f) Upon motion properly brought, the court or a judge thereof, if such court is not in session, may order disclosure of such records (1) to a defendant in an action for false arrest arising out of the proceedings so erased, or (2) to the prosecuting attorney and defense counsel in connection with any perjury charges which the prosecutor alleges may have arisen from the testimony elicited during the trial. Such disclosure of such records is subject also to any records destruction program pursuant to which the records may have been destroyed. The jury charge in connection with erased offenses may be ordered by the judge for use by the judiciary, provided the names of the accused and the witnesses

are omitted therefrom.

(g) The provisions of this section shall not apply to any police or court records or the records of any state's attorney or prosecuting attorney with respect to any information or indictment containing more than one count (1) while the criminal case is pending, or (2) when the criminal case is disposed of unless and until all counts are entitled to erasure in accordance with the provisions of this section, except that when the criminal case is disposed of, electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section. Nothing in this section shall require the erasure of any information contained in the registry of protective orders established pursuant to section 51-5c. For the purposes of this subsection, "electronic record" means any police or court record or the record of any state's attorney or prosecuting attorney that is an electronic record, as defined in section 1-267, or a computer printout.

(h) For the purposes of this section, "court records" shall not include a record or transcript of the proceedings made or prepared by an official court reporter, assistant court reporter or monitor.

(1949 Rev., S. 8840; 1963, P.A. 482; 642, S. 72; 1967, P.A. 181; 663; 1969, P.A. 229, S. 1; 1971, P.A. 635, S. 1; 1972, P.A. 20, S. 2; P.A. 73-276, S. 1, 2; P.A. 74-52, S. 1, 2; 74-163, S. 1-3; 74-183, S. 152, 291; P.A. 75-541, S. 1, 2; P.A. 76-345; 76-388, S. 4, 6; 76-436, S. 10a, 551, 681; P.A. 77-429; 77-452, S. 40, 41, 42, 72; P.A. 81-218, S. 1; P.A. 83-486, S. 7; P.A. 91-3; P.A. 93-142, S. 3, 8; P.A. 95-133, S. 1; P.A. 96-63, 96-79, S. 1; P.A. 99-215, S. 18, 29; P.A. 02-132, S. 60; P.A. 08-151, S. 1.)