

Regulations of Connecticut State Agencies

TITLE 6. Counties and County Officers. Judicial and State Marshals

Agency

State Marshal Commission

Subject

Professional Standards (Including Disciplinary Process), Training and Minimum Fees

Inclusive Sections

§§ 6-38b-1—6-38b-28

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Professional Standards (Including Disciplinary Process), Training and Minimum Fees

Sec. 6-38b-1. Qualifications

To qualify as a state marshal pursuant to section 6-38b of the Connecticut General Statutes, a person shall:

- (1) Be an elector in the county in which a vacancy for the position of state marshal exists;
- (2) Speak, write and read the English language;
- (3) Be at least 21 years of age;
- (4) Have been awarded a high school diploma or general equivalency diploma (GED);
- (5) Be free from any physical, mental or emotional disorder that would prevent the person from performing the duties of a state marshal;
- (6) Be of good moral character;
- (7) Have a valid Connecticut driver's license; and
- (8) Have passed the examination required under section 6-38b-3 of the Regulations of Connecticut State Agencies and have completed all required training. The State Marshal Commission may waive the examination requirement for persons who previously served as deputy sheriffs in the state of Connecticut.

(Adopted effective October 3, 2002)

Sec. 6-38b-2. Application

(a) The State Marshal Commission shall provide an application form for appointment as a state marshal.

(b) All applications for appointment as a state marshal shall be typewritten or hand-printed and submitted to the commission in the form referred to in subsection (a) of this section.

(c) All applications shall be submitted under oath, sworn before and acknowledged by a notary public, that the information given is true. All applications shall include the following information:

- (1) All names by which the applicant has been known;
- (2) The applicant's residence mailing address;
- (3) The applicant's residence telephone number;
- (4) The applicant's business mailing address;
- (5) The applicant's business telephone number;
- (6) Whether the applicant is over the age of 21;
- (7) The applicant's Connecticut driver's license number and expiration date;
- (8) Whether the applicant is an elector in the county in which the vacancy occurs;
- (9) The applicant's criminal convictions and any pending criminal charges;
- (10) The applicant's employment history for the five years immediately preceding the date of application;
- (11) The names of three Connecticut residents who are not members of the applicant's immediate or extended family or household, who can attest to the applicant's good character;

(12) Whether the applicant is free from any physical, mental or emotional disorder that would prevent him or her from performing the duties of a state marshal; and

(13) The applicant's signature.

(d) The commission shall conduct a background investigation of an applicant to determine if the applicant possesses the qualifications set out in this section including, but not limited to, criminal background checks, and contact with references and current and/or former employers. All applications shall be accompanied by a fully executed authorization in a form to be provided by the commission authorizing the commission to access information concerning the applicant's background.

(e) An applicant may be required to submit a letter from a physician stating whether he or she has any physical, mental or emotional disorder that would prevent the person from performing the duties of a state marshal, or the commission may require the applicant to undergo a physical/mental examination.

(Adopted effective October 3, 2002)

Sec. 6-38b-3. Examination

(a) The State Marshal Commission shall administer to each applicant for appointment as a state marshal a written examination to determine the applicant's knowledge of service of process and execution.

(b) The examination shall include, but not be limited to, the following subjects:

(1) The functions of a state marshal, including, service of process and execution; and

(2) Familiarity with the applicable portions of the Connecticut General Statutes, the Connecticut Practice Book and the commission's regulations.

(c) A raw score of at least 80 percent shall be required to pass the examination.

(Adopted effective October 3, 2002)

Sec. 6-38b-4. Training

(a) The State Marshal Commission shall publish a manual providing information relevant to the duties and responsibilities of state marshals. This manual shall be provided to all state marshals.

(b) The commission shall establish a statewide training program for state marshals appointed pursuant to section 6-38b of the Connecticut General Statutes. The commission shall appoint instructors for such program who shall hold classes on the subject area of a state marshal's duties and responsibilities, as determined by the commission after consultation with the State Marshal Advisory Board.

(c) State marshals shall comply with all continuing education requirements and certification or re-certification requirements as established by regulation.

(Adopted effective October 3, 2002)

Sec. 6-38b-5. Appointment

(a) No person shall be appointed as a state marshal pursuant to section 6-38b of the

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Connecticut General Statutes unless such person:

(1) Meets all of the qualification requirements set forth in section 6-38b-1 of the Regulations of Connecticut State Agencies;

(2) Has submitted an application which complies in all respects with section 6-38b-2 of the Regulations of Connecticut State Agencies;

(3) Has completed and passed the examination administered pursuant to section 6-38b-3 of the Regulations of Connecticut State Agencies in compliance with all rules governing the examination, pursuant to chapter 67 of the Connecticut General Statutes, unless waived in accordance with the provisions of subdivision (8) of section 6-38b-1 of the Regulations of Connecticut State Agencies;

(4) Has satisfactorily completed the training program required in section 6-38b-4 of the Regulations of Connecticut State Agencies;

(5) Is in compliance with section 6-39 of the Connecticut General Statutes;

(6) Provides to the State Marshal Commission sufficient evidence that the applicant has in effect personal liability insurance which complies with the requirements of section 6-30a of the Connecticut General Statutes; and

(7) Has been fingerprinted and successfully passed a federal and state records check.

(b) The commission may deny appointment of an applicant because of a prior conviction of a crime if, after considering:

(1) The nature of the crime and its relationship to the job for which the person has applied;

(2) Information pertaining to the degree of rehabilitation of the convicted person; and

(3) The time elapsed since the conviction or release, the commission determines that the applicant is not suitable to be a state marshal.

(c) The commission shall issue to newly-appointed state marshals a certificate of appointment, an identification card and a badge. All state marshals shall carry the identification card and badge with them while performing the duties of a state marshal.

(Adopted effective October 3, 2002)

Sec. 6-38b-6. Standards of conduct

A state marshal shall:

(1) Comply with all federal, state and local laws, including all applicable state laws, rules of court and regulations concerning a state marshal's duties;

(2) Act with honesty and professional integrity with respect to all matters concerning his or her duties;

(3) Not, while performing the duties of a state marshal, engage in the practice of law or render legal advice;

(4) Perform services in a timely fashion in order to comply with any requirements stated in the Connecticut General Statutes;

(5) Maintain up-to-date records of all process that identify all fees collected and disbursed;

(6) Make his or her records available for inspection by the State Marshal Commission

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upon request;

(7) Inform the commission of the trustee account identification number(s);

(8) Notify the commission, in writing, of his or her intention to perform collection work for any client, prior to engaging in such collection work and

(A) Deposit all funds collected on behalf of any client in a non-interest bearing trustee account, provided no such funds may be commingled with any non-client funds;

(B) Advise the commission, in writing, of the name of the banking institution, branch address, and the name and number of any such trustee account opened or closed;

(C) Deliver any funds to the owner in accordance with the Connecticut General Statutes.

(9) No checks from the trustee account shall be made payable to “cash”. No disbursements may be made from the trustee account except for remittance to the client, the disbursement of the applicable fee to the state marshal and for expenses directly related to a specific client. When specific client expenses are paid from the trustee account, the check shall note the name of the client and the nature of the expense. An amount not to exceed \$1,250.00 may be retained in the trustee account to provide for bank charges.

(10) Not use his or her powers, his or her appointment, or any of the incidents thereof, for personal gain or to gain an advantage for another person, other than the authorized collection of fees for service of process or other duties performed by the state marshal;

(11) Not use his or her position for an unlawful, unauthorized or improper purpose;

(12) Not use his or her powers, his or her appointment, or any of the incidents thereof, in connection with any personal matter or dispute;

(13) Not consume alcohol or be under the influence of alcohol while involved in performing his or her duties and not use illegal drugs at any time;

(14) Cooperate fully and truthfully in any inquiry or investigation conducted by the commission or any law enforcement or regulatory agency, subject to the exercise of applicable privileges;

(15) Inform the commission, within 48 hours after being arrested and inform the commission of the disposition of the case no later than 48 hours after being notified of such disposition;

(16) Remain at all times in a physical and mental condition suitable to the satisfactory performance of the duties of a state marshal;

(17) Apprise the commission in writing of any change in the state marshal’s residence or business address or residence or business phone number within ten days of such change;

(18) Not display the credentials of a state marshal for any unauthorized, unlawful or improper purpose;

(19) Not knowingly violate the provisions of section 6-38d of the Connecticut General Statutes; and

(20) Not engage in conduct that could harm or otherwise impugn his or her professional reputation, standing or integrity.

(Adopted effective October 3, 2002)

Sec. 6-38b-7. Investigations

(a) When the State Marshal Commission receives a written complaint concerning a state marshal, the commission shall notify the state marshal that a complaint has been received.

(b) The State Marshal Commission may initiate and conduct any investigation that the commission deems necessary within the commission's jurisdiction. The commission shall send a notice of such investigation to the state marshal being investigated.

(c) The commission may appoint an investigator.

(d) The investigator shall review the allegations against a state marshal and determine the course of any investigation.

(e) The investigator shall prepare a report to include, at a minimum: copies of documents obtained; a summary of the information gathered and recommended findings.

(f) Such findings shall be presented by the investigator to the commission for the purposes of determining the appropriate action to be taken in the matter.

(g) The state marshal shall be notified in writing of any proposed action and advised of his or her right to a hearing.

(Adopted effective October 3, 2002)

Sec. 6-38b-8. Disciplinary actions

(a) Emergency suspension of appointment - Emergency suspension of the appointment of a state marshal by the State Marshal Commission shall be in accordance with the process contained in section 4-182(c) of the Connecticut General Statutes.

(b) The commission may suspend or revoke the appointment of a state marshal when it determines, after due notice and hearing that the state marshal:

(1) Lacks the ability, knowledge, skill, or professional judgment to perform the duties of a state marshal;

(2) Failed to maintain any of the qualification requirements of section 6-38b-1 of the Regulations of Connecticut State Agencies;

(3) Has failed to perform the duties and responsibilities of a state marshal, and that failure resulted in: (A) the life, health, or safety of a person being placed in jeopardy of death or injury; or (B) a person's property being placed in jeopardy of loss or damage;

(4) Since appointment, has been convicted of a crime, after consideration of the nature of the crime and its relationship to the position of state marshal;

(5) Has been found to have falsified or omitted information required to be provided in the state marshal application process;

(6) Misapplied or misappropriated money or property;

(7) Engaged routinely in inaccurate accounting;

(8) Failed to account for funds;

(9) Failed to be in compliance with section 6-39 of the Connecticut General Statutes;

(10) Failed to adhere to the accounting practices contained in section 6-38b-6 of the Regulations of Connecticut State Agencies;

(11) Failed to maintain the insurance required by section 6-30a of the Connecticut

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General Statutes; or

(12) Knowingly violated the provisions of section 6-38d of the Connecticut General Statutes.

(c) Suspension or revocation of the appointment of a state marshal may also be imposed for any conduct that could harm or otherwise impugn his or her professional reputation, standing or integrity, including violations of section 6-38b-6 of the Regulations of Connecticut State Agencies.

(d) Suspension or revocation of the appointment of a state marshal may be considered for violation of section 6-38b-6(16) of the Regulations of Connecticut State Agencies. The commission may, after due consideration and review of the circumstances in the matter, require that the state marshal submit to a medical examination.

(Adopted effective October 3, 2002)

Sec. 6-38b-9. Hearing procedure

Hearings shall be conducted in accordance with the provisions of the Uniform Administrative Procedure Act, section 4-166, et seq., of the Connecticut General Statutes.

The hearing may be held before one or more hearing officers or one or more members of the State Marshal Commission. No individual who has personally carried out the function of an investigator in a contested case may serve as a hearing officer.

(1) Official address. All correspondence relating to hearings shall be addressed to: State Marshal Commission, 765 Asylum Avenue, Hartford, Connecticut 06105.

(2) Notice of hearings. The hearing/presiding officer shall mail a notice of hearing to all parties. Notice shall be mailed to the addresses provided to the commission by the parties, at least ten (10) days before the scheduled hearing, unless all parties waive the requirement of advance notice. The notice shall include a statement of the time, place, the legal authority under which the hearing is to be held, reference to the particular sections of the statutes and regulations involved and nature of the hearing and a short and plain statement of the matters asserted. If the hearing/presiding officer is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(3) Location of hearings. Hearings shall be held at 765 Asylum Avenue, Hartford, Connecticut and at such other location or locations as the hearing/presiding officer may designate.

(4) Postponements and adjournments. Postponements or adjournments shall be granted only for good cause shown upon a request made to the hearing/presiding officer. The hearing/presiding officer may reschedule a hearing or adjourn a hearing in progress to another date and time.

(5) Waiver of oral hearing and personal appearance. Any state marshal who is the subject of a hearing may waive oral hearing and personal appearance and request that the matter be adjudicated on the basis of the available written and demonstrative evidence on file with the hearing/presiding officer including any evidence submitted by the state marshal who is

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the subject of the hearing.

(6) Adjudication in absence of a party. Where the hearing/presiding officer finds that the notice of hearing has been properly served by mail and the respondent or any witness has failed to appear, the hearing/presiding officer may in his or her discretion hear the case.

(7) Rules of evidence. The rules of evidence set forth in section 4-178 of the Connecticut General Statutes shall apply.

(8) Limiting number of witnesses. To avoid unnecessary cumulative evidence, the hearing/presiding officer may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing. The hearing/presiding officer may permit any party to offer testimony in written form, if it will expedite the hearing. Such written testimony shall be received in evidence with the same force and effect as though it were stated orally by the witness who has given the evidence, provided that the interests of the parties shall not be prejudiced substantially. Any party or witness who submits written testimony shall be present at the hearing at which such testimony is offered and shall adopt the written testimony under oath unless the opposing party has waived the right to cross-examine such party or witness as provided in subsection (9) of this section.

(9) Cross-examination. A party may conduct cross-examinations required for a full and true disclosure of the facts.

(10) Final decision.

(A) A final decision following a hearing shall be in writing or stated in the record. The hearing/presiding officer shall, after hearing a matter, make a proposed final decision to the commission. The commission shall review the proposed final decision of the hearing/presiding officer and render a final decision.

(B) All parties shall be notified either personally or by mail of the final decision.

(11) Any appeal of the final decision of the commission shall be in accordance with section 4-183 of the Connecticut General Statutes.

(12) A state marshal may have legal representation, at his or her own expense, at a hearing to which he or she is a party.

(Adopted effective October 3, 2002)

Sec. 6-38b-10. Minimum fees for service of process and execution

Except as otherwise provided in the Connecticut General Statutes:

(1) Each state marshal who serves process, summons or attachments shall receive a fee of not less than five dollars (\$5.00) for each process served.

(2) Each state marshal who serves an execution on a summary process judgment shall receive a fee of not less than twelve dollars and fifty cents (\$12.50).

(3) Each state marshal who removes a defendant under section 47a-42 of the Connecticut General Statutes, or other occupant bound by a summary process judgment, and the possessions and personal effects of such defendant or other occupant, shall receive a fee of not less than eighteen dollars and seventy-five cents (\$18.75).

(Adopted effective October 3, 2002)

General Provisions and Personal Data Systems

Sec. 6-38b-11. Creation

The State Marshal Commission is established by section 6-38b of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 6-38b-12. Authority and duties

The commission shall have the duties and responsibilities as provided by sections 6-38b, 6-38e and 6-38f of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 6-38b-13. Membership and terms of office

(a) The commission is composed of eight (8) members, plus two (2) ex officio members, appointed in accordance with the provisions of subsection (a) of section 6-38b of the Connecticut General Statutes.

(b) The terms of all members shall be as set forth in subsection (b) of section 6-38b of the Connecticut General Statutes.

(Adopted effective November 4, 2002)

Sec. 6-38b-14. Definitions

As used in sections 6-38b-1 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Chairman” means the member of the State Marshal Commission appointed by the governor to serve as chairman;

(2) “Commission” means the State Marshal Commission of the State of Connecticut;

(3) “Ex officio member” means a state marshal appointed to the commission in accordance with the provisions of subsection (a) of section 6-38b of the Connecticut General Statutes; such ex officio members are nonvoting members of the commission;

(4) “Hearing” means the proceedings by which the commission makes further inquiry concerning the suspension or revocation of a state marshal’s appointment or concerning a declaratory ruling;

(5) “Hearing officer” shall have the meaning defined in subdivision (4) of section 4-166 of the Connecticut General Statutes;

(6) “Meeting” means any hearing or proceeding of a quorum of the commission in which the business of the commission is being conducted;

(7) “Member” means any of the eight (8) individuals who serve on the commission;

(8) “Presiding officer” means a member of the commission designated by the commission to preside over a hearing conducted in accordance with section 6-38b-9 of the Regulations of Connecticut State Agencies; and

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(9) “Quorum” means five (5) members of the commission.

(Adopted effective November 4, 2002)

Sec. 6-38b-15. Principal office and official address

(a) The principal office of the commission is located at 765 Asylum Avenue, Hartford, CT 06105.

(b) All communications shall be addressed to the commission at its principal office.

(Adopted effective November 4, 2002)

Sec. 6-38b-16. Meetings

(a) The commission shall hold its meetings in accordance with the provisions of the Freedom of Information Act. The chairman may cancel meetings.

(b) The chairman may call special or emergency meetings of the commission whenever he determines that such meetings are necessary.

(c) Notice of meetings shall be provided to members of the commission and to the public in accordance with the requirements of the Freedom of Information Act.

(d) A quorum of the commission shall be present at a meeting in order for business of the commission to be conducted.

(e) Minutes of meetings shall be kept in accordance with the provisions of the Freedom of Information Act.

(Adopted effective November 4, 2002)

Sec. 6-38b-17. Public inspection of records and requests for information

The records of the commission shall be maintained at its principal office and shall be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. Copies of documents shall be provided pursuant to the requirements of the Freedom of Information Act.

(Adopted effective November 4, 2002)

Sec. 6-38b-18. Applicability of regulations

Sections 6-38b-1 to 6-38b-9, inclusive, and sections 6-38b-19 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies govern practice and procedure before the commission under the applicable laws of the State of Connecticut, except where otherwise provided by statute.

(Adopted effective November 4, 2002)

Sec. 6-38b-19. Contested cases

In conjunction with the provisions of sections 6-38b-7 to 6-38b-9, inclusive, of the Regulations of Connecticut State Agencies, the following provisions shall apply:

(1) Designation of parties.

(A) In issuing the notice of hearing, the chairman or his designee shall designate as a

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party any person known to the commission whose legal rights, duties or privileges are required by statute to be determined by a commission proceeding and who is required by law to be a party in a commission proceeding and any person whose participation as a party is then deemed to be necessary to the proper disposition of the proceeding. Subsequent to the issuance of the notice of hearing, no person before the commission, other than a respondent who is identified in the notice of hearing, has standing as a party within the definition set forth in subdivision (8) of section 4-166 of the Connecticut General Statutes except upon the express order of the hearing/presiding officer.

(B) Any person who is not identified as a party in the notice of hearing may petition the hearing/presiding officer for admission as a party subsequent to the issuance of the notice and prior to the commencement of oral testimony in any hearing. The petition shall be in writing, signed by the petitioner or his or her authorized representative and shall be served on the commission and the parties at least five days before the date of the hearing. The petition shall state facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the commission's decision. The hearing/presiding officer shall rule on the petition prior to the commencement of any oral testimony in the hearing and shall notify the petitioner of the ruling in writing unless the petitioner is present at the contested case hearing.

(C) The hearing/presiding officer may remove as a party any person whose rights, duties or privileges are determined not to be at issue in the contested case.

(D) The conferring of party status shall not be deemed to be an admission by the commission that such party may be aggrieved by any final decision, order or ruling of the commission.

(2) *Intervenors.*

(A) The hearing/presiding officer may grant any person status as an intervenor in a contested case if he or she finds that: (A) the person has submitted a written petition to the hearing/presiding officer and served copies to all parties and intervenors at least five days before the date of the hearing; and (B) the petition states facts that demonstrate that the petitioner's participation is in the interest of justice and will not impair the orderly conduct of the proceeding. An intervenor shall participate only in those portions of the contested case that the hearing/presiding officer shall expressly allow.

(B) The conferring of intervenor status by the hearing/presiding officer shall not be deemed to be an admission by the commission that such intervenor may be aggrieved by any final decision, order or ruling of the commission.

(3) *Representation of parties and intervenors.* Each person authorized to participate in a contested case as a party or as an intervenor shall file a written notice of appearance with the commission. Such appearance may be filed on behalf of parties and intervenors by an attorney, subject to the rules hereinabove stated. The filing of a written appearance may be excused by the hearing/presiding officer.

(Adopted effective November 4, 2002)

Sec. 6-38b-20. Petitions concerning adoption of regulations

(a) **General rule** - Subsections (b) and (c) of section 6-38b-20 of the Regulations of Connecticut State Agencies set forth the procedure to be followed by the commission in the disposition of a petition concerning the adoption, amendment or repeal of regulations.

(b) **Form of petition** - Any interested person may petition the commission or the commission may on its own motion initiate a proceeding to adopt, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. The petition shall contain the name and address of the petitioner. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto. The petition shall be addressed to the commission and delivered to it at its principal office.

(c) **Procedure after petition filed**

(1) Decision on petition. Upon receipt of the petition the commission shall within thirty (30) days determine whether to deny the petition or to initiate regulation-making proceedings in accordance with law.

(2) Procedure on denial. If the commission denies the petition, the commission shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the commission shall deem appropriate.

(Adopted effective November 4, 2002)

Sec. 6-38b-21. Petitions for declaratory rulings

(a) **General rule.** Subsections (b) and (c) of section 6-38b-21 of the Regulations of Connecticut State Agencies set forth the procedure to be followed by the commission in the disposition of a petition for a declaratory ruling as to the applicability to specified circumstances of any provision of any statute or of any regulation or final decision on a matter within the commission's jurisdiction.

(b) **Form of petition for declaratory ruling.** Any person may petition the commission, or the commission may on its own motion initiate a proceeding, for a declaratory ruling as to the validity of any of its regulations, or the applicability to specified circumstances of any provision of any statute, or any regulation, or final decision on a matter within the commission's jurisdiction. The petition shall conform to this subsection. Such petition shall be addressed to the commission and delivered to it at its principal office. The petition shall contain the name and address of such petitioner. The petition shall (1) state clearly and concisely the substance and nature of the petition; (2) identify the statute, regulation or order concerning which the petition is made; and (3) identify the particular aspect thereof to which the petition is directed. The petition for a declaratory ruling shall be accompanied by a statement of any supporting data, facts and arguments that support the position of the petitioner.

(c) **Procedure after petition for declaratory ruling filed.**

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(1) Notice. Within thirty (30) days after receipt of a petition for a declaratory ruling, the commission shall give notice of the petition to all persons who have requested notice of the declaratory ruling petitions on the subject matter of the petition.

(2) Parties and intervenors. If the commission finds that a timely petition to become a party or to intervene has been filed according to section 6-38b-19 of the Regulations of Connecticut State Agencies, the commission: (A) may grant a person status as a party if the commission finds that the petition states the facts demonstrating that the petitioner's legal rights, duties or privileges shall be specifically affected by the commission proceedings; and (B) may grant a person status as an intervenor if the commission finds that the petition states facts demonstrating that the petitioners participation is in the interests of justice and will not impair the orderly conduct of the proceedings. The commission may define an intervenor's participation in the manner set forth in subsection (d) of section 4-177a of the Connecticut General Statutes.

(3) Commission action. Within sixty (60) days after receipt of petition for a declaratory ruling, the commission in writing shall: (A) issue a ruling declaring the validity of a regulation or the applicability of the provision of the Connecticut General Statutes, the regulation, or the final decision in question to the specified circumstances; (B) order the matter set for specified proceedings; (C) agree to issue a declaratory ruling by a specified date; (D) decide not to issue a declaratory ruling and initiate regulation-making proceedings, under section 4-168 of the Connecticut General Statutes, on the subject; or (E) decide not to issue a declaratory ruling, stating the reasons for its action.

(4) Provision for hearing. If the commission deems a hearing necessary or helpful in determining any issue concerning the petition for a declaratory ruling, the commission shall schedule such hearing and give such notice thereof as shall be appropriate. Section 6-38b-9 of the Regulations of Connecticut State Agencies governs the practice and procedure of the commission in any hearing concerning a declaratory ruling.

(Adopted effective November 4, 2002)

Sec. 6-38b-22. Personal data, definitions

(a) Terms defined in section 4-190 of the Connecticut General Statutes shall apply to sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies.

(b) As used in sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies, unless the context otherwise requires:

(1) "Categories of personal data" means the classifications of personal information set forth in subdivision (9) of Section 4-190 of the Connecticut General Statutes.

(2) "Commission" or "agency" means the State Marshal Commission.

(3) "Employment record" means that compilation of personal data, in either manual or automated form, which relates to the qualifications of employment applicants.

(4) "Other data" means any information that because of name, identifying number, mark or description can be readily associated with a particular person.

(5) "Personnel file" means that compilation of personal data, in either manual or

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automated form, relating to a commission employee's employment and personnel activities, including, but not limited to, his or her performance, evaluation and payroll and other employment-related record keeping which is necessary for the conduct of the commission's business and which is kept and maintained by the commission's business office.

(6) "State marshal file" means that compilation of personal data, in either manual or automated form, relating to a specific state marshal, including his or her qualifications, application, training and appointment and any investigation, disciplinary action or audits with respect to such state marshal.

(Adopted effective November 4, 2002)

Sec. 6-38b-23. General nature and purpose of personal data system

(a) The commission has a single designated personal data system consisting of three parts and whose nature and purpose is to maintain accurate and current information regarding:

(1) The appointment and discipline of state marshals under the relevant sections of chapter 78 of the Connecticut General Statutes;

(2) The qualifications of employment applicants; and

(3) Employees' employment and personnel activities necessary for the conduct of the commission's business.

(b) The commission's personal data system is both manual and automated and is located at the commission's principal office at 765 Asylum Avenue, Hartford, Connecticut 06105. The commission is responsible for maintaining the system and requests for disclosure or amendment of information should be made in care of the commission's Administrative Director. The commission's routine sources of personal data are witnesses, parties, public records, appointment applications, employment applications, personal resumes and Department of Administrative Services and State Comptroller forms.

(Adopted effective November 4, 2002)

Sec. 6-38b-24. Categories of personal data in the commission's personal data system

The categories of personal data maintained by the commission consist of information concerning the appointment and disciplinary actions of state marshals and employment records and personnel files of the commission's employees. In addition, the commission maintains a general correspondence file that contains other data. Records of personal data are maintained on state marshals, agency personnel and employment applicants. State marshal files may also contain personal data concerning parties, witnesses and other persons.

(Adopted effective November 4, 2002)

Sec. 6-38b-25. Maintenance of personal data

(a) The commission shall strive to collect and maintain all personal data with accuracy and completeness. Any personal data not relevant and necessary to accomplish the lawful purpose of the commission shall be disposed of in accordance with the commission's record

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retention schedule, or upon permission from the public records administrator to dispose of said records under section 11-8a of the Connecticut General Statutes.

(b) Insofar as it is consistent with the needs and mission of the commission, the commission, wherever practical, shall collect personal data directly from the persons to whom a record pertains.

(c) All employees who function as custodians for the commission's personal data system, or are involved in the operation of such system, shall be given a copy of the provisions of the Personal Data Act, sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies, a copy of the Freedom of Information Act and any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the agency.

(d) All such commission employees shall take reasonable precautions to protect personal data under their control or custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(e) The commission shall incorporate by reference the provisions of the Personal Data Act and sections 6-38b-22 to 6-38b-28, inclusive, of the Regulations of Connecticut State Agencies in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the commission or on its behalf.

(f) An agency requesting personal data from the commission shall have an independent obligation to insure that the personal data is properly maintained.

(g) Access to the commission's personal data system is available to commission members and employees who require such information in the performance of their official and lawful duties and to such other persons who are entitled to access under law. The commission shall keep an up-to-date roster of commission employees entitled to access to the commission's personal data system.

(h) The commission shall ensure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records shall be sent in envelopes or boxes sealed and marked "confidential," where such records are required by law to be kept confidential.

(i) The commission shall ensure that all records in its manual personal data system are kept under lock and key, and, to the greatest extent practical, are kept in controlled access areas.

(j) The commission shall, to the greatest extent practical, locate automated equipment and records in a limited access area.

(k) To the greatest extent practical, the commission shall require visitors to such area to sign a visitor's log and permit access to such area on a bona-fide need-to-enter basis only.

(l) The commission, to the greatest extent practical, shall ensure that regular access to automated equipment is limited to operations personnel and other authorized persons.

(m) The commission shall use appropriate access control mechanisms to prevent disclosure to unauthorized individuals of personal data required to be kept confidential by

law.

(Adopted effective November 4, 2002)

Sec. 6-38b-26. Disclosure of personal data

(a) Any individual may request from the commission whether it maintains personal data on that individual; the category and location of the personal data maintained on that individual and procedures available to review the information. The commission shall, within four business days of receipt of a written request, mail or deliver to the requesting individual a written response in plain language.

(b) Except where nondisclosure is required or specifically permitted by law, the commission shall disclose to any person upon request all personal data concerning that person that is maintained by the commission. Such disclosure shall be made so as not to disclose any personal data concerning persons other than the individual requesting such information. The procedures for disclosure shall be in accordance with sections 1-200 to 1-232, inclusive, of the Connecticut General Statutes. If the personal data is maintained in coded form, the commission shall transcribe the data into a commonly understandable form before disclosure.

(c) Commission personnel shall verify the identity of any person requesting access to his or her own personal data.

(d) The commission may refuse to disclose to a person medical, psychiatric or psychological data regarding that person if it is determined by the commission that such disclosure would be detrimental to the person, or if such non-disclosure is otherwise permitted or required by law. If the commission refuses to disclose medical, psychiatric or psychological data to a person, it shall inform the person of his or her right to seek judicial relief provided by section 4-195 of the Connecticut General Statutes.

(e) If the commission refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and the nondisclosure is not mandated by law, the commission shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If nondisclosure is recommended by such person's medical doctor, the commission shall not disclose the personal data and shall inform such person of the judicial relief provided under section 4-195 of the Connecticut General Statutes.

(f) The commission shall maintain a record of each person, individual, agency or organization who has obtained access to or to whom disclosure has been made of personal data in accordance with subsection (c) of section 4-193 of the Connecticut General Statutes, together with a reason for each such disclosure or access. This record shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer. This record shall be disclosed to any person upon written request.

(Adopted effective November 4, 2002)

Sec. 6-38b-27. Procedures for contesting content

The following procedure shall be used in order to provide an opportunity to contest the accuracy, completeness or relevancy of personal data:

(1) Any individual may file a written request with the commission for correction of personal data pertaining to him or her.

(2) Within thirty days of receipt of such request, the commission shall give written notice to such individual that it will make the correction, or if the correction is not to be made as submitted, the commission shall state the reason for its denial of such request and notify the person of his or her right to add his or her own statement to his or her personal data records.

(3) Following such denial by the commission, the individual requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what he or she believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the commission's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(Adopted effective November 4, 2002)

Sec. 6-38b-28. Uses to be made of the personal data

(a) State marshal files are routinely used in the performance of the commission's statutory mandate under section 6-38b and other relevant sections of chapter 78 of the Connecticut General Statutes concerning the appointment of state marshals.

(b) Employment records are routinely used for evaluating the qualifications of employment applicants.

(c) Personnel files are routinely used for recording and evaluating the work performance of commission employees. Personnel files are used also for payroll and other employment-related record keeping, as required by the Department of Administrative Services, the Office of the Comptroller, the Office of Policy and Management and other legal authorities.

(d) Records contained in the commission's personal data system shall be retained for the period indicated for such records in the commission's retention and destruction of records schedule, as amended from time to time, approved by the state records administrator pursuant to section 11-8a of the Connecticut General Statutes.

(e) When an individual is asked by the commission to supply personal data, the commission, upon request, shall disclose to that individual:

(1) The name of the agency requesting the personal data;

(2) The legal authority under which the commission is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the Personal Data Act and commission regulations;

(4) The known consequences arising from supplying or refusing to supply the requested personal data;

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(5) The proposed use to be made of the requested personal data.

(Adopted effective November 4, 2002)