



# Senate

General Assembly

**File No. 616**

January Session, 2007

Substitute Senate Bill No. 1109

*Senate, April 30, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DEPRIVATION OF RIGHTS ON ACCOUNT OF SEXUAL ORIENTATION.***

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

1 Section 1. Subsection (a) of section 46a-58 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (a) It shall be a discriminatory practice in violation of this section for  
5 any person to subject, or cause to be subjected, any other person to the  
6 deprivation of any rights, privileges or immunities, secured or  
7 protected by the Constitution or laws of this state or of the United  
8 States, on account of religion, national origin, alienage, color, race, sex,  
9 sexual orientation, blindness or physical disability.

10 Sec. 2. Section 53-37a of the general statutes is repealed and the  
11 following is substituted in lieu thereof (*Effective October 1, 2007*):

12 Any person who, with the intent to subject, or cause to be subjected,

13 any other person to the deprivation of any rights, privileges or  
 14 immunities, secured or protected by the Constitution or laws of this  
 15 state or of the United States, on account of religion, national origin,  
 16 alienage, color, race, sex, sexual orientation, blindness or physical  
 17 disability, violates the provisions of section 46a-58, as amended by this  
 18 act, while wearing a mask, hood or other device designed to conceal  
 19 the identity of such person shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	46a-58(a)
Sec. 2	<i>October 1, 2007</i>	53-37a

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Judicial Department (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

Any revenue from criminal fines imposed under the bill or marginal cost for incarceration and/or probation supervision in the community as a result of the bill would be minimal.

**The Out Years**

The annualized cost identified above would continue into the future subject to inflation. Potential revenues from criminal fines would remain constant into the future since they are set by statute.

**OLR Bill Analysis****sSB 1109*****AN ACT CONCERNING THE DEPRIVATION OF RIGHTS ON ACCOUNT OF SEXUAL ORIENTATION.*****SUMMARY:**

This bill makes it a class A misdemeanor to subject someone to the deprivation of rights, privileges, and immunities secured or protected by the state or federal laws or constitutions because of his sexual orientation. This crime is punishable by imprisonment for up to one year, a fine of up to \$ 2,000, or both.

It makes it a class D felony if (1) property is damaged as a consequence of a violation in an amount exceeding \$1,000 or (2) the violator wears a mask, hood, or other device designed to conceal his identity. A class D felony is punishable by imprisonment for up to five years, a fine of up to \$ 5,000, or both.

It also gives the Commission on Human Rights and Opportunities (CHRO) jurisdiction to investigate complaints of deprivations of rights, privileges, and immunities secured or protected by any state or federal law or constitution on the basis of sexual orientation. Thus, for example, it gives CHRO jurisdiction to investigate complaints of discrimination on the basis of sexual orientation against students by public schools (See BACKGROUND).

EFFECTIVE DATE: October 1, 2007

**BACKGROUND*****Related Statutes***

The law requires that public schools be open to all children five years of age and over and that each such child have an equal opportunity to participate in the activities, programs, and courses of

study offered in such public schools without discrimination on account of sexual orientation (CGS §10-15c(a)).

The law defines “sexual orientation” as having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference, or being identified with such preference (CGS § 46a-81a) But this statute does not refer to the laws this bill amends.

**Related Case**

The state Supreme Court held that CHRO has jurisdiction to investigate claims of racial discrimination filed by students against a public school because CGS § 46a-58 prohibits racial discrimination, and CGS § 10-15c makes public schools open to all students without discrimination on the basis of race (*Commission on Human Rights and Opportunities v. Board of Education*, 270 Conn. 665 (2004)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/13/2007)