



General Assembly

Amendment

February Session, 2018

LCO No. 5151



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. DOYLE, 9th Dist.
SEN. FLEXER, 29th Dist.
SEN. WINFIELD, 10th Dist.
SEN. GERRATANA, 6th Dist.
SEN. GOMES, 23rd Dist.
SEN. LARSON, 3rd Dist.
SEN. CASSANO, 4th Dist.

SEN. MOORE, 22nd Dist.
SEN. BYE, 5th Dist.
SEN. OSTEN, 19th Dist.
SEN. KENNEDY, 12th Dist.
SEN. LEONE, 27th Dist.
SEN. MCCRORY, 2nd Dist.
SEN. FONFARA, 1st Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. HARTLEY, 15th Dist.

To: Subst. Senate Bill No. 132

File No. 604

Cal. No. 355

"AN ACT COMBATTING SEXUAL HARASSMENT AND SEXUAL ASSAULT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46a-54 of the 2018 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2018*):

6 The commission shall have the following powers and duties:

7 (1) To establish and maintain such offices as the commission may

8 deem necessary;

9 (2) To organize the commission into a division of affirmative action
10 monitoring and contract compliance, a division of discriminatory
11 practice complaints and such other divisions, bureaus or units as may
12 be necessary for the efficient conduct of business of the commission;

13 (3) To employ legal staff and commission legal counsel as necessary
14 to perform the duties and responsibilities under section 46a-55, as
15 amended by this act. One commission legal counsel shall serve as
16 supervising attorney. Each commission legal counsel shall be admitted
17 to practice law in this state;

18 (4) To appoint such investigators and other employees and agents as
19 it deems necessary, fix their compensation within the limitations
20 provided by law and prescribe their duties;

21 (5) To adopt, publish, amend and rescind regulations consistent
22 with and to effectuate the provisions of this chapter;

23 (6) To establish rules of practice to govern, expedite and effectuate
24 the procedures set forth in this chapter;

25 (7) To recommend policies and make recommendations to agencies
26 and officers of the state and local subdivisions of government to
27 effectuate the policies of this chapter;

28 (8) To receive, initiate as provided in section 46a-82, as amended by
29 this act, investigate and mediate discriminatory practice complaints;

30 (9) By itself or with or by hearing officers or human rights referees,
31 to hold hearings, subpoena witnesses and compel their attendance,
32 administer oaths, take the testimony of any person under oath and
33 require the production for examination of any books and papers
34 relating to any matter under investigation or in question;

35 (10) To make rules as to the procedure for the issuance of subpoenas
36 by individual commissioners, hearing officers and human rights

37 referees;

38 (11) To require written answers to interrogatories under oath
39 relating to any complaint under investigation pursuant to this chapter
40 alleging any discriminatory practice as defined in subdivision (8) of
41 section 46a-51, as amended by this act, and to adopt regulations, in
42 accordance with the provisions of chapter 54, for the procedure for the
43 issuance of interrogatories and compliance with interrogatory
44 requests;

45 (12) To utilize such voluntary and uncompensated services of
46 private individuals, agencies and organizations as may from time to
47 time be offered and needed and with the cooperation of such agencies,
48 (A) to study the problems of discrimination in all or specific fields of
49 human relationships, and (B) to foster through education and
50 community effort or otherwise good will among the groups and
51 elements of the population of the state;

52 (13) To require the posting by an employer, employment agency or
53 labor organization of such notices regarding statutory provisions as
54 the commission shall provide;

55 (14) To require the posting, by any respondent or other person
56 subject to the requirements of section 46a-64, 46a-64c, 46a-81d or 46a-
57 81e, of such notices of statutory provisions as it deems desirable;

58 (15) (A) To require an employer having three or more employees to
59 (i) post in a prominent and accessible location information concerning
60 the illegality of sexual harassment and remedies available to victims of
61 sexual harassment, and (ii) provide, not later than three months after
62 the employee's start date with the employer, a copy of the information
63 concerning the illegality of sexual harassment and remedies available
64 to victims of sexual harassment to each employee by electronic mail
65 with a subject line that includes the words "Sexual Harassment Policy"
66 or words of similar import, if (I) the employer has provided an
67 electronic mail account to the employee, or (II) the employee has
68 provided the employer with an electronic mail address, provided if an

69 employer has not provided an electronic mail account to the employee,
70 the employer shall post the information concerning the illegality of
71 sexual harassment and remedies available to victims of sexual
72 harassment on the employer's Internet web site, if the employer
73 maintains such an Internet web site. An employer may comply with
74 the requirements of this clause, by providing an employee with the
75 link to the commission's Internet web site concerning the illegality of
76 sexual harassment and the remedies available to victims of sexual
77 harassment by electronic mail, text message or in writing; and (B) to
78 require an employer having [fifty] (i) twenty or more employees to
79 provide two hours of training and education to all [supervisory]
80 employees within one year of [October 1, 1992, and to all new
81 supervisory employees within six months of their assumption of a
82 supervisory position] October 1, 2018, provided any employer who has
83 provided such training and education to any such employees after
84 October 1, [1991] 2017, shall not be required to provide such training
85 and education a second time. Any employee hired on or after October
86 1, 2018, by an employer having twenty or more employees, shall
87 receive such training and education not later than six months after the
88 date of his or her hire, provided the commission has developed and
89 made available such training and education materials in accordance
90 with the provisions of subdivision (8) of subsection (a) of section 46a-
91 56, as amended by this act; or (ii) less than twenty employees to
92 provide two hours of training and education to all supervisory
93 employees within one year of October 1, 2018, and to all new
94 supervisory employees within six months of their assumption of a
95 supervisory position, provided any employer who has provided such
96 training and education to any such supervisory employees after
97 October 1, 2017, shall not be required to provide such training and
98 education a second time. Any supervisory employee hired on or after
99 October 1, 2018, by an employer having less than twenty employees,
100 shall receive such training and education not later than six months
101 after the date of his or her hire, provided the commission has
102 developed and made available such training and education materials
103 in accordance with the provisions of subdivision (8) of subsection (a) of

104 section 46a-56, as amended by this act. Such training and education
105 shall include information concerning (I) the federal and state statutory
106 provisions concerning sexual harassment and remedies available to
107 victims of sexual harassment, including, but not limited to, the
108 remedies available from the commission pursuant to the provisions of
109 this chapter, and (II) the type of conduct that constitutes sexual assault
110 as defined in section 54-240. An employer who is required to provide
111 training under this subdivision shall provide periodic supplemental
112 training that updates all supervisory and nonsupervisory employees
113 on the content of such training and education not less than every ten
114 years. As used in this subdivision, "sexual harassment" has the same
115 meaning as provided in subdivision (8) of subsection (b) of section 46a-
116 60, as amended by this act, and "employer" includes the General
117 Assembly;

118 (16) To require each state agency that employs one or more
119 employees to (A) provide a minimum of three hours of diversity
120 training and education (i) to all supervisory and nonsupervisory
121 employees, not later than July 1, 2002, with priority for such training to
122 supervisory employees, and (ii) to all newly hired supervisory and
123 nonsupervisory employees, not later than six months after their
124 assumption of a position with a state agency, with priority for such
125 training to supervisory employees. Such training and education shall
126 include information concerning the federal and state statutory
127 provisions concerning discrimination and hate crimes directed at
128 protected classes and remedies available to victims of discrimination
129 and hate crimes, standards for working with and serving persons from
130 diverse populations and strategies for addressing differences that may
131 arise from diverse work environments; and (B) submit an annual
132 report to the Commission on Human Rights and Opportunities
133 concerning the status of the diversity training and education required
134 under subparagraph (A) of this subdivision. The information in such
135 annual reports shall be reviewed by the commission for the purpose of
136 submitting an annual summary report to the General Assembly.
137 Notwithstanding the provisions of this section, if a state agency has

138 provided such diversity training and education to any of its employees
139 prior to October 1, 1999, such state agency shall not be required to
140 provide such training and education a second time to such employees.
141 The requirements of this subdivision shall be accomplished within
142 available appropriations. As used in this subdivision, "employee" shall
143 include any part-time employee who works more than twenty hours
144 per week;

145 (17) To require each agency to submit information demonstrating its
146 compliance with subdivision (16) of this section as part of its
147 affirmative action plan and to receive and investigate complaints
148 concerning the failure of a state agency to comply with the
149 requirements of subdivision (16) of this section; and

150 (18) To enter into contracts for and accept grants of private or
151 federal funds and to accept gifts, donations or bequests, including
152 donations of service by attorneys.

153 Sec. 2. Subdivision (8) of section 46a-51 of the 2018 supplement to
154 the general statutes is repealed and the following is substituted in lieu
155 thereof (*Effective October 1, 2018*):

156 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
157 60a, 4a-60g, 31-40y, subdivisions (13) to (17), inclusive, of section 46a-
158 54, as amended by this act, 46a-58, 46a-59, 46a-60, as amended by this
159 act, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or 46a-
160 70 to 46a-78, inclusive, subsection (a) of section 46a-80 or sections 46a-
161 81b to 46a-81o, inclusive;

162 Sec. 3. Subsection (a) of section 46a-56 of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective from*
164 *passage*):

165 (a) The commission shall:

166 (1) Investigate the possibilities of affording equal opportunity of
167 profitable employment to all persons, with particular reference to job

168 training and placement;

169 (2) Compile facts concerning discrimination in employment,
170 violations of civil liberties and other related matters;

171 (3) Investigate and proceed in all cases of discriminatory practices as
172 provided in this chapter and noncompliance with the provisions of
173 section 4a-60 or 4a-60a or sections 46a-68c to 46a-68f, inclusive;

174 (4) From time to time, but not less than once a year, report to the
175 Governor as provided in section 4-60, making recommendations for
176 the removal of such injustices as it may find to exist and such other
177 recommendations as it deems advisable and describing the
178 investigations, proceedings and hearings it has conducted and their
179 outcome, the decisions it has rendered and the other work it has
180 performed;

181 (5) Monitor state contracts to determine whether they are in
182 compliance with sections 4a-60 and 4a-60a, and those provisions of the
183 general statutes which prohibit discrimination; [and]

184 (6) Compile data concerning state contracts with female and
185 minority business enterprises and submit a report annually to the
186 General Assembly concerning the employment of such business
187 enterprises as contractors and subcontractors;

188 (7) Develop and include on the commission's Internet web site a link
189 concerning the illegality of sexual harassment, as defined in section
190 46a-60, as amended by this act, and the remedies available to victims of
191 sexual harassment; and

192 (8) Develop and make available to employers an online training and
193 education video or other interactive method of training and education
194 that fulfills the requirements prescribed in subdivision (15) of section
195 46a-54, as amended by this act.

196 Sec. 4. Subdivision (8) of subsection (b) of section 46a-60 of the 2018
197 supplement to the general statutes is repealed and the following is

198 substituted in lieu thereof (*Effective October 1, 2018*):

199 (8) (A) For an employer, by the employer or the employer's agent,
200 for an employment agency, by itself or its agent, or for any labor
201 organization, by itself or its agent, to harass any employee, person
202 seeking employment or member on the basis of sex or gender identity
203 or expression. "Sexual harassment" shall, for the purposes of this
204 subdivision, be defined as any unwelcome sexual advances or requests
205 for sexual favors or any conduct of a sexual nature when [(A)] (i)
206 submission to such conduct is made either explicitly or implicitly a
207 term or condition of an individual's employment, [(B)] (ii) submission
208 to or rejection of such conduct by an individual is used as the basis for
209 employment decisions affecting such individual, or [(C)] (iii) such
210 conduct has the purpose or effect of substantially interfering with an
211 individual's work performance or creating an intimidating, hostile or
212 offensive working environment;

213 (B) If an employer takes immediate corrective action in response to
214 an employee's claim of sexual harassment, such corrective action shall
215 not modify the conditions of employment of the employee making the
216 claim of sexual harassment unless such employee agrees, in writing, to
217 any modification in the conditions of employment. Corrective action
218 taken by an employer, may include, but need not be limited to,
219 employee relocation, assigning an employee to a different work
220 schedule or other substantive changes to an employee's terms and
221 conditions of employment. No employer shall take or threaten to take
222 any personnel action against any employee in retaliation for the
223 employee filing a complaint alleging that an employer has committed
224 a discriminatory practice.

225 Sec. 5. Subsection (f) of section 46a-82 of the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective*
227 *October 1, 2018*):

228 (f) Any complaint filed pursuant to this section [must] shall be filed
229 within one hundred and eighty days after the alleged act of

230 discrimination, except that any complaint by a person (1) claiming to
231 be aggrieved by a violation of subsection (a) of section 46a-80 [must]
232 that occurred before October 1, 2018, shall be filed within thirty days of
233 the alleged act of discrimination, and (2) claiming to be aggrieved by a
234 violation of section 46a-60, as amended by this act, sections 46a-70 to
235 46a-78, inclusive, section 46a-80 or 46a-81c, that occurred on or after
236 October 1, 2018, shall be filed not later than one year after the date of
237 the alleged act of discrimination.

238 Sec. 6. Subsection (b) of section 46a-86 of the general statutes is
239 repealed and the following is substituted in lieu thereof (*Effective*
240 *October 1, 2018*):

241 (b) In addition to any other action taken under this section, upon a
242 finding of a discriminatory employment practice, the presiding officer
243 (1) may order the hiring or reinstatement of any individual, with or
244 without back pay, or restoration to membership in any respondent
245 labor organization, and (2) shall (A) determine the amount of damages
246 suffered by the complainant, including the actual costs incurred by the
247 complainant as a result of the discriminatory practice, and (B) allow
248 reasonable attorney's fees and costs. The amount of attorney's fees
249 allowed shall not be contingent upon the amount of damages
250 requested by or awarded to the complainant. Liability for back pay
251 shall not accrue from a date more than two years prior to the filing or
252 issuance of the complaint. Interim earnings, including unemployment
253 compensation and welfare assistance or amounts which could have
254 been earned with reasonable diligence on the part of the person to
255 whom back pay is awarded shall be deducted from the amount of back
256 pay to which such person is otherwise entitled. The amount of any
257 deduction for interim unemployment compensation or welfare
258 assistance shall be paid by the respondent to the commission which
259 shall transfer such amount to the appropriate state or local agency.

260 Sec. 7. Section 46a-83a of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective October 1, 2018*):

262 If a complaint is dismissed for failure to accept full relief pursuant
263 to subsection (m) of section 46a-83, and the complainant does not
264 request reconsideration of such dismissal as provided in subsection (h)
265 of section 46a-83, the executive director shall issue a release of
266 jurisdiction and the complainant may, within ninety days of receipt of
267 the release from the commission, bring an action in accordance with
268 sections 46a-100 and 46a-102 to 46a-104, inclusive, as amended by this
269 act, except that if the complaint concerns a violation of section 46a-60,
270 sections 46a-70 to 46a-78, inclusive, section 46a-80 or section 46a-81c,
271 that occurred on or after October 1, 2018, as amended by this act, the
272 complainant may bring such action not later than one hundred eighty
273 days after the date of the release from the commission.

274 Sec. 8. Section 46a-97 of the general statutes is repealed and the
275 following is substituted in lieu thereof (*Effective October 1, 2018*):

276 (a) Any employer, employment agency or labor organization which
277 fails to post such notices of statutory provisions as the commission
278 may require pursuant to subsection (13) of section 46a-54, as amended
279 by this act, shall be [subject to a fine of] fined not more than [two
280 hundred fifty] five hundred dollars.

281 (b) Any person who fails to post such notices of statutory provisions
282 as the commission may require pursuant to subsection (14) of section
283 46a-54, as amended by this act, shall be fined not more than [two
284 hundred fifty] one thousand dollars.

285 (c) Any employer who fails to provide the training and education
286 concerning the illegality of sexual harassment and the remedies
287 available to victims of sexual harassment, as required pursuant to
288 subdivision (15) of section 46a-54, as amended by this act, shall be
289 fined not more than one thousand dollars.

290 Sec. 9. Subsection (e) of section 46a-101 of the general statutes is
291 repealed and the following is substituted in lieu thereof (*Effective*
292 *October 1, 2018*):

293 (e) Any action brought by the complainant in accordance with
294 section 46a-100 shall be brought not later than ninety days after the
295 date of the receipt of the release from the commission, except that an
296 action brought by the complainant in accordance with section 46a-100,
297 that concerns an alleged violation of section 46a-60, as amended by this
298 act, sections 46a-70 to 46a-78, inclusive, section 46a-80 or section 46a-
299 81c, that occurred on or after October 1, 2018, shall be brought not later
300 than one year after the date of release from the commission.

301 Sec. 10. Section 46a-102 of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective October 1, 2018*):

303 Any action brought in accordance with section 46a-100 shall be
304 brought within two years of the date of filing of the complaint with the
305 commission, except that an action [may be brought within six months
306 of October 1, 1991, with respect to an alleged violation provided a
307 complaint concerning such violation has been pending with the
308 commission for more than one year as of October 1, 1991, unless the
309 complaint has been scheduled for a hearing] alleging a violation of
310 section 46a-60, as amended by this act, sections 46a-70 to 46a-78,
311 inclusive, section 46a-80 or section 46a-81c, that occurred on or after
312 October 1, 2018, shall be brought not later than one year after the date
313 of release from the commission, or two years from the date of filing the
314 complaint, whichever is longer.

315 Sec. 11. Subsection (b) of section 17a-101 of the 2018 supplement to
316 the general statutes is repealed and the following is substituted in lieu
317 thereof (*Effective October 1, 2018*):

318 (b) The following persons shall be mandated reporters: (1) Any
319 physician or surgeon licensed under the provisions of chapter 370, (2)
320 any resident physician or intern in any hospital in this state, whether
321 or not so licensed, (3) any registered nurse, (4) any licensed practical
322 nurse, (5) any medical examiner, (6) any dentist, (7) any dental
323 hygienist, (8) any psychologist, (9) any school employee, as defined in
324 section 53a-65, (10) any social worker, (11) any person who holds or is

325 issued a coaching permit by the State Board of Education, is a coach of
326 intramural or interscholastic athletics and is eighteen years of age or
327 older, (12) any individual who is employed as a coach or director of
328 youth athletics and is eighteen years of age or older, (13) any
329 individual who is employed as a coach or director of a private youth
330 sports organization, league or team and is eighteen years of age or
331 older, (14) any paid administrator, faculty, staff, athletic director,
332 athletic coach or athletic trainer employed by a public or private
333 institution of higher education who is eighteen years of age or older,
334 excluding student employees, (15) any police officer, (16) any juvenile
335 or adult probation officer, (17) any juvenile or adult parole officer, (18)
336 any member of the clergy, (19) any pharmacist, (20) any physical
337 therapist, (21) any optometrist, (22) any chiropractor, (23) any
338 podiatrist, (24) any mental health professional, (25) any physician
339 assistant, (26) any person who is a licensed or certified emergency
340 medical services provider, (27) any person who is a licensed or
341 certified alcohol and drug counselor, (28) any person who is a licensed
342 marital and family therapist, (29) any person who is a sexual assault
343 counselor or a domestic violence counselor, as defined in section 52-
344 146k, (30) any person who is a licensed professional counselor, (31) any
345 person who is a licensed foster parent, (32) any person paid to care for
346 a child in any public or private facility, child care center, group child
347 care home or family child care home licensed by the state, (33) any
348 employee of the Department of Children and Families, (34) any
349 employee of the Department of Public Health, (35) any employee of the
350 Office of Early Childhood who is responsible for the licensing of child
351 care centers, group child care homes, family child care homes or youth
352 camps, (36) any paid youth camp director or assistant director, (37) the
353 Child Advocate and any employee of the Office of the Child Advocate,
354 [and] (38) any family relations counselor, family relations counselor
355 trainee or family services supervisor employed by the Judicial
356 Department, (39) any person who is a licensed behavior analyst or
357 board certified assistant behavior analyst, and (40) any person who is
358 employed by an entity described in subdivisions (7) to (11), inclusive,
359 of subsection (b) of section 19a-77, who is eighteen years of age or

360 older.

361 Sec. 12. (NEW) (*Effective October 1, 2018*) (a) As used in this section,
362 "employer" has the same meaning as provided in section 31-58 of the
363 general statutes, and "employee" means any individual employed or
364 permitted to work by an employer.

365 (b) If an employee employed in a bona fide executive,
366 administrative or professional capacity, as defined in the regulations of
367 the federal Fair Labor Standards Act, is absent from his or her
368 employment as a result of a disciplinary suspension for violating a
369 written workplace conduct rule prohibiting harassment or workplace
370 violence, the employer may deduct from the wages of such employee
371 an amount equal to the wages that would have been paid for the
372 number of days such employee is absent.

373 (c) The Labor Commissioner may adopt regulations, in accordance
374 with the provisions of chapter 54 of the general statutes, to implement
375 the provisions of this section.

376 Sec. 13. (NEW) (*Effective July 1, 2018*) (a) As used in this section:

377 (1) "Administrator" has the same meaning as provided in subsection
378 (a) of section 10-144e of the general statutes;

379 (2) "Complaint" means written communication alleging that an
380 administrator has committed one or more acts of sexual harassment,
381 that is filed by, or on behalf of, a school employee with (A) the
382 superintendent of schools, (B) a person designated by the
383 superintendent of schools to accept such complaint, (C) the
384 Commission on Human Rights and Opportunities, or (D) a court.

385 (3) "Sexual harassment" has the same meaning as provided in
386 subdivision (8) of subsection (b) of section 46a-60 of the general
387 statutes, as amended by this act; and

388 (4) "School employee" has the same meaning as provided in
389 subdivision (13) of section 53a-65 of the general statutes.

390 (b) Upon the filing of a complaint of sexual harassment by a school
391 employee against an administrator, the superintendent of schools shall
392 immediately suspend such administrator and conduct an investigation
393 of the allegations contained in such complaint.

394 Sec. 14. Section 151 of public act 17-2 of the June special session is
395 repealed and the following is substituted in lieu thereof (*Effective from*
396 *passage*):

397 For [each of] the fiscal [years] year ending June 30, 2018, [and June
398 30, 2019,] the Attorney General, utilizing transfer invoices, shall remit
399 two hundred thousand dollars to the Judicial Branch and two hundred
400 thousand dollars to the Division of Public Defender Services from
401 moneys received by the Office of the Attorney General in connection
402 with the settlement of any lawsuit to which the state is a party. Moneys
403 remitted to the Judicial Branch and the Division of Public Defender
404 Services pursuant to this section shall be used for purposes of the pilot
405 program established in section 150 of [this act] public act 17-2. For the
406 fiscal year ending June 30, 2019, the Attorney General, utilizing
407 transfer invoices, shall remit four hundred thousand dollars to the
408 Commission on Human Rights and Opportunities from moneys
409 received by the Office of the Attorney General in connection with the
410 settlement of any lawsuit to which the state is a party. The
411 Commission on Human Rights and Opportunities shall establish a
412 nonlapsing, other current expenses account that shall include the four
413 hundred thousand dollars received from the Office of the Attorney
414 General under this section. Moneys remitted to the Commission on
415 Human Rights and Opportunities pursuant to this section shall be
416 used by said commission during the fiscal years ending June 30, 2019,
417 June 30, 2020, and June 30, 2021, for salaries and fringe benefits paid to
418 any human rights investigator trainee hired by the commission to
419 investigate discriminatory practice complaints filed under section 46a-
420 82, as amended by this act.

421 Sec. 15. Section 46a-55 of the general statutes is amended by adding
422 subsection (c) as follows (*Effective October 1, 2018*):

423 (NEW) (c) The executive director, through the supervising attorney,
424 may, within available appropriations, assign a commission legal
425 counsel to bring a civil action in lieu of an administrative hearing
426 pursuant to section 46a-84, as amended by this act, when the executive
427 director determines that such civil action (1) concerns an alleged
428 violation of section 46a-60, as amended by this act, sections 46a-70 to
429 46a-78, inclusive, section 46a-80 or section 46a-81c, that occurred on or
430 after October 1, 2018, and (2) is in the public interest and if the parties
431 to the administrative hearing mutually agree, in writing, to the
432 bringing of such civil action by commission legal counsel. The
433 commission legal counsel shall bring such a civil action in the Superior
434 Court not later than ninety days following the date the commission
435 legal counsel notifies the parties of the executive director's
436 determination. Such civil action may be served by certified mail and
437 shall not be subject to the provisions of section 46a-100, 46a-101, as
438 amended by this act, or 46a-102, as amended by this act. The
439 jurisdiction of the Superior Court in an action brought under this
440 subsection shall be limited to such claims, counterclaims, defenses or
441 the like that could be presented at an administrative hearing before the
442 commission, had the complaint remained with the commission for
443 disposition. A complainant may intervene as a matter of right without
444 permission of the court or the parties. The civil action shall be tried to
445 the court without a jury. If the commission legal counsel determines
446 that the interests of the state will not be adversely affected, the
447 complainant or attorney for the complainant shall present all or part of
448 the case in support of the complaint. The court may grant any relief
449 available under section 46a-104. Where the Superior Court finds that a
450 respondent has committed a violation of section 46a-60, as amended by
451 this act, sections 46a-70 to 46a-78, inclusive, section 46a-80 or section
452 46a-81c, that occurred on or after October 1, 2018. The court shall grant
453 the commission its fees and costs and award the commission a civil
454 penalty, not exceeding ten thousand dollars, which shall be payable to
455 the commission and used by the commission to advance the public
456 interest in eliminating discrimination.

457 Sec. 16. Section 53a-72a of the general statutes is repealed and the
458 following is substituted in lieu thereof (*Effective October 1, 2018*):

459 (a) A person is guilty of sexual assault in the third degree when
460 such person (1) compels another person to submit to sexual contact (A)
461 by the use of force against such other person or a third person, or (B)
462 by the threat of use of force against such other person or against a third
463 person, which reasonably causes such other person to fear physical
464 injury to himself or herself or a third person, (2) subjects another
465 person to sexual contact and such other person is mentally
466 incapacitated to the extent that such other person is unable to consent
467 to such sexual contact, or [(2)] (3) engages in sexual intercourse with
468 another person whom the actor knows to be related to him or her
469 within any of the degrees of kindred specified in section 46b-21.

470 (b) Sexual assault in the third degree is a class D felony or, if the
471 victim of the offense is under sixteen years of age, a class C felony.

472 Sec. 17. Section 53a-73a of the general statutes is repealed and the
473 following is substituted in lieu thereof (*Effective October 1, 2018*):

474 (a) A person is guilty of sexual assault in the fourth degree when: (1)
475 Such person subjects another person to sexual contact who is (A) under
476 thirteen years of age and the actor is more than two years older than
477 such other person, or (B) thirteen years of age or older but under
478 fifteen years of age and the actor is more than three years older than
479 such other person, or (C) [mentally incapacitated or] impaired because
480 of mental disability or disease to the extent that such other person is
481 unable to consent to such sexual contact, or (D) physically helpless, or
482 (E) less than eighteen years old and the actor is such other person's
483 guardian or otherwise responsible for the general supervision of such
484 other person's welfare, or (F) in custody of law or detained in a
485 hospital or other institution and the actor has supervisory or
486 disciplinary authority over such other person; or (2) such person
487 subjects another person to sexual contact without such other person's
488 consent; or (3) such person engages in sexual contact with an animal or

489 dead body; or (4) such person is a psychotherapist and subjects
490 another person to sexual contact who is (A) a patient of the actor and
491 the sexual contact occurs during the psychotherapy session, or (B) a
492 patient or former patient of the actor and such patient or former
493 patient is emotionally dependent upon the actor, or (C) a patient or
494 former patient of the actor and the sexual contact occurs by means of
495 therapeutic deception; or (5) such person subjects another person to
496 sexual contact and accomplishes the sexual contact by means of false
497 representation that the sexual contact is for a bona fide medical
498 purpose by a health care professional; or (6) such person is a school
499 employee and subjects another person to sexual contact who is a
500 student enrolled in a school in which the actor works or a school under
501 the jurisdiction of the local or regional board of education which
502 employs the actor; or (7) such person is a coach in an athletic activity or
503 a person who provides intensive, ongoing instruction and subjects
504 another person to sexual contact who is a recipient of coaching or
505 instruction from the actor and (A) is a secondary school student and
506 receives such coaching or instruction in a secondary school setting, or
507 (B) is under eighteen years of age; or (8) such person subjects another
508 person to sexual contact and (A) the actor is twenty years of age or
509 older and stands in a position of power, authority or supervision over
510 such other person by virtue of the actor's professional, legal,
511 occupational or volunteer status and such other person's participation
512 in a program or activity, and (B) such other person is under eighteen
513 years of age; or (9) such person subjects another person to sexual
514 contact who is placed or receiving services under the direction of the
515 Commissioner of Developmental Services in any public or private
516 facility or program and the actor has supervisory or disciplinary
517 authority over such other person.

518 (b) Sexual assault in the fourth degree is a class A misdemeanor or,
519 if the victim of the offense is under sixteen years of age, a class D
520 felony.

521 Sec. 18. Section 54-193 of the general statutes is repealed and the
522 following is substituted in lieu thereof (*Effective October 1, 2018, and*

523 *applicable to any offense committed on or after October 1, 2018, and to any*
524 *offense committed prior to October 1, 2018, for which the statute of*
525 *limitations in effect at the time of the commission of the offense had not yet*
526 *expired as of October 1, 2018):*

527 (a) There shall be no limitation of time within which a person may
528 be prosecuted for (1) a capital felony under the provisions of section
529 53a-54b in effect prior to April 25, 2012, a class A felony or a violation
530 of section 53a-54d or 53a-169, a class B felony violation of section 53a-
531 70 or 53a-70a, a class C felony violation of section 53a-72a, as amended
532 by this act, or a violation of section 53a-70b, 53a-71, 53a-72b or 53a-86,
533 (2) a violation of section 53a-165aa or 53a-166 in which such person
534 renders criminal assistance to another person who has committed an
535 offense set forth in subdivision (1) of this subsection, (3) a violation of
536 section 53a-156 committed during a proceeding that results in the
537 conviction of another person subsequently determined to be actually
538 innocent of the offense or offenses of which such other person was
539 convicted, or (4) a motor vehicle violation or offense that resulted in
540 the death of another person and involved a violation of subsection (a)
541 of section 14-224.

542 (b) No person may be prosecuted for a class D felony offense of
543 section 53a-73a, as amended by this act, or 53a-72a, except within
544 twenty-five years next after the offense has been committed.

545 ~~[(b)]~~ (c) No person may be prosecuted for any offense, other than an
546 offense set forth in subsection (a) or (b) of this section, for which the
547 punishment is or may be imprisonment in excess of one year, except
548 within five years next after the offense has been committed.

549 ~~[(c) No]~~ (d) (1) Except as provided in subdivision (2) of this
550 subsection, no person may be prosecuted for any offense, other than an
551 offense set forth in subsection (a), [or] (b) or (c) of this section, except
552 within one year next after the offense has been committed.

553 (2) No person may be prosecuted for a class A misdemeanor
554 violation of section 53a-73a, as amended by this act, except within five

555 years next after the offense has been committed.

556 [(d)] (e) If the person against whom an indictment, information or
557 complaint for any of said offenses is brought has fled from and resided
558 out of this state during the period so limited, it may be brought against
559 such person at any time within such period, during which such person
560 resides in this state, after the commission of the offense.

561 [(e)] (f) When any suit, indictment, information or complaint for any
562 crime may be brought within any other time than is limited by this
563 section, it shall be brought within such time.

564 Sec. 19. Section 54-193a of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective October 1, 2018, and*
566 *applicable to any offense committed on or after October 1, 2018, and to any*
567 *offense committed prior to October 1, 2018, for which the statute of*
568 *limitations in effect at the time of the commission of the offense had not yet*
569 *expired as of October 1, 2018):*

570 Notwithstanding the provisions of section 54-193, as amended by
571 this act, no person may be prosecuted for any offense, except [a class A
572 felony] as provided in subsection (a) of section 54-193, as amended by
573 this act, involving sexual abuse, sexual exploitation or sexual assault of
574 a minor except within thirty years from the date the victim attains the
575 age of majority or within five years from the date the victim notifies
576 any police officer or state's attorney acting in such police officer's or
577 state's attorney's official capacity of the commission of the offense,
578 whichever is earlier, provided if the prosecution is for a violation of
579 subdivision (1) of subsection (a) of section 53a-71, the victim notified
580 such police officer or state's attorney not later than five years after the
581 commission of the offense."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	46a-54
Sec. 2	<i>October 1, 2018</i>	46a-51(8)

Sec. 3	<i>from passage</i>	46a-56(a)
Sec. 4	<i>October 1, 2018</i>	46a-60(b)(8)
Sec. 5	<i>October 1, 2018</i>	46a-82(f)
Sec. 6	<i>October 1, 2018</i>	46a-86(b)
Sec. 7	<i>October 1, 2018</i>	46a-83a
Sec. 8	<i>October 1, 2018</i>	46a-97
Sec. 9	<i>October 1, 2018</i>	46a-101(e)
Sec. 10	<i>October 1, 2018</i>	46a-102
Sec. 11	<i>October 1, 2018</i>	17a-101(b)
Sec. 12	<i>October 1, 2018</i>	New section
Sec. 13	<i>July 1, 2018</i>	New section
Sec. 14	<i>from passage</i>	PA 17-2 of the June Sp. Sess., Sec. 151
Sec. 15	<i>October 1, 2018</i>	46a-55
Sec. 16	<i>October 1, 2018</i>	53a-72a
Sec. 17	<i>October 1, 2018</i>	53a-73a
Sec. 18	<i>October 1, 2018, and applicable to any offense committed on or after October 1, 2018, and to any offense committed prior to October 1, 2018, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2018</i>	54-193
Sec. 19	<i>October 1, 2018, and applicable to any offense committed on or after October 1, 2018, and to any offense committed prior to October 1, 2018, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2018</i>	54-193a