

# OFFICE OF FISCAL ANALYSIS

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SB-132

AN ACT COMBATTING SEXUAL HARASSMENT AND SEXUAL  
ASSAULT.

AMENDMENT

LCO No.: 4939

File Copy No.: 604

Senate Calendar No.: 355

## ***OFA Fiscal Note***

### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 19 \$</b>	<b>FY 20 \$</b>
Human Rights & Opportunities, Com.	GF - Cost	See Below	See Below
Human Rights & Opportunities, Com.	GF - Cost	36,548	48,731
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	13,278	17,704
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below
Judicial Dept.	CICF - Up to 2.7 million	Up to 2.7 million	Up to 2.7 million

Note: GF=General Fund; CICF=Criminal Injuries Compensation Fund

***Municipal Impact:*** None

### ***Explanation***

The amendment strikes the underlying bill and its associated fiscal impact.

The amendment requires the Commission on Human Rights and Opportunities (CHRO) to develop certain trainings for employers,

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<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

makes various changes concerning sexual harassment, sexual assault, and discrimination complaints filed with the CHRO, and makes various other changes.

**Section 1** lowers the employee threshold and expands the types of employees who require sexual harassment training. It also requires CHRO to develop an online or other interactive sexual harassment training and education video for employers to provide to their employees. This may result in a potential cost to the agency for hiring consultants to develop the online training or other interactive training.

**Section 4** extends the time for filing certain employment related complaints from 30 - 180 days to one year. CHRO dismisses numerous complaints due to lack of timeliness and the extension of the deadline is anticipated to increase the number of certain cases processed and retained. This would require the addition of one Human Rights Investigator Trainee resulting in a cost of \$49,826 in FY 19 (partial year) and \$66,435 in FY 20 (annualized), including fringe benefits.

**Section 13** increases, from \$15,000 to \$25,000, the maximum compensation available to an eligible sexual assault victim from the Office of Victim Services. There are currently approximately 270 victims each year that receive compensation (most do not receive the full amount of \$15,000). If all victims qualified for the new maximum compensation of \$25,000, the bill would result in a cost of \$2.7 million to the Criminal Injuries Compensation Fund. It should be noted that the Criminal Injuries Compensation Fund, which receives revenue from various court fees and defendant fines, cannot support this cost with the existing revenue structure. Currently, annual revenues to the fund total approximately \$3.2 million while expenditures total approximately \$2.8 million.

**Section 14** eliminates the statute of limitations for certain felony sexual assault crimes and extends the statute of limitations from one year to 10 years for a specified sexual assault crime. To the extent that this change results in more offenders being prosecuted and convicted,

this bill results in a potential cost for incarceration or probation supervision in the community. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

**Sections 2-3, 5-12, and 15-16** have no additional fiscal impact to the amendment.

*The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.