



General Assembly

**Amendment**

February Session, 2018

LCO No. 4917



Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> Dist.  
SEN. DOYLE, 9<sup>th</sup> Dist.  
SEN. FLEXER, 29<sup>th</sup> Dist.  
SEN. GERRATANA, 6<sup>th</sup> Dist.  
SEN. GOMES, 23<sup>rd</sup> Dist.  
SEN. LARSON, 3<sup>rd</sup> Dist.

SEN. CASSANO, 4<sup>th</sup> Dist.  
SEN. MOORE, 22<sup>nd</sup> Dist.  
SEN. BYE, 5<sup>th</sup> Dist.  
SEN. OSTEN, 19<sup>th</sup> Dist.  
SEN. WINFIELD, 10<sup>th</sup> Dist.  
SEN. KENNEDY, 12<sup>th</sup> 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4 statutes is repealed and the following is substituted in lieu thereof  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; and (B) to require an employer  
74 having [fifty] ~~three~~ or more employees to provide two hours of  
75 training and education to all [supervisory] employees within one year  
76 of [October 1, 1992, and to all new supervisory employees within six  
77 months of their assumption of a supervisory position] ~~October 1, 2018,~~  
78 provided any employer who has provided such training and education  
79 to any such employees after October 1, [1991] ~~2017,~~ shall not be  
80 required to provide such training and education a second time. ~~Any~~  
81 employee hired by an employer on or after October 1, 2018, shall  
82 receive such training and education not later than six months after the  
83 date of his or her hire. Such training and education shall include  
84 information concerning (i) the federal and state statutory provisions  
85 concerning sexual harassment and remedies available to victims of  
86 sexual harassment, including, but not limited to, the remedies  
87 available from the commission pursuant to the provisions of this  
88 chapter, and (ii) the type of conduct that constitutes sexual assault as  
89 defined in section 54-240. An employer who is required to provide  
90 training under this subdivision shall provide periodic supplemental  
91 training that updates all supervisory and nonsupervisory employees  
92 on the content of such training and education not less than every ten  
93 years. As used in this subdivision, "sexual harassment" has the same  
94 meaning as provided in subdivision (8) of subsection (b) of section 46a-  
95 60, as amended by this act, and "employer" includes the General  
96 Assembly;

97 (16) To require each state agency that employs one or more  
98 employees to (A) provide a minimum of three hours of diversity  
99 training and education (i) to all supervisory and nonsupervisory  
100 employees, not later than July 1, 2002, with priority for such training to  
101 supervisory employees, and (ii) to all newly hired supervisory and  
102 nonsupervisory employees, not later than six months after their  
103 assumption of a position with a state agency, with priority for such

104 training to supervisory employees. Such training and education shall  
105 include information concerning the federal and state statutory  
106 provisions concerning discrimination and hate crimes directed at  
107 protected classes and remedies available to victims of discrimination  
108 and hate crimes, standards for working with and serving persons from  
109 diverse populations and strategies for addressing differences that may  
110 arise from diverse work environments; and (B) submit an annual  
111 report to the Commission on Human Rights and Opportunities  
112 concerning the status of the diversity training and education required  
113 under subparagraph (A) of this subdivision. The information in such  
114 annual reports shall be reviewed by the commission for the purpose of  
115 submitting an annual summary report to the General Assembly.  
116 Notwithstanding the provisions of this section, if a state agency has  
117 provided such diversity training and education to any of its employees  
118 prior to October 1, 1999, such state agency shall not be required to  
119 provide such training and education a second time to such employees.  
120 The requirements of this subdivision shall be accomplished within  
121 available appropriations. As used in this subdivision, "employee" shall  
122 include any part-time employee who works more than twenty hours  
123 per week;

124 (17) To require each agency to submit information demonstrating its  
125 compliance with subdivision (16) of this section as part of its  
126 affirmative action plan and to receive and investigate complaints  
127 concerning the failure of a state agency to comply with the  
128 requirements of subdivision (16) of this section; and

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

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

135 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-

136 60a, 4a-60g, 31-40y, subdivisions (13) to (17), inclusive, of section 46a-  
137 54, as amended by this act, 46a-58, 46a-59, 46a-60, as amended by this  
138 act, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or 46a-  
139 70 to 46a-78, inclusive, subsection (a) of section 46a-80 or sections 46a-  
140 81b to 46a-81o, inclusive;

141 Sec. 3. Subdivision (8) of subsection (b) of section 46a-60 of the 2018  
142 supplement to the general statutes is repealed and the following is  
143 substituted in lieu thereof (*Effective October 1, 2018*):

144 (8) (A) For an employer, by the employer or the employer's agent,  
145 for an employment agency, by itself or its agent, or for any labor  
146 organization, by itself or its agent, to harass any employee, person  
147 seeking employment or member on the basis of sex or gender identity  
148 or expression. "Sexual harassment" shall, for the purposes of this  
149 subdivision, be defined as any unwelcome sexual advances or requests  
150 for sexual favors or any conduct of a sexual nature when [(A)] (i)  
151 submission to such conduct is made either explicitly or implicitly a  
152 term or condition of an individual's employment, [(B)] (ii) submission  
153 to or rejection of such conduct by an individual is used as the basis for  
154 employment decisions affecting such individual, or [(C)] (iii) such  
155 conduct has the purpose or effect of substantially interfering with an  
156 individual's work performance or creating an intimidating, hostile or  
157 offensive working environment; and

158 (B) If an employer takes immediate corrective action in response to  
159 an employee's claim of sexual harassment, such corrective action shall  
160 not modify the conditions of employment of the employee making the  
161 claim of sexual harassment unless such employee agrees, in writing, to  
162 any modification in the conditions of employment. Corrective action  
163 taken by an employer, may include, but need not be limited to,  
164 employee relocation, assigning an employee to a different work  
165 schedule or other substantive changes to an employee's terms and  
166 conditions of employment. No employer may take retaliatory action  
167 against an employee who refuses to consent to a modification of the  
168 conditions of employment. As used in this subparagraph "retaliatory

169 action" means any termination, suspension, constructive discharge,  
170 demotion, unfavorable reassignment, refusal to promote, disciplinary  
171 action, creation of a hostile or offensive work environment or other  
172 adverse employment action taken by an employer against an  
173 employee;

174 Sec. 4. Subsection (f) of section 46a-82 of the general statutes is  
175 repealed and the following is substituted in lieu thereof (*Effective*  
176 *October 1, 2018*):

177 (f) Any complaint filed pursuant to this section [must] shall be filed  
178 within one hundred and eighty days after the alleged act of  
179 discrimination, except that (1) any complaint by a person claiming to  
180 be aggrieved by a violation of subsection (a) of section 46a-80 [must]  
181 that occurred before October 1, 2018, shall be filed within thirty days of  
182 the alleged act of discrimination, and (2) any complaint alleging a  
183 discriminatory practice in violation of section 46a-60, as amended by  
184 this act, sections 46a-70 to 46a-78, inclusive, section 46a-80 or 46a-81c  
185 that occurred on or after October 1, 2018, shall be filed not later than  
186 two years after the date of the alleged act of discrimination.

187 Sec. 5. Subsection (b) of section 46a-86 of the general statutes is  
188 repealed and the following is substituted in lieu thereof (*Effective*  
189 *October 1, 2018*):

190 (b) In addition to any other action taken under this section, upon a  
191 finding of a discriminatory employment practice, the presiding officer  
192 (1) may [order the hiring or reinstatement of any individual, with or  
193 without back pay, or] issue an order eliminating the discriminatory  
194 practice complained of and making the complainant whole, including  
195 restoration to membership in any respondent labor organization, and  
196 (2) shall (A) determine the amount of damages suffered by the  
197 complainant, including the actual costs incurred by the complainant as  
198 a result of the discriminatory practice, and (B) allow reasonable  
199 attorney's fees and costs. The amount of attorney's fees allowed shall  
200 not be contingent upon the amount of damages requested by or

201 awarded to the complainant. Liability for back pay shall not accrue  
202 from a date more than two years prior to the filing or issuance of the  
203 complaint. Interim earnings, including unemployment compensation  
204 and welfare assistance or amounts which could have been earned with  
205 reasonable diligence on the part of the person to whom back pay is  
206 awarded shall be deducted from the amount of back pay to which such  
207 person is otherwise entitled. The amount of any deduction for interim  
208 unemployment compensation or welfare assistance shall be paid by  
209 the respondent to the commission which shall transfer such amount to  
210 the appropriate state or local agency.

211 Sec. 6. Subsection (a) of section 46a-89 of the general statutes is  
212 repealed and the following is substituted in lieu thereof (*Effective*  
213 *October 1, 2018*):

214 (a) (1) Whenever a complaint filed pursuant to section 46a-82, as  
215 amended by this act, alleges [a violation of section 46a-60 or 46a-81c,] a  
216 discriminatory employment practice and the executive director  
217 believes that [equitable relief is required to prevent irreparable harm to  
218 the complainant] (A) a court order is necessary to preserve an  
219 employment opportunity for the complainant until the commission is  
220 able to issue a final decision, or (B) for a discriminatory practice,  
221 occurring on or after October 1, 2018, that punitive damages or a civil  
222 penalty would be appropriate, the commission may bring a petition in  
223 the superior court for the judicial district of Hartford, the judicial  
224 district in which the discriminatory practice which is the subject of the  
225 complaint occurred or the judicial district in which the respondent  
226 resides [, provided this] for such order or relief. This subdivision shall  
227 not apply to complaints against employers with less than [fifty] three  
228 employees.

229 (2) The petition [shall seek appropriate temporary injunctive relief  
230 against the respondent pending final disposition of the complaint  
231 pursuant to the procedures set forth in this chapter. The injunctive  
232 relief may include an order temporarily restraining] brought by the  
233 commission may seek (A) an order barring the respondent from doing



234 any act that would render ineffectual any order a presiding officer may  
235 render with respect to the complaint, (B) the award of punitive  
236 damages payable to the complainant, not to exceed fifty thousand  
237 dollars, or a civil penalty payable to the commission, not to exceed ten  
238 thousand dollars, or both, or (C) both of the remedies provided in  
239 subparagraphs (A) and (B) of this subdivision. In fashioning an order  
240 barring the respondent from taking any action that would render  
241 ineffectual any order a presiding officer may render, the availability of  
242 money damages shall not be an adequate remedy for the loss of an  
243 employment opportunity. Where the respondent demonstrates that the  
244 inability to fill a position immediately would cause undue hardship,  
245 the court may permit the respondent to fill the position until a final  
246 determination by the commission or court upon appeal of the  
247 commission's final determination.

248 (3) Upon service on the respondent of notice pursuant to section  
249 46a-89a, the respondent shall be [temporarily restrained] barred from  
250 taking any action that would render ineffectual the [temporary  
251 injunctive] relief requested in the petition. [, provided nothing]  
252 Nothing in this section shall be construed to prevent the respondent  
253 from having any employment duties [enjoined under this section and  
254 section 46a-89a, from being] carried out by another employee and the  
255 notice shall so provide.

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

258 [If] On or after October 1, 2018, if a complaint is dismissed for  
259 failure to accept full relief pursuant to subsection (m) of section 46a-83,  
260 and the complainant does not request reconsideration of such  
261 dismissal as provided in subsection (h) of section 46a-83, the executive  
262 director shall issue a release of jurisdiction and the complainant may,  
263 [within ninety days] not later than two years after the date of receipt of  
264 the release from the commission, bring an action in accordance with  
265 sections 46a-100 and 46a-102 to 46a-104, inclusive, as amended by this  
266 act.

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

269 (a) Any employer, employment agency or labor organization which  
270 fails to post such notices of statutory provisions as the commission  
271 may require pursuant to subsection (13) of section 46a-54, as amended  
272 by this act, shall be [subject to a fine of] fined not more than [two  
273 hundred fifty] one thousand dollars.

274 (b) Any person who fails to post such notices of statutory provisions  
275 as the commission may require pursuant to subsection (14) of section  
276 46a-54, as amended by this act, shall be fined not more than [two  
277 hundred fifty] one thousand dollars.

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

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

286 (e) [Any] On or after October 1, 2018, any action brought by the  
287 complainant in accordance with section 46a-100 shall be brought not  
288 later than [ninety days] two years after the date of the receipt of the  
289 release from the commission.

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

292 [Any] On and after October 1, 2018, any action brought in  
293 accordance with section 46a-100 shall be brought [within] not later  
294 than two years [of the date of filing of the complaint with] after the  
295 date of the release from the commission. [, except that an action may be  
296 brought within six months of October 1, 1991, with respect to an

297 alleged violation provided a complaint concerning such violation has  
298 been pending with the commission for more than one year as of  
299 October 1, 1991, unless the complaint has been scheduled for a  
300 hearing.]

301 Sec. 11. Section 46a-104 of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective October 1, 2018*):

303 The court may grant a complainant in an action brought in  
304 accordance with section 46a-100 such legal and equitable relief which it  
305 deems appropriate including, but not limited to, temporary or  
306 permanent injunctive relief, punitive damages, attorney's fees and  
307 court costs. The amount of attorney's fees allowed shall not be  
308 contingent upon the amount of damages requested by or awarded to  
309 the complainant.

310 Sec. 12. Subsection (b) of section 17a-101 of the 2018 supplement to  
311 the general statutes is repealed and the following is substituted in lieu  
312 thereof (*Effective October 1, 2018*):

313 (b) The following persons shall be mandated reporters: (1) Any  
314 physician or surgeon licensed under the provisions of chapter 370, (2)  
315 any resident physician or intern in any hospital in this state, whether  
316 or not so licensed, (3) any registered nurse, (4) any licensed practical  
317 nurse, (5) any medical examiner, (6) any dentist, (7) any dental  
318 hygienist, (8) any psychologist, (9) any school employee, as defined in  
319 section 53a-65, (10) any social worker, (11) any person who holds or is  
320 issued a coaching permit by the State Board of Education, is a coach of  
321 intramural or interscholastic athletics and is eighteen years of age or  
322 older, (12) any individual who is employed as a coach or director of  
323 youth athletics and is eighteen years of age or older, (13) any  
324 individual who is employed as a coach or director of a private youth  
325 sports organization, league or team and is eighteen years of age or  
326 older, (14) any paid administrator, faculty, staff, athletic director,  
327 athletic coach or athletic trainer employed by a public or private  
328 institution of higher education who is eighteen years of age or older,

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

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

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

359 (2) "Complaint" means written communication alleging that an  
360 administrator has committed one or more acts of sexual harassment,  
361 that is filed by, or on behalf of, a school employee with (A) the

362 superintendent of schools, (B) a person designated by the  
363 superintendent of schools to accept such complaint, (C) the  
364 Commission on Human Rights and Opportunities, or (D) a court.

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

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

370 (b) Upon the filing of a complaint of sexual harassment by a school  
371 employee against an administrator, the superintendent of schools shall  
372 immediately suspend such administrator and conduct an investigation  
373 of the allegations contained in such complaint.

374 Sec. 14. (NEW) (*Effective October 1, 2018*) (a) As used in this section,  
375 "employer" has the same meaning as provided in section 31-58 of the  
376 general statutes, and "employee" means any individual employed or  
377 permitted to work by an employer.

378 (b) If an employee employed in a bona fide executive,  
379 administrative or professional capacity, as defined in the regulations of  
380 the federal Fair Labor Standards Act, is absent from his or her  
381 employment as a result of a disciplinary suspension for violating a  
382 written workplace conduct rule prohibiting harassment or workplace  
383 violence, the employer may deduct from the wages of such employee  
384 an amount equal to the wages that would have been paid for the  
385 number of days such employee is absent.

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

389 Sec. 15. Section 151 of public act 17-2 of the June special session is  
390 repealed and the following is substituted in lieu thereof (*Effective from*  
391 *passage*):

392 For [each of] the fiscal [years] year ending June 30, 2018, [and June  
393 30, 2019,] the Attorney General, utilizing transfer invoices, shall remit  
394 two hundred thousand dollars to the Judicial Branch and two hundred  
395 thousand dollars to the Division of Public Defender Services from  
396 moneys received by the Office of the Attorney General in connection  
397 with the settlement of any lawsuit to which the state is a party. Moneys  
398 remitted to the Judicial Branch and the Division of Public Defender  
399 Services pursuant to this section shall be used for purposes of the pilot  
400 program established in section 150 of [this act] public act 17-2. For the  
401 fiscal year ending June 30, 2019, the Attorney General, utilizing  
402 transfer invoices, shall remit four hundred thousand dollars to the  
403 Commission on Human Rights and Opportunities from moneys  
404 received by the Office of the Attorney General in connection with the  
405 settlement of any lawsuit to which the state is a party. The  
406 Commission on Human Rights and Opportunities shall establish a  
407 nonlapsing, other current expenses account that shall include all  
408 moneys received from the Office of the Attorney General under this  
409 section. Moneys remitted to the Commission on Human Rights and  
410 Opportunities pursuant to this section shall be used by said  
411 commission during the fiscal years ending June 30, 2019, June 30, 2020,  
412 and June 30, 2021, for salaries and fringe benefits paid to any human  
413 rights investigator trainee hired by the commission to investigate  
414 discriminatory practice complaints filed under section 46a-82, as  
415 amended by this act.

416 Sec. 16. Section 46a-55 of the general statutes is amended by adding  
417 subsection (c) as follows (*Effective October 1, 2018*):

418 (NEW) (c) The executive director, through the supervising attorney,  
419 may, within available appropriations, assign a commission legal  
420 counsel to bring a civil action, in accordance with this subsection, in  
421 lieu of an administrative hearing pursuant to section 46a-84, as  
422 amended by this act, when the executive director determines that a  
423 civil action is in the public interest and if the parties to the  
424 administrative hearing mutually agree, in writing, to the bringing of  
425 such civil action by commission legal counsel. The commission legal

426 counsel shall bring such a civil action in the Superior Court not later  
427 than ninety days following the date the commission legal counsel  
428 notifies the parties of the executive director's determination. Such civil  
429 action may be served by certified mail and shall not be subject to the  
430 provisions of section 46a-100, 46a-101, as amended by this act, or 46a-  
431 102, as amended by this act. The jurisdiction of the Superior Court in  
432 an action brought under this subsection shall be limited to such claims,  
433 counterclaims, defenses or the like that could be presented at an  
434 administrative hearing before the commission, had the complaint  
435 remained with the commission for disposition. A complainant may  
436 intervene as a matter of right without permission of the court or the  
437 parties. The civil action shall be tried to the court without a jury. If the  
438 commission legal counsel determines that the interests of the state will  
439 not be adversely affected, the complainant or attorney for the  
440 complainant shall present all or part of the case in support of the  
441 complaint. The court may grant any relief available under section 46a-  
442 104, as amended by this act. Where the Superior Court finds that a  
443 respondent has committed a discriminatory practice, the court shall  
444 grant the commission its fees and costs and award the commission a  
445 civil penalty, not exceeding ten thousand dollars, which shall be  
446 payable to the commission and used by the commission to advance the  
447 public interest in eliminating discrimination.

448 Sec. 17. Section 46a-84 of the general statutes is repealed and the  
449 following is substituted in lieu thereof (*Effective October 1, 2018*):

450 (a) If the investigator fails to eliminate a discriminatory practice  
451 complained of pursuant to subsection (a) or (b) of section 46a-82 within  
452 fifty days of a finding of reasonable cause, the investigator shall,  
453 within ten days, certify the complaint and the results of the  
454 investigation to the executive director of the commission and to the  
455 Attorney General. The investigator's conclusion that conciliation has  
456 failed shall be conclusive on the issue.

457 (b) Upon (1) certification of a complaint filed pursuant to subsection  
458 (a) or (b) of section 46a-82, (2) the filing of a complaint pursuant to

459 subsection (c) of said section, or (3) a decision to hear a complaint,  
460 which is made pursuant to subsection (e) of section 46a-83, the Chief  
461 Human Rights Referee shall appoint a human rights referee to act as a  
462 presiding officer to hear the complaint. The chief referee shall also  
463 appoint an individual authorized by subsection (e) of this section or a  
464 referee, other than the referee appointed to hear the complaint, to  
465 conduct settlement negotiations. The chief referee shall serve in the  
466 name of the commission a copy of the complaint, as the same may  
467 have been amended, requiring the respondent to answer the charges of  
468 the complaint, together with a written notice requiring the respondent  
469 to appear at a hearing or settlement conference at a date and time  
470 specified in the notice. A hearing on a complaint filed pursuant to  
471 subsection (a) or (b) of section 46a-82 shall be commenced by  
472 convening a hearing conference not later than forty-five days after the  
473 certification of the complaint. Such hearing shall be a de novo hearing  
474 on the merits of the complaint and not an appeal of the commission's  
475 processing of the complaint prior to its certification. A hearing on a  
476 complaint filed pursuant to subsection (c) of section 46a-82 shall be  
477 commenced by convening a hearing conference not later than twenty  
478 days after the date of notice of such complaint. Hearings shall proceed  
479 with reasonable dispatch and be concluded in accordance with the  
480 provisions of section 4-180.

481 (c) The place of any hearing, hearing conference or settlement  
482 conference shall be the commission's administrative office in Hartford,  
483 unless all parties mutually agree to an alternate location.

484 (d) The case in support of the complaint shall be presented at the  
485 hearing by the Attorney General, who shall be counsel for the  
486 commission, or by a commission legal counsel as provided in section  
487 46a-55, as amended by this act. If the Attorney General or the  
488 commission legal counsel determines that a material mistake of law or  
489 fact has been made in the finding of reasonable cause on a complaint  
490 filed pursuant to subsection (a) or (b) of section 46a-82, or the  
491 commission legal counsel determines that a complaint to be heard  
492 pursuant to subsection (e) of section 46a-83, should be further



493 investigated, the Attorney General or the commission legal counsel  
494 may withdraw the certification of the complaint or the decision to hear  
495 the complaint and remand the file to the investigator for further action.  
496 The investigator shall complete any required action not later than  
497 ninety days after receipt of such file. The complainant may be  
498 represented by an attorney of the complainant's own choice. If the  
499 Attorney General or the commission legal counsel determines that the  
500 interests of the state will not be adversely affected, the complainant or  
501 the attorney for the complainant shall present all or part of the case in  
502 support of the complaint. No commissioner may participate in the  
503 deliberations of the presiding officer in the case.

504 (e) A human rights referee or attorney who volunteers service  
505 pursuant to subdivision (18) of section 46a-54, as amended by this act,  
506 may supervise settlement endeavors. In employment discrimination  
507 cases only, the complainant and respondent, with the permission of the  
508 chief referee, may engage in alternate dispute resolution endeavors for  
509 not more than three months. The cost of such alternate dispute  
510 resolution endeavors shall be borne by the complainant or the  
511 respondent, or both, and not by the commission. Any endeavors or  
512 negotiations for conciliation, settlement or alternate dispute resolution  
513 shall not be received in evidence.

514 (f) The respondent shall file a written answer to the complaint under  
515 oath and appear at the hearing in person or otherwise, with or without  
516 counsel, and submit testimony and be fully heard. If the respondent  
517 fails to file a written answer not later than fifteen days after the date of  
518 service of the complaint, or fails to appear at the hearing, hearing  
519 conference or settlement conference after notice in accordance with  
520 section 4-177, the presiding officer or a referee or an attorney who  
521 volunteers services pursuant to subsection (e) of this section may enter  
522 an order of default and order such relief as is necessary to eliminate  
523 the discriminatory practice and make the complainant whole, except  
524 that if the default was entered by an attorney who volunteers services  
525 pursuant to subsection (e) of this section, the chief referee shall appoint  
526 a referee to act as a presiding officer to award relief. The commission

527 or the complainant may petition the Superior Court for enforcement of  
528 any such order for relief pursuant to section 46a-95.

529 (g) The presiding officer conducting any hearing shall permit  
530 reasonable amendment to any complaint or answer and the testimony  
531 taken at the hearing shall be under oath and be transcribed at the  
532 request of any party.

533 (h) Each party shall be afforded the opportunity to inspect and copy  
534 relevant and material records, papers and documents not in the  
535 possession of such party, except as otherwise provided by applicable  
536 state or federal law. The presiding officer may order a party to produce  
537 such records, papers and documents, and if a party fails to comply  
538 with such order within thirty days of the date of such order, the  
539 presiding officer may issue a nonmonetary order that the presiding  
540 officer deems just and appropriate, including, but not limited to, an  
541 order (1) finding that the matters that are the subject of the order are  
542 established in accordance with the claim of the party requesting such  
543 order, (2) prohibiting the party who has failed to comply with such  
544 order from introducing designated matters into evidence, (3) limiting  
545 the participation of the noncomplying party with regard to issues or  
546 facts relating to the order, and (4) drawing an adverse inference  
547 against the noncomplying party.

548 Sec. 18. Section 53a-72a of the general statutes is repealed and the  
549 following is substituted in lieu thereof (*Effective October 1, 2018*):

550 (a) A person is guilty of sexual assault in the third degree when  
551 such person (1) compels another person to submit to sexual contact (A)  
552 by the use of force against such other person or a third person, or (B)  
553 by the threat of use of force against such other person or against a third  
554 person, which reasonably causes such other person to fear physical  
555 injury to himself or herself or a third person, (2) subjects another  
556 person to sexual contact and such other person is mentally  
557 incapacitated to the extent that such other person is unable to consent  
558 to such sexual contact, or [(2)] (3) engages in sexual intercourse with

559 another person whom the actor knows to be related to him or her  
560 within any of the degrees of kindred specified in section 46b-21.

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

563 Sec. 19. Section 53a-73a of the general statutes is repealed and the  
564 following is substituted in lieu thereof (*Effective October 1, 2018*):

565 (a) A person is guilty of sexual assault in the fourth degree when: (1)  
566 Such person subjects another person to sexual contact who is (A) under  
567 thirteen years of age and the actor is more than two years older than  
568 such other person, or (B) thirteen years of age or older but under  
569 fifteen years of age and the actor is more than three years older than  
570 such other person, or (C) [mentally incapacitated or] impaired because  
571 of mental disability or disease to the extent that such other person is  
572 unable to consent to such sexual contact, or (D) physically helpless, or  
573 (E) less than eighteen years old and the actor is such other person's  
574 guardian or otherwise responsible for the general supervision of such  
575 other person's welfare, or (F) in custody of law or detained in a  
576 hospital or other institution and the actor has supervisory or  
577 disciplinary authority over such other person; or (2) such person  
578 subjects another person to sexual contact without such other person's  
579 consent; or (3) such person engages in sexual contact with an animal or  
580 dead body; or (4) such person is a psychotherapist and subjects  
581 another person to sexual contact who is (A) a patient of the actor and  
582 the sexual contact occurs during the psychotherapy session, or (B) a  
583 patient or former patient of the actor and such patient or former  
584 patient is emotionally dependent upon the actor, or (C) a patient or  
585 former patient of the actor and the sexual contact occurs by means of  
586 therapeutic deception; or (5) such person subjects another person to  
587 sexual contact and accomplishes the sexual contact by means of false  
588 representation that the sexual contact is for a bona fide medical  
589 purpose by a health care professional; or (6) such person is a school  
590 employee and subjects another person to sexual contact who is a  
591 student enrolled in a school in which the actor works or a school under

592 the jurisdiction of the local or regional board of education which  
593 employs the actor; or (7) such person is a coach in an athletic activity or  
594 a person who provides intensive, ongoing instruction and subjects  
595 another person to sexual contact who is a recipient of coaching or  
596 instruction from the actor and (A) is a secondary school student and  
597 receives such coaching or instruction in a secondary school setting, or  
598 (B) is under eighteen years of age; or (8) such person subjects another  
599 person to sexual contact and (A) the actor is twenty years of age or  
600 older and stands in a position of power, authority or supervision over  
601 such other person by virtue of the actor's professional, legal,  
602 occupational or volunteer status and such other person's participation  
603 in a program or activity, and (B) such other person is under eighteen  
604 years of age; or (9) such person subjects another person to sexual  
605 contact who is placed or receiving services under the direction of the  
606 Commissioner of Developmental Services in any public or private  
607 facility or program and the actor has supervisory or disciplinary  
608 authority over such other person.

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

612 Sec. 20. Section 54-193 of the general statutes is repealed and the  
613 following is substituted in lieu thereof (*Effective October 1, 2018, and*  
614 *applicable to any offense committed on or after October 1, 2018, and to any*  
615 *offense committed prior to October 1, 2018, for which the statute of*  
616 *limitations in effect at the time of the commission of the offense had not yet*  
617 *expired as of October 1, 2018*):

618 (a) There shall be no limitation of time within which a person may  
619 be prosecuted for (1) a capital felony under the provisions of section  
620 53a-54b in effect prior to April 25, 2012, a class A felony or a violation  
621 of section 53a-54d or 53a-169, a class B felony violation of section 53a-  
622 70 or 53a-70a, a class D felony violation of section 53a-73a, as amended  
623 by this act, or a violation of section 53a-70b, 53a-71, 53a-72a, as  
624 amended by this act, 53a-72b or 53a-86, (2) a violation of section 53a-

625 165aa or 53a-166 in which such person renders criminal assistance to  
626 another person who has committed an offense set forth in subdivision  
627 (1) of this subsection, (3) a violation of section 53a-156 committed  
628 during a proceeding that results in the conviction of another person  
629 subsequently determined to be actually innocent of the offense or  
630 offenses of which such other person was convicted, or (4) a motor  
631 vehicle violation or offense that resulted in the death of another person  
632 and involved a violation of subsection (a) of section 14-224.

633 (b) No person may be prosecuted for any offense, other than an  
634 offense set forth in subsection (a) of this section, for which the  
635 punishment is or may be imprisonment in excess of one year, except  
636 within five years next after the offense has been committed.

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

641 (2) No person may be prosecuted for a class A misdemeanor  
642 violation of section 53a-73a, as amended by this act, except within ten  
643 years next after the offense has been committed.

644 (d) If the person against whom an indictment, information or  
645 complaint for any of said offenses is brought has fled from and resided  
646 out of this state during the period so limited, it may be brought against  
647 such person at any time within such period, during which such person  
648 resides in this state, after the commission of the offense.

649 (e) When any suit, indictment, information or complaint for any  
650 crime may be brought within any other time than is limited by this  
651 section, it shall be brought within such time.

652 Sec. 21. Section 54-193a of the general statutes is repealed and the  
653 following is substituted in lieu thereof (*Effective October 1, 2018, and*  
654 *applicable to any offense committed on or after October 1, 2018, and to any*  
655 *offense committed prior to October 1, 2018, for which the statute of*

656 limitations in effect at the time of the commission of the offense had not yet  
657 expired as of October 1, 2018):

658 Notwithstanding the provisions of section 54-193, as amended by  
659 this act, [no person may be prosecuted for any offense, except a class A  
660 felony,] there shall be no limitation of time within which a person may  
661 be prosecuted for an offense involving sexual abuse, sexual  
662 exploitation or sexual assault of a minor, [except within thirty years  
663 from the date the victim attains the age of majority or within five years  
664 from the date the victim notifies any police officer or state's attorney  
665 acting in such police officer's or state's attorney's official capacity of the  
666 commission of the offense, whichever is earlier, provided if the  
667 prosecution is for a violation of subdivision (1) of subsection (a) of  
668 section 53a-71, the victim notified such police officer or state's attorney  
669 not later than five years after the commission of the offense.]

670 Sec. 22. Section 54-193b of the general statutes is repealed. (*Effective*  
671 *October 1, 2018*)"

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>October 1, 2018</i>	46a-60(b)(8)
Sec. 4	<i>October 1, 2018</i>	46a-82(f)
Sec. 5	<i>October 1, 2018</i>	46a-86(b)
Sec. 6	<i>October 1, 2018</i>	46a-89(a)
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>	46a-104
Sec. 12	<i>October 1, 2018</i>	17a-101(b)
Sec. 13	<i>July 1, 2018</i>	New section
Sec. 14	<i>October 1, 2018</i>	New section
Sec. 15	<i>from passage</i>	PA 17-2 of the June Sp. Sess., Sec. 151
Sec. 16	<i>October 1, 2018</i>	46a-55

Sec. 17	<i>October 1, 2018</i>	46a-84
Sec. 18	<i>October 1, 2018</i>	53a-72a
Sec. 19	<i>October 1, 2018</i>	53a-73a
Sec. 20	<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. 21	<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
Sec. 22	<i>October 1, 2018</i>	Repealer section