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## **OLR Bill Analysis**

### **sHB 7222**

#### ***AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL.***

#### **SUMMARY**

This bill expands the attorney general's authority by allowing him to:

1. investigate allegations of certain hate crimes and civil rights violations (see below);
2. initiate legal proceedings in the state's name, with certain exceptions; and
3. seek relief for the affected person and reasonable attorneys' fees and costs for the attorney general.

Under the bill, the affected person retains the right to bring civil action in court and to file a Commission on Human Rights and Opportunities (CHRO) complaint.

The bill specifies that its civil rights provision does not limit CHRO's jurisdiction and it authorizes the attorney general to refer cases to CHRO, as appropriate. The bill also requires the attorney general to post information on the office's website about properly filing a CHRO complaint.

Lastly, the bill also allows the attorney general to issue subpoenas and interrogatories consistent with how he investigates violations of the Connecticut Antitrust Act.

EFFECTIVE DATE: October 1, 2019

#### **APPLICABLE HATE CRIMES AND CIVIL RIGHTS VIOLATIONS**

The bill applies to allegations of:

1. 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree intimidation based on bigotry or bias (commonly called hate crimes) (see BACKGROUND);
2. conduct that subjects someone, or causes him or her to be subject, to the deprivation of any rights, privileges, or immunities secured by the U.S. or state constitutions or laws; or
3. conduct that interferes, or attempts to interfere, by threats, intimidation, or coercion, with other individuals' exercise or enjoyment of any rights, privileges, or immunities secured by the U.S. or state constitutions or laws.

### **1<sup>ST</sup>, 2<sup>ND</sup>, OR 3<sup>RD</sup> DEGREE INTIMIDATION BASED ON BIGOTRY OR BIAS**

#### ***Civil Action in the State's Name***

Under the bill, if the attorney general finds that a person has committed a hate crime, he may bring a civil action in the state's name against such person in the Superior Court for the judicial district where the act occurred. The bill does not apply to state officers or employees discharging their duties or acting within the scope of their employment if the act or omission was not wanton, reckless, or malicious.

#### ***Relief***

The bill allows the attorney general to obtain any relief that the affected person may be entitled to by law. This includes treble damages; a civil penalty of up to \$10,000 per violation; declaratory, injunctive, or equitable relief that the attorney general determines is necessary to vindicate the public's interests; and reasonable attorneys' fees and costs. Any civil penalty received must be deposited in the General Fund.

### **CIVIL RIGHTS VIOLATION**

#### ***Civil or Administrative Action in the State's Name***

The bill allows the attorney general to investigate, intervene in, or bring a civil or administrative action in the state's name, seeking injunctive or declaratory relief, damages, and any other relief that may

be available under law, whenever any person is engaged in conduct that violates another person's civil rights as described above.

***Relief***

Under the bill, if the attorney general prevails in such a civil action, the court (1) must order the distribution of any award of damages to the injured person and (2) may award reasonable attorney's fees and costs to the Attorney General. In a case involving the interference or attempted interference with any right protected by the U.S. or state constitution, the court may also impose civil penalties against each defendant for up to \$10,000 per violation.

***Assurance of Discontinuance***

In lieu of bringing a civil action, the bill allows the attorney general to accept an assurance of the discontinuance of any allegedly unlawful or unconstitutional practice from anyone engaged in such practice. Under the bill, any evidence of a violation of such assurance constitutes prima facie proof of violation of the applicable law or right in any action the attorney general commences.

**BACKGROUND**

***Hate Crimes***

The crimes of 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree intimidation based on bigotry or bias address certain actions that intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 15 (04/08/2019)