

---

## OLR Bill Analysis

### sSB 3

## **AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT.**

### TABLE OF CONTENTS:

#### SUMMARY

#### §§ 1, 3, & 10 — SEXUAL HARASSMENT TRAINING AND INFORMATION REQUIREMENTS FOR EMPLOYERS

*Expands requirements for employers on training employees regarding sexual harassment laws and providing related information, and requires CHRO to make related training materials available*

#### § 2 — DISCRIMINATORY PRACTICE DEFINITION

*Expands the definition of “discriminatory practice” in the CHRO statutes to include, among other things, an employer’s failure to provide sexual harassment training or post certain notices as required*

#### § 4 — CORRECTIVE ACTION IN EMPLOYER SEXUAL HARASSMENT CASES

*Allows employers to modify the conditions of an alleged harassment victim’s employment only with that person’s consent*

#### § 5 — EQUAL EMPLOYMENT OPPORTUNITY OFFICERS

*Limits the disclosure of investigation-related documents by state entities’ equal employment opportunity officers*

#### § 6 — COMPLAINT FILING DEADLINE

*Gives a claimant more time to file a complaint with CHRO alleging employment discrimination or various types of discrimination by state agencies*

#### § 7 — REMEDIES FOR DISCRIMINATORY EMPLOYMENT PRACTICES

*Requires the CHRO presiding officer, among other things, to issue an order that makes the complainant whole and award attorney’s fees after finding a discriminatory employment practice*

#### § 8 — COURT PETITIONS FOR PUNITIVE DAMAGES, PENALTIES, OR OTHER ORDERS IN EMPLOYMENT DISCRIMINATION COMPLAINTS

*Expands the range of orders that CHRO may seek through court petitions against employers in certain situations, and expands this law to include a broader range of employers*

#### §§ 9, 11, & 12 — LAWSUIT FILING DEADLINE

*Gives claimants more time to file a court case after being released from CHRO's jurisdiction*

**§ 10 — PENALTY FOR FAILURE TO POST CERTAIN NOTICES**

*Increases the fine for employers and certain others for failing to post notices about nondiscrimination laws*

**§ 13 — PUNITIVE DAMAGES IN COURT AFTER RELEASE FROM CHRO JURISDICTION**

*Allows courts to award punitive damages in discrimination cases after release from CHRO jurisdiction*

**§ 14 — WAGE DEDUCTIONS FOR CERTAIN SUSPENSIONS**

*Allows employers to deduct pay for executive, administrative, or professional employees who miss work due to disciplinary suspensions*

**§ 15 — SCHOOL ADMINISTRATOR SUSPENSIONS**

*Requires school superintendents, after an employee files a sexual harassment complaint against an administrator, to immediately suspend the administrator and conduct an investigation*

**§ 16 — CHRO CIVIL ACTIONS IN THE PUBLIC INTEREST**

*Allows CHRO's executive director, within available appropriations, to assign CHRO legal counsel to bring a civil action, instead of an administrative hearing, in certain cases when doing so would be in the public interest and the parties agree to the case proceeding to court*

**§ 17 — DOCUMENT INSPECTION AND CONSEQUENCES OF NONCOMPLIANCE**

*Allows the presiding officer at CHRO administrative hearings to impose nonmonetary penalties on parties that do not comply with orders to produce relevant and material documents*

**§ 17 — MAGISTRATES**

*Under certain conditions, allows the chief human rights referee to appoint a magistrate to preside over a CHRO proceeding if there is a backlog of more than 100 cases*

**§ 18 — EVIDENCE IN CIVIL SEXUAL MISCONDUCT CASES**

*Limits when evidence of the victim's sexual history may be admitted in civil proceedings involving alleged sexual assault or sexual harassment*

**§§ 19 & 20 — CIVIL STATUTE OF LIMITATIONS**

*Extends the time to file a civil case related to sexual abuse or related conduct*

**§§ 21, 22, & 25 — SEXUAL ASSAULT OF INCAPACITATED PERSON**

*Increases the penalty for subjecting someone to sexual contact if the victim is mentally incapacitated and cannot consent*

**§§ 23, 24, & 26 — STATUTE OF LIMITATIONS FOR SEXUAL ASSAULT AND RELATED CRIMES**

*Eliminates or extends the statute of limitations for various sexual assault crimes and eliminates the statute of limitations for 1st degree promoting prostitution*

## BACKGROUND

### **SUMMARY**

This bill makes various changes concerning sexual harassment, sexual assault, discrimination complaints filed with the Commission on Human Rights and Opportunities (CHRO), and related matters. For example, it:

1. expands requirements for employers to train employees on sexual harassment laws (§ 1);
2. extends the time to file a CHRO complaint alleging employer discrimination, including sexual harassment (§ 6);
3. allows (a) CHRO to seek punitive damages against employers in certain situations and (b) courts to order punitive damages in these cases and in other cases after release from CHRO jurisdiction (§§ 8 & 13);
4. extends the time to file a civil lawsuit related to sexual abuse or related conduct (§§ 19 & 20); and
5. eliminates the criminal statute of limitations for various felony sexual assault crimes and related crimes (§§ 23 & 24).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2019, except as otherwise noted below.

### **§§ 1, 3, & 10 — SEXUAL HARASSMENT TRAINING AND INFORMATION REQUIREMENTS FOR EMPLOYERS**

*Expands requirements for employers on training employees regarding sexual harassment laws and providing related information, and requires CHRO to make related training materials available*

#### ***Training (§§ 1 & 3)***

Under current law, CHRO can require employers with at least 50 employees to provide their supervisory employees with two hours of training on federal and state sexual harassment laws and remedies

available to victims. The bill expands this requirement to cover (1) employers of any size and (2) non-supervisory employees for employers with at least three employees.

The bill requires the new training to occur within one year of October 1, 2019, except that any employer who provided the bill's training after October 1, 2018, is not required to provide it a second time.

The bill requires CHRO to develop and make available to employers an online training and education video or other interactive method that fulfills the bill's training requirements. As long as CHRO does so, the bill's required training must take place within six months of the hiring date, starting October 1, 2019, for (1) all new hires by employers with at least three employees and (2) all new supervisory hires by smaller employers.

Under the bill, the employers required to provide this training must, at least every ten years, provide supplemental training to update employees on the content of the training and education.

***Information (§§ 1 & 3)***

Existing law gives CHRO the power to require that employers with three or more employees post in a prominent and accessible place a notice stating that sexual harassment is illegal and the remedies available to victims. The bill requires these employers to also send a copy of this information to employees by email, within three months of their hire, if the (1) employer has provided an email account to the employee or (2) employee has provided the employer with an email address. The email's subject line must include "Sexual Harassment Policy" or something similar.

Under the bill, if an employer has not provided email accounts to employees, it must post the information on its website, if it has one.

The bill requires CHRO to develop and include on its website a link about the illegality of sexual harassment and the remedies available to victims. An employer can comply with the requirement above by

providing employees with this link by email, text message, or in writing.

**Penalty (§ 10)**

The bill subjects employers to a fine of up to \$1,000 if they fail to provide the training and education as required. As explained below, the bill additionally classifies this inaction as a discriminatory practice.

EFFECTIVE DATE: October 1, 2019, except July 1, 2019, for the provisions requiring CHRO to post information on its website and make training materials available.

**§ 2 — DISCRIMINATORY PRACTICE DEFINITION**

*Expands the definition of “discriminatory practice” in the CHRO statutes to include, among other things, an employer’s failure to provide sexual harassment training or post certain notices as required*

The bill expands the definition of “discriminatory practice” in the CHRO statutes to include violations of the following requirements for:

1. employers, employment agencies, or labor organizations, or complaint respondents or other people subject to the public accommodations or housing discrimination laws, to post notices describing any laws as CHRO directs;
2. employers to provide training and information to employees (as specified above) about sexual harassment and available remedies; and
3. state agencies to provide diversity training and education to employees, annually report on the training, and submit information demonstrating compliance as part of their affirmative action plans.

By adding these violations to the definition of discriminatory practice, the bill allows individuals aggrieved by any such violation, or CHRO itself, to file a complaint with CHRO alleging discrimination.

**§ 4 — CORRECTIVE ACTION IN EMPLOYER SEXUAL HARASSMENT CASES**

*Allows employers to modify the conditions of an alleged harassment victim's employment only with that person's consent*

The bill prohibits an employer, when taking immediate corrective action in response to an employee's sexual harassment claim, from modifying the claimant's conditions of employment unless he or she agrees, in writing, to the modification. This includes actions such as (1) relocating the employee, (2) assigning him or her to a different work schedule, or (3) making other substantive changes to the terms and conditions of employment.

## **§ 5 — EQUAL EMPLOYMENT OPPORTUNITY OFFICERS**

*Limits the disclosure of investigation-related documents by state entities' equal employment opportunity officers*

By law, each state agency, department, board, or commission must designate an equal employment opportunity officer. Among other things, they are responsible for investigating discrimination complaints made against the applicable entity, with certain exceptions.

The bill prohibits these officers from disclosing witness statements or documents received or compiled in conjunction with such an investigation, to anyone other than (1) personnel charged with the investigation or (2) CHRO upon request.

## **§ 6 — COMPLAINT FILING DEADLINE**

*Gives a claimant more time to file a complaint with CHRO alleging employment discrimination or various types of discrimination by state agencies*

Under current law, a discriminatory practice complaint with CHRO may be filed within (1) 180 days of the alleged discrimination or (2) 30 days for complaints alleging discrimination based on denial of state employment or occupational licensure due to criminal history.

The bill extends, to 300 days, the time for filing complaints alleging discrimination that allegedly occurred on or after October 1, 2019, in any of the following areas:

1. employment (including sexual harassment);
2. equal employment in state agencies and the Judicial Branch;

3. state agency practices (including permitting certain types of discrimination, such as in housing or public accommodations);
4. state agency job placement services or state licensing;
5. state agency educational and vocational guidance and apprenticeship programs;
6. allocation of state benefits;
7. state agency cooperation with CHRO;
8. required state agency annual reporting to the governor on nondiscrimination efforts; and
9. denial of state employment or occupational licensure due to criminal history.

## **§ 7 — REMEDIES FOR DISCRIMINATORY EMPLOYMENT PRACTICES**

*Requires the CHRO presiding officer, among other things, to issue an order that makes the complainant whole and award attorney's fees after finding a discriminatory employment practice*

Under current law, after a finding of a discriminatory employment practice, a CHRO hearing officer may order that the complainant be hired or reinstated, with or without back pay, or that his or her membership in any respondent labor organization be restored.

The bill instead requires the officer to:

1. issue an order eliminating the discriminatory practice and making the complainant whole, including restoring labor organization membership;
2. determine the amount of damages, including the complainant's actual costs as a result of the discrimination; and
3. allow reasonable attorney's fees and costs.

The amount of attorney's fees cannot be contingent upon the amount of damages requested by or awarded to the complainant.

## **§ 8 — COURT PETITIONS FOR PUNITIVE DAMAGES, PENALTIES, OR OTHER ORDERS IN EMPLOYMENT DISCRIMINATION COMPLAINTS**

*Expands the range of orders that CHRO may seek through court petitions against employers in certain situations, and expands this law to include a broader range of employers*

Under current law, if the CHRO executive director believes that equitable relief is needed to prevent irreparable harm to the complainant in an employment discrimination matter, CHRO may apply to court to seek appropriate injunctive relief.

The bill extends this provision by allowing CHRO to file such a court petition in complaints involving employers with at least three employees, rather than 50 as under current law. And rather than the current standard of preventing irreparable harm, it allows such a petition if CHRO believes that:

1. a court order is needed to preserve an employment opportunity for the complainant until CHRO issues its final decision on the complaint, or
2. for discriminatory employment practices occurring on or after October 1, 2019, punitive damages or a civil penalty would be appropriate.

Under the bill, CHRO may seek:

1. a civil penalty of up to \$10,000, payable to CHRO;
2. punitive damages of up to \$50,000, payable to the complainant;
3. as under current law, an order barring the respondent from doing any act that would negate any order the presiding officer may issue on the complaint; or
4. any combination of these.

The bill specifies that, if the court issues an order barring the respondent from doing certain acts as set forth above, the availability of money damages is not an adequate remedy for the loss of an

employment opportunity.

Under the bill, the court may allow the respondent employer to fill a position until CHRO issues its final determination or the court issues its final decision upon appeal of that determination. This applies only if the respondent demonstrates that the inability to fill a position immediately would cause undue hardship.

### **§§ 9, 11, & 12 — LAWSUIT FILING DEADLINE**

*Gives claimants more time to file a court case after being released from CHRO's jurisdiction*

Under current law, a complainant released from CHRO jurisdiction may bring a court case against the respondent within two years after filing the complaint with CHRO, and no later than 90 days after receiving the release of jurisdiction. The bill instead allows a complainant to file a court case within two years after being released from CHRO jurisdiction.

### **§ 10 — PENALTY FOR FAILURE TO POST CERTAIN NOTICES**

*Increases the fine for employers and certain others for failing to post notices about nondiscrimination laws*

By law, CHRO can require employers, employment agencies, or labor organizations, or complaint respondents or other people subject to the public accommodations or housing discrimination laws, to post notices describing any laws as CHRO directs. The bill increases the maximum fine for a failure to comply, from \$250 to \$1,000.

### **§ 13 — PUNITIVE DAMAGES IN COURT AFTER RELEASE FROM CHRO JURISDICTION**

*Allows courts to award punitive damages in discrimination cases after release from CHRO jurisdiction*

The bill allows courts to award punitive damages in discrimination cases that were released from CHRO jurisdiction. In 2016, the state Supreme Court ruled that the current statute does not authorize courts to award punitive damages (*Tomick v. United Parcel Service, Inc.*, 324 Conn. 470 (2016)).

Under existing law for these cases, courts may award the legal and

equitable relief they deem appropriate, including injunctive relief, attorney's fees, and court costs.

#### **§ 14 — WAGE DEDUCTIONS FOR CERTAIN SUSPENSIONS**

*Allows employers to deduct pay for executive, administrative, or professional employees who miss work due to disciplinary suspensions*

The bill allows employers to deduct the pay of certain executive, administrative, or professional employees when they are suspended from work for violating written workplace rules that prohibit harassment or workplace violence. It also allows the labor commissioner to adopt implementing regulations. Current regulations limit employers' ability to withhold such employees' pay under these circumstances (Conn. Agencies Reg., § 31-60-14 et seq.).

These provisions apply to (1) private sector employers as well as the state and local governments and (2) individuals employed in a bona fide executive, administrative, or professional capacity as defined in regulations of the federal Fair Labor Standards Act.

#### **§ 15 — SCHOOL ADMINISTRATOR SUSPENSIONS**

*Requires school superintendents, after an employee files a sexual harassment complaint against an administrator, to immediately suspend the administrator and conduct an investigation*

Under the bill, if a school employee files a sexual harassment complaint against an administrator, the school superintendent must immediately suspend the administrator and investigate the allegations.

The bill defines "complaint" for this purpose as a written communication alleging that an administrator committed sexual harassment, and that a school employee files, or someone files on the employee's behalf, with (1) the superintendent, (2) someone the superintendent designates to accept such a complaint, (3) CHRO, or (4) a court.

The bill does not (1) specify whether the suspension is with or without pay or (2) establish procedures for these investigations or a timeframe for their completion.

EFFECTIVE DATE: July 1, 2019

## **§ 16 — CHRO CIVIL ACTIONS IN THE PUBLIC INTEREST**

*Allows CHRO's executive director, within available appropriations, to assign CHRO legal counsel to bring a civil action, instead of an administrative hearing, in certain cases when doing so would be in the public interest and the parties agree to the case proceeding to court*

Under existing law, certain cases within CHRO's jurisdiction proceed to an administrative hearing phase (e.g., if the investigator finds reasonable cause to believe that discrimination occurred and the parties cannot reach a settlement). The bill allows the CHRO executive director, through the supervising attorney and within available appropriations, to assign CHRO legal counsel to bring a civil action concerning an alleged discriminatory practice, instead of a case proceeding to an administrative hearing, if she determines that:

1. this would be in the public interest and
2. the parties mutually agree, in writing, to the case proceeding in this way.

The legal counsel must bring the case in Superior Court within 90 days after notifying the parties of the executive director's determination. The action may be served by certified mail. The bill exempts these cases from certain conditions that apply to civil actions brought after CHRO has released a case from its jurisdiction (such as specific provisions on venue and the statute of limitations).

The bill limits the court's jurisdiction to the claims, counterclaims, defenses, or other matters that could be presented at a CHRO administrative hearing, had the complaint remained with CHRO. It allows the complainant to intervene as a matter of right without permission from the court, CHRO, or the other party. The case must be tried without a jury.

Under the bill, the complainant or his or her attorney must present all or part of the case in support of the complaint if CHRO legal counsel determines that this will not adversely affect the state's interest.

The bill allows a court to grant the same relief that would be

available in a civil action after a case was released from CHRO jurisdiction. If the court finds that the respondent committed a discriminatory practice, the bill requires the court to order the respondent to pay CHRO its fees and costs, in addition to a civil penalty of up to \$10,000. CHRO must use the funds from the penalty to advance the public interest in eliminating discrimination.

## **§ 17 — DOCUMENT INSPECTION AND CONSEQUENCES OF NONCOMPLIANCE**

*Allows the presiding officer at CHRO administrative hearings to impose nonmonetary penalties on parties that do not comply with orders to produce relevant and material documents*

Under the bill, CHRO and each party to a CHRO administrative hearing must have the opportunity to inspect and copy relevant and material records, papers, and other documents not in the party's possession, unless another state or federal law prohibits it. The bill allows the presiding officer to (1) order a party to produce these documents and (2) issue a nonmonetary order against a party who fails to comply within 30 days.

The nonmonetary order must be deemed just and appropriate by the officer and may do the following:

1. find that the matters that are the subject of the order are established as set forth in the other party's claim,
2. prohibit the noncomplying party from introducing designated matters into evidence,
3. limit that party's participation as to issues or facts relating to the order, and
4. draw an adverse inference against that party.

## **§ 17 — MAGISTRATES**

*Under certain conditions, allows the chief human rights referee to appoint a magistrate to preside over a CHRO proceeding if there is a backlog of more than 100 cases*

Under existing law, the chief human rights referee must appoint human rights referees to preside over CHRO hearings. She must also

appoint another referee or a volunteer attorney to conduct settlement negotiations.

The bill creates a process for magistrates to also preside over CHRO hearings under certain circumstances. It allows the chief human rights referee to request such an appointment when there are more than 100 CHRO complaints pending for public hearings. The CHRO executive director can approve the request if she determines the appointment would be within available appropriations.

If approved, the chief human rights referee must select the magistrate from the chief court administrator's list of available magistrates. Any such magistrate has the same powers and duties as a human rights referee appointed under law and must be compensated at the rate set by existing law (i.e., \$200 per day), from CHRO funds as available.

The bill allows magistrates to be appointed as presiding officers for proceedings on the following matters:

1. discriminatory practice complaints (CGS § 46a-84);
2. determining remedies following a default order against a respondent (CGS § 46a-83(l));
3. complaints brought by CHRO against a contractor or subcontractor for noncompliance with nondiscrimination laws or required contract provisions (e.g., affirmative action requirements) (CGS § 46a-56(c));
4. complaints brought by CHRO against a contractor, subcontractor, service provider, or supplier for fraud related to qualifying as a minority business enterprise in relation to certain state, municipal, and quasi-public agency contracts (CGS § 46a-56(d)); or
5. whistleblower complaints for alleged retaliation against employees of state or quasi-public agencies, large state contractors, or appointing authorities (CGS § 4-61dd(e)).

## **§ 18 — EVIDENCE IN CIVIL SEXUAL MISCONDUCT CASES**

*Limits when evidence of the victim's sexual history may be admitted in civil proceedings involving alleged sexual assault or sexual harassment*

The bill limits the circumstances in which evidence of a victim's or an alleged victim's ("victim") sexual history may be admitted in civil proceedings involving alleged sexual assault or sexual harassment. It generally prohibits offering evidence to prove (1) that a victim engaged in other sexual behavior or (2) the victim's sexual predisposition. But it allows the court to admit this evidence if the probative value substantially outweighs the danger of (1) harm to any victim and (2) unfair prejudice to any party. It allows the court to admit evidence of a victim's reputation only if the victim has placed his or her reputation in controversy.

Under the bill, if a party intends to offer such evidence, the party must:

1. file a motion specifically describing the evidence and stating its purpose, at least 14 days before the hearing unless the court, for good cause shown, prescribes a different deadline;
2. serve the motion on all parties pursuant to court rules; and
3. notify the victim or, when appropriate, the victim's guardian or representative.

The bill requires the court, before admitting this evidence, to conduct an in camera (i.e., in chambers) hearing and give the parties and the victim the right to attend and be heard. Unless the court orders otherwise, the motion, related materials, and hearing record must be sealed and remain sealed.

## **§§ 19 & 20 — CIVIL STATUTE OF LIMITATIONS**

*Extends the time to file a civil case related to sexual abuse or related conduct*

Under current law, if a victim was a minor (under age 18) when sexual assault, sexual abuse, or sexual exploitation occurred, the victim has until his or her 48<sup>th</sup> birthday to file a personal injury lawsuit for damages, including emotional distress, caused by the conduct.

The bill extends this provision in two ways. First, it applies it to victims who were under age 21, rather than 18, at the time of the conduct. Second, it allows any such victim to file the lawsuit at any time before his or her 56<sup>th</sup> birthday.

The bill also extends, from three to five years, the general statute of limitations for a victim age 21 or older to file a personal injury lawsuit for damages, including emotional distress, caused by sexual assault, sexual abuse, or sexual exploitation.

Under existing law, regardless of the victim’s age, there is no limitation on bringing a personal injury lawsuit for damages caused by sexual assault when the offender has been convicted of 1<sup>st</sup> degree or 1<sup>st</sup> degree aggravated sexual assault for such conduct (CGS § 52-577e).

EFFECTIVE DATE: October 1, 2019, and applicable to any case arising from an incident committed on or after that date.

**§§ 21, 22, & 25 — SEXUAL ASSAULT OF INCAPACITATED PERSON**

*Increases the penalty for subjecting someone to sexual contact if the victim is mentally incapacitated and cannot consent*

Under current law, it is 4<sup>th</sup> degree sexual assault to subject someone to sexual contact if the victim is mentally incapacitated to the extent that he or she cannot consent to the contact. The bill instead classifies this conduct as 3<sup>rd</sup> degree sexual assault, thus increasing the maximum prison term and criminal fine as shown in Table 1.

**Table 1: Penalties for 3<sup>rd</sup> and 4<sup>th</sup> Degree Sexual Assault**

<b>Victim Age</b>	<b>4<sup>th</sup> Degree Sexual Assault</b>	<b>3<sup>rd</sup> Degree Sexual Assault</b>
Under 16	Class D felony  (Up to five years in prison, a fine of up to \$5,000, or both)	Class C felony  (Up to 10 years in prison, a fine of up to \$10,000, or both)
16 or older	Class A misdemeanor  (Up to one year in prison, a fine of up to \$2,000, or both)	Class D felony  (Up to five years in prison, a fine of up to \$5,000, or both)

## **§§ 23, 24, & 26 — STATUTE OF LIMITATIONS FOR SEXUAL ASSAULT AND RELATED CRIMES**

*Eliminates or extends the statute of limitations for various sexual assault crimes and eliminates the statute of limitations for 1<sup>st</sup> degree promoting prostitution*

The bill eliminates the criminal statute of limitations for several sexual assault and related crimes, and extends it for certain others.

Under current law, there is generally a five-year statute of limitations for felonies, including several sexual assault crimes. But there is:

1. no statute of limitations for (a) crimes that are class A felonies, including certain sexual assault crimes, or (b) certain sexual assault crimes involving DNA evidence (CGS § 54-193b) and
2. an extended statute of limitations in other cases involving sexual abuse, sexual exploitation, or sexual assault of minors (in most cases, until the earlier of the victim's 48<sup>th</sup> birthday or five years from the date the victim reports the crime) (CGS § 54-193b).

The bill eliminates the statute of limitations for the following:

1. any offense involving sexual abuse, sexual exploitation, or sexual assault of a minor;
2. 1<sup>st</sup> degree sexual assault and 1<sup>st</sup> degree aggravated sexual assault, in cases where either crime is a class B felony (there is already no limitation on prosecuting other cases of these crimes, which are class A felonies);
3. sexual assault in a spousal or cohabiting relationship;
4. 2<sup>nd</sup> degree sexual assault or 3<sup>rd</sup> degree sexual assault with a firearm, in cases where either crime is a class C felony (i.e., the victim is aged 16 or older; if the victim is under age 16, there is also no statute of limitations under the provision above on any offense involving minors);
5. risk of injury to a minor involving intimate contact with a victim

under age 16; and

6. 1<sup>st</sup> degree promoting prostitution.

The bill also extends the statute of limitations to 35 years for cases involving sexual abuse, sexual exploitation, or sexual assault of a victim aged 18 to 20, if the bill or existing law does not otherwise eliminate the statute of limitations. Lastly, the bill extends the statute of limitations to 25 years for 3<sup>rd</sup> degree sexual assault in cases where the crime is a class D felony and the victim is an adult. For these crimes, the current statute of limitations is five years unless they meet the exceptions described earlier (e.g., certain cases involving DNA evidence).

EFFECTIVE DATE: October 1, 2019, and applicable to (1) offenses committed on or after that date and (2) offenses committed before then if the statute of limitations in effect when the offense was committed has not expired as of October 1, 2019.

## **BACKGROUND**

### ***Related Bills***

sSB 697, reported favorably by the Labor and Public Employees Committee, prohibits employers from entering into contracts with employees that contain a nondisclosure provision that prevents the employee from disclosing or discussing workplace sexual harassment or sexual assault.

sSB 913, reported favorably by the Judiciary Committee, extends the criminal statute of limitations for certain sexual assault crimes from five years to 10 years.

HB 5271, reported favorably by the Labor and Public Employees Committee, (1) increases from two to four hours the sexual harassment training that CHRO can require employers with 50 or more employees to offer their supervisory employees and (2) expands the training's scope.

sHB 7044, reported favorably by the Labor and Public Employees

and Judiciary committees, contains various provisions on sexual harassment, including prohibiting employers from taking immediate corrective action that modifies the complainant's terms and conditions of employment without the complainant's express written agreement.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 14 (04/10/2019)