



House of Representatives

General Assembly

File No. 826

January Session, 2019

Substitute House Bill No. 7222

House of Representatives, April 29, 2019

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) The Attorney General
2 may investigate the facts and circumstances concerning any alleged
3 violation of section 53a-181j, 53a-181k or 53a-181l of the general
4 statutes, and in connection with such investigation, issue subpoenas
5 and written interrogatories in the same manner and to the same extent
6 as is provided in section 35-42 of the general statutes.

7 (b) If the Attorney General finds that a person has committed an act
8 that constitutes a violation of section 53a-181j, 53a-181k or 53a-181l of
9 the general statutes, the Attorney General may bring a civil action in
10 the superior court for the judicial district in which such act occurred in
11 the name of the state against such person. The provisions of this
12 subsection shall not apply to any state officer or employee who is
13 entitled to indemnification and defense pursuant to section 5-141d of
14 the general statutes.

15 (c) In any such action, the Attorney General may obtain, for the
16 benefit of a person adversely affected by a violation of section 53a-181j,
17 53a-181k or 53a-181l of the general statutes, any relief to which such
18 person may be entitled by law, including treble damages; a civil
19 penalty not to exceed ten thousand dollars per violation; declaratory,
20 injunctive, or equitable relief that the Attorney General determines is
21 necessary to vindicate the public's interests; and reasonable attorneys'
22 fees and costs. Any civil penalty that is received pursuant to this
23 subsection shall be deposited in the General Fund.

24 (d) Nothing in this section shall limit the right of a person adversely
25 affected by a violation of section 53a-181j, 53a-181k or 53a-181l of the
26 general statutes to bring an action under section 52-571c of the general
27 statutes or any other law that may entitle such person to relief.

28 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) The Attorney General
29 may investigate, intervene in, or bring a civil or administrative action
30 in the name of the state, seeking injunctive or declaratory relief,
31 damages, and any other relief that may be available under law,
32 whenever any person is or has engaged in a practice or pattern of
33 conduct that:

34 (1) Subjects, or causes to be subjected, other persons to the
35 deprivation of any rights, privileges, or immunities secured by the
36 constitutions or laws of this state or the United States; or

37 (2) Interferes, or attempts to interfere, by threats, intimidation or
38 coercion, with the exercise or enjoyment by other persons of any rights,
39 privileges, or immunities secured by the constitutions or laws of this
40 state or the United States.

41 (b) In conducting any investigation under this section, the Attorney
42 General may issue subpoenas and interrogatories, and otherwise
43 gather information, in the same manner and to the same extent as is
44 provided in section 35-42 of the general statutes.

45 (c) If the Attorney General prevails in a civil action brought

46 pursuant to this section, the court shall order the distribution of any
 47 award of damages to the injured person and may award reasonable
 48 attorney's fees and costs to the Attorney General. In a matter involving
 49 the interference or attempted interference with any right protected by
 50 the constitutions of this state or the United States, the court may also
 51 award civil penalties against each defendant in an amount not
 52 exceeding ten thousand dollars for each violation.

53 (d) In lieu of bringing a civil action under this section, the Attorney
 54 General may accept an assurance of the discontinuance of any
 55 allegedly unlawful or unconstitutional practice from any person
 56 engaged in such practice. Thereafter, any evidence of a violation of
 57 such assurance shall constitute prima facie proof of violation of the
 58 applicable law or right in any action commenced by the Attorney
 59 General.

60 (e) Nothing in this section shall limit the right of a person adversely
 61 affected by a violation of chapter 814c of the general statutes to file a
 62 complaint with the Commission on Human Rights and Opportunities.

63 (f) Nothing in this section shall limit the jurisdiction of the
 64 Commission on Human Rights and Opportunities under chapter 814c
 65 of the general statutes.

66 (g) The Attorney General shall post on the Attorney General's
 67 Internet web site information on the proper filing of a complaint with
 68 the Commission on Human Rights and Opportunities. The Attorney
 69 General may, as appropriate, refer cases to the Commission on Human
 70 Rights and Opportunities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section
Sec. 2	October 1, 2019	New section

Statement of Legislative Commissioners:

In Section 2(d), the phrase "from any person engaged in such practice" was added to the first sentence for clarity.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do 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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Attorney General	GF - Potential Revenue Gain	At least 100,000	At least 100,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the authority of the Office of the Attorney General (AG) by specifically allowing the agency to: (1) investigate allegations of hate crimes and civil rights violations; (2) initiate legal proceedings in the state's name.

This could result in a revenue gain to the state anticipated to be at least \$100,000 annually. The amount of any revenue gain depends on: (1) the number of new hate crimes and civil rights violations brought to court under the AG's newly specified authority.¹ Any revenue gain also depends on the amount of monetary damages awarded when the state prevails when these cases are brought to civil court.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to: (1) the number of new hate crimes and civil rights violations brought to court and (2) the amount of monetary damages awarded.

¹ In 2017, there were 122 hate crimes reported in Connecticut (Source: CT Post, 2018, FBI: Conn. Law enforcement reported 122 hate crimes in 2017.)

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. 1st, 2nd, or 3rd 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.

1ST, 2ND, OR 3RD 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 1st, 2nd, and 3rd 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)