

# Judiciary Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-7222

AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY

**Title:** GENERAL.

**Vote Date:** 4/8/2019

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/15/2019

**File No.:**

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### SPONSORS OF BILL:

Judiciary Committee

### REASONS FOR BILL:

The concept was brought to the Judiciary Committee from the Attorney General. Allows the Office of Attorney General extend its responsibilities by opening a Civil Rights Division. This division will include civil lawsuits but will not detract from other state agencies performing a similar function. Including these responsibilities in the AG office would put CT in line with other states who already have a civil rights division.

**SUBSTITUTE LANGUAGE:** LCO No. 6848: Substitute represents compromise through ABO, CHRO, DCJ and CBIA. DCJ's concerns were delineating civil vs. criminal suits and CBIA's concerns were around narrowing laws that could be enforced and penalties. Language clarified the Attorney General may investigate, intervene in or bring a civil or administrative action in the name of the state.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**State of Connecticut Attorney General William Tong:** At a time of increased anxiety and concern over widespread discrimination, hate crimes, and civil rights violations, Connecticut needs to take a stand. There is an erosion of Federal civil rights protections. The US Department of Justice Civil Rights Division previously investigated and litigated thereby protecting civil rights in areas ranging from juvenile justice to voting rights. Currently, the Dept. of Justice is opening fewer investigations than at any time in the last 18 years. The Department of Housing and Urban Development, is virtually out of the enforcement business. In fact, the Washington Post reports that HUD Secretary Ben

Carson has only once used his authority as HUD secretary to scrutinize widespread housing discrimination. This bill clarifies the Attorney General's standing to conduct civil rights investigations, and where appropriate, initiate civil actions in state and federal court seeking damages and injunctions against bad actors who intimidate, discriminate, harass, and threaten civil rights and freedoms. The AG can complement existing civil rights work by bringing new, complementary tools to the fight for civil rights. It will proactively investigate and litigate in State and Federal court in response to patterns of large-scale civil rights violations and weigh in on National civil rights issues that affect Connecticut residents. We will be sending a clear message to victims of civil rights abuses across Connecticut: The Office of the Attorney General is your advocate, and we are on your side. The Constitution State should continue to stake our claim as a leader in protecting rights.

**Division of Criminal Justice:** Supports the concept of statutorily empowering the Office of Attorney General to undertake a civil action to redress the interests of the State in serious civil rights violations. While there is ample precedent in the federal system for a two pronged approach, that system differs materially from the one that exists in CT. The DCJ respectfully recognize challenges posed by the uniqueness of CT's two agency approach to civil and criminal enforcement.

**Division of Public Defender Services, Chief Public Defender, Christine Perra Rapillo** While the division does not oppose the investigation and litigation of civil rights violations, the Office of Chief Public Defender has concerns because the bill does not confer criminal jurisdiction of the office of the AG however, the bill does raise concerns of this office and the clients it represents because it permits the office of the AG to share any and all evidence obtained through an investigation subpoena with the Div of Criminal Justice for use in a criminal prosecution.

**State of CT Commission on Human Rights and Opportunities Executive Director Tanya Hughes and Deputy Director Cheryl Sharp:** Does not support the bill as written; their concern is prevention of confusion between commission's statues and the work of the AG. The bill must be clear about the lines of where the two services begin and end. It would be unfortunate if even a single person were to have their right to file be adversely affected if they pass the mandatory 180 day filing deadline of the CHRO.

#### **NATURE AND SOURCES OF SUPPORT:**

**Center for Children's Advocacy, Founder and Executive Director Martha Stone:** On behalf of the CCA: It is important that a state AG Office be seen as a vibrant enforcer of civil rights. Since the role of the Civil Rights Division of the federal justice department has diminished, it is all the more important that states step up to the plate to fill that void. Further, there are many CT state constitutional rights that remain unenforced that a state's civil rights office could scrutinize. Most importantly, there is a crucial need in CT to expand the capacity to protect the rights of children.

**Connecticut Bail Fund Co-Director Brett Davidson:** The organization is in support of this bill that will grant the Office of AG the ability to engage in civil rights litigation to protect the rights of people in our state. The people and families we support have grown accustomed, desensitized to experiencing unspeakable exploitation on a daily basis from

the State, from private corporations, from nonprofit organizations that claim to help people while nevertheless perpetuating discrimination and abuse. We believe the State has both the obligation and the opportunity to build a more trusting relationship with oppressed and exploited people in our communities.

**Connecticut Cross Disability Lifespan Alliance Coordinator Melissa Marshall:** Supports the bill that clearly articulates authority already possessed by the AG Office. The Alliance urges favorable consideration of the bill so that CT can once again say it is at the forefront of projecting the civil rights of people with disabilities.

**Connecticut Fair Housing Center Legal Director Greg Kirshner:** They very much appreciate AG Tong's interest in expanding enforcement of the anti-discrimination laws. Passing this bill will significantly advance the fight against housing discrimination and lead to quicker and more cost-effective enforcement.

**Speaker of the House Joe Aresimowicz:** Supports the bill to ensure the AG has the ability to actively enforce state and federal anti-discrimination laws and protect constitutional and civil rights particularly in cases where a pattern or practice of discrimination is apparent.

**Connecticut Legal Rights Project, Inc Executive Director Kathleen Flagherty, Esq:** The committee should advance this bill and the legislature should pass it. It would bring additional resources to bear in the fight to protect civil rights. For people with disabilities the existing system has been inadequate to assure respect for their civil rights to access, to reasonable accommodation and to protection from discrimination.

**Connecticut State Conference of NAACP Branches President, Scot X. Esdaile,** supports this bill because it allows the AG of CT to enforce and protect the rights of the residents of our state. Currently, the civil rights of our neighbors in New York, Massachusetts and 20 other states across the country are protected by the strength of their AG's office.

**Connecticut Women's Education and Legal Fund (CWEALF) Executive Director Kate Farrar and Camden Weber, Legal intern:** Urges the committee to support HB 7222 to empower the AG's authority to investigate allegations of civil rights violations, including hate crimes and discrimination and to initiate legal proceedings in response to such allegations.

**Connecticut Working Families Party State Director Lindsay Farrell:** States our economy is not working for too many CT workers, whether Black, Brown, or White. Pay is unjustifiably low and workers are insecure. We urge the Committee to support HB 7222 to give the office of the CT AG the standing it needs to enforce existing rights and pursue real consequences for discrimination and hate.

**Disability Rights Connecticut (DRCT) Board Member, Molly Cole:** Supports because of an extensive and pervasive history of abuse and discrimination against people with disabilities in institutional settings and many areas of everyday life including, but not limited to housing, employment, recreation programs, and medical facilities. This bill is crucial to

addressing the civil rights of people with disabilities. This bill is long overdue and strongly urges support.

**2Association, Inc Litigation and Advocacy Director, Giovanna Shay:** Supports this bill because it makes clear that the CT AG office may intervene in such cases as in the state of New York where family law and family court's jurisdiction argued over the rights of juveniles between the ages of 18 to 21 to protect the State's interest.

**Harvard Law School Lecturer on Law, Jim Tierney:** Testimony states in support of this bill and the passage of this legislation allows our AG to enforce the laws we have written, and to do so in a manner that coordinates with the responsibilities of other civil rights agencies. He cannot imagine why this authority that already exists in a majority of states, should not now be granted to the CT office of Attorney General.

**Planned Parenthood of Southern New England Director of Policy, Advocacy and Strategic Engagement, Gretchen Raffa:** This bill does not create any new substantive rights. Rather it allows for enforcement of rights that already exist and guarantees that our AG office can be involved in important ongoing civil rights enforcement efforts.

**Congregations Organized for a New Connecticut (CONNECT) Lead Organizer, Matt McDermott** testimony states his organization supports this bill. He further states this bill would grant AG office the power to more effectively enforce our civil rights laws and defend our constitutional rights.

**Triangle Community Center (TCC) Conor Pfiefer Development Officer:** In strong support of this bill because hate crimes are on the rise and the LGBTQ community needs to be protected from violators of their civil rights.

**Jewish Federation Association of Connecticut (JFACT) Executive Director Michael Bloom:** Supports because hate is on the rise in this country and we need to pass HB 7222 which will allow the AG to prosecute all forms of hate.

**Representative 5<sup>th</sup> District Brandon McGee:** Is in support of this bill because the AG needs to have a role in combating hate and defending civil rights. This bill also puts Connecticut in line with sister states such as New York, Massachusetts, and Rhode Island.

**United Church of Christ, Rev Gini King:** She supports bill because the bill authorizes the AG office to be able to initiate civil rights lawsuits in the state and nationally. This cannot be done with current law and this bill gives protection to immigrant communities.

**American Civil Liberties Union of Connecticut (ACLU-CT): Executive Director, David McGuire:** states that in a time when attacks on civil rights are commonplace, it would be useful to augment the team of people, agencies, and organizations working to protect these rights in Connecticut.

**Anti-Defamation League, Associate Regional Director Andy Friedland:** This proposed legislation would send a critical message to victims and targeted communities – that society recognizes the unique harm these crimes can cause and is committed to making those affected by such crimes whole.

**Christopher Blake:** Writes in support of raised bill 7222 says we need this bill because people with disabilities are still discriminated against.

**Lauren Brumell:** Writes in support of HB 7222 which will authorize the Office of the AG to initiate civil rights lawsuits to combat hate crimes and address acts of discrimination.

**Shannon Clarkson:** Writes to express her whole hearted support for HB 7222, strengthening Civil Rights in CT. Guilford has just agreed to add a human rights commission and Ms Shannon thinks the state should also be concerned about strengthening civil rights.

**Dawn Carafeno:** States she lives in Guilford where a family of color was discriminated against for no apparent reason other than they were nonwhite. Others have had their homes spray painted. She feels we need to have this bill passed to give the office of the AG the authority it needs to investigate and initiate recommendations for crimes of discrimination and hatred.

**Cynthia Clair:** Urges passage of this bill because it is legislation to strengthen civil rights in Connecticut.

**Win Evarts:** Writes in support of this legislation because it enables the AG to protect the civil rights in specific and limited circumstances with emphases on stopping hate crimes, providing victim relief, and focusing on repeated and systematic violations.

**Kenny Foscue Leader in the Unitarian Society of New Haven and leader in CONECT:** Supports this bill because it grants the office of AG the power to more effectively enforce our civil rights laws and defend our Constitutional rights especially those with disabilities.

**Leo Freund:** Supports HB 7222 it is important to protect all of our citizens and communities in CT and this will make it easier.

**Mary-Ann Langston, West Hartford:** Supports this bill because it strengthens the civil rights in Connecticut.

**J.A. Lhamon:** Supports this bill because the legislation would clarify the AG's authority to investigate allegations that an individual's civil rights are being violated and initiate legal proceedings in response to such allegation.

**Connecticut Council on Developmental Disabilities, Shelagh McClure, Vice Chair:** States they are in favor of this bill in that it clarifies the AG's authority to investigate civil rights violations against everyone including those with disabilities.

**Catherine Moran:** Writes in favor of HB 7222 which will authorize the AG's office to be able to initiate civil rights lawsuits in the state and nationally.

**Rev Mary Anne Osborn, Guilford, CT:** Writes in support of HB 7222 because there is no doubt that in the past several years hate crimes are on the rise and this bill would allow the AG's office to investigate into crimes of civil rights violations.

**Jennifer Rafferty:** Writes in support of this bill because she is very concerned about the way in which civil rights violations are taking place in our state.

**Carol L. Rizzolo, PhD, Guilford, CT:** Writes that she absolutely supports this bill allowing the Attorney General's Office to legally defend civil rights, combat hate crimes and address acts of discrimination in CT.

**Sarah Rizzuto:** Writes in support of this bill and urges its passage. She expressed her personal experience with discrimination that could have been investigated through the AG's office.

**Michael Thomas, Middletown, CT:** Writes in support of this bill and state CT needs civil rights protection now more than ever.

**Charla Nich, Guilford, CT:** Writes in support of this bill because we need it more than ever because CT residents are at elevated risk of having basic rights violated.

**St Jerome Roman Catholic Church, Leader Jack O'Melia Leader & Leader in Congregations Organized for a New Connecticut (CONNECT):** Supports this bill because many of their members need this protection. In this time, when so much divisive, hate-filled rhetoric floods our airwaves and press – and we have seen an increase in hate crimes here in CT and nationally targeting a wide variety of religious, racial, and other marginalized groups – we are badly in need of this type of legislation – and action from the Attorney General's office.

**Cindy Zukerbrod, Westport, CT, Temple Israel Leader in Congregations Organized for a New Connecticut (CONNECT):** Believe this bill is great for the AG's office and the members she represent. We represent more than 20,000 people from different races, religions and socio-economic status who live in both cities and suburbs. Founded in 2011, our members have joined together to make action on social and economic justice issues of common concern, and have made an impact on a variety of issues such as healthcare costs, gun violence, immigration, and education and more. I encourage all members of the Judiciary Committee, on both sides of the aisle, to follow the lead taken by many other states and enact this legislation.

#### **NATURE AND SOURCES OF OPPOSITION:**

**American Tort Reform Association (ATRA) President Sherman Joyce:** Their organization has concerns about giving the attorney general's office broad new power to impose substantial civil penalties on individuals, businesses, and nonprofit organizations for virtually any violation of a federal or state law. They ask that the JUD committee reject raised bill 7222 in its current form which they feel go beyond its stated purpose.

**Connecticut Business Industry Association (CBIA) Louise DiCocco:** CBIA opposes this bill as drafted because it exposes businesses to excessive government investigations and civil penalties for undefined violations of federal and state law. It further allows the AG to seek extraordinary new civil penalties for violations of unspecified statutory or

constitutional rights in that it grants the AG the power to impose civil penalties of up to \$10,000 per violation.

**Connecticut Conference of Municipalities (CCM):** Urges JUD Committee to take no action on HB 7222. Their concern is that with this new and unique power, it would expose towns and cities to a disproportionate government investigations and civil penalties for undefined violations of federal and state law.

**Insurance Association of Connecticut:** President, Eric George testimony states they do not support the bill as written. They do not suggest more narrowly tailored language to accomplish its purpose of protecting the public while minimizing the risk of excessive government investigations.

**National Federation of Independent Business (NFIB):** Testimony states they have serious concerns with this bill as it is currently drafted and therefore opposes this legislation as written. It is their belief that one case could cause a business to close its doors.

**Thomas J. Murphy, II:** He has concerns with the bill as written because it expands the powers of the AG office that was performed by another agency.

#### **NOT IN OPOSITION BUT HAVE CONCERNS:**

**Yankee Institute for Public Policy, Policy and Research Director, Scott Shepard:** They are in opposition to this bill because this bill grants the AG a plenary power to intervene in civil and administrative cases and settle proceedings between private parties without limitation or guidance about when to intervene and when to abstain.

**Connecticut Property Owner Association (CTPOA) Lin Yang, an immigrant, naturalized citizen and board member:** Writes in opposition to this bill as it is currently written. The guarantee of equal rights to every citizen is a noble concept, and represents the core values of America. That guarantee was founded on impartial justice, limited government, and a level playing field for all. They have some concerns involving the current CHRO process including the standard to raise a complaint of civil rights violation & a process that offers equal protection to both parties. We need: 1. Clear limitation on any application of the AG office to allege discrimination; 2. To ensure that there is no monetary or funding reward to AG office staff (not-for-profit partners, or tester groups involved in alleging discrimination); and 3. To design a check and balance mechanism to ensure equal protection of all parties. Ms. Lang most sincerely believes civil rights and equal protections are the most important features of American society & this bill in its current form moves us away from that sacred goal. This very dangerous proposal could severely undermine liberty, fairness, and justice.

**Reported by: rJo Winch**

**Date: April 30, 2019**