AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

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

Section 1. Section 46a-54 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

The commission shall have the following powers and duties:

(1) To establish and maintain such offices as the commission may deem necessary;

(2) To organize the commission into a division of affirmative action monitoring and contract compliance, a division of discriminatory practice complaints and such other divisions, bureaus or units as may be necessary for the efficient conduct of business of the commission;

(3) To employ legal staff and commission legal counsel as necessary to perform the duties and responsibilities under section 46a-55, as amended by this act. One commission legal counsel shall serve as supervising attorney. Each commission legal counsel shall be admitted to practice law in this state;
(4) To appoint such investigators and other employees and agents as it deems necessary, fix their compensation within the limitations provided by law and prescribe their duties;

(5) To adopt, publish, amend and rescind regulations consistent with and to effectuate the provisions of this chapter;

(6) To establish rules of practice to govern, expedite and effectuate the procedures set forth in this chapter;

(7) To recommend policies and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the policies of this chapter;

(8) To receive, initiate as provided in section 46a-82, as amended by this act, investigate and mediate discriminatory practice complaints;

(9) By itself or with or by hearing officers or human rights referees, to hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of any books and papers relating to any matter under investigation or in question;

(10) To make rules as to the procedure for the issuance of subpoenas by individual commissioners, hearing officers and human rights referees;

(11) To require written answers to interrogatories under oath relating to any complaint under investigation pursuant to this chapter alleging any discriminatory practice as defined in subdivision (8) of section 46a-51, as amended by this act, and to adopt regulations, in accordance with the provisions of chapter 54, for the procedure for the issuance of interrogatories and compliance with interrogatory requests;

(12) To utilize such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to
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time be offered and needed and with the cooperation of such agencies,
(A) to study the problems of discrimination in all or specific fields of
human relationships, and (B) to foster through education and
community effort or otherwise good will among the groups and
elements of the population of the state;

(13) To require the posting by an employer, employment agency or
labor organization of such notices regarding statutory provisions as
the commission shall provide;

(14) To require the posting, by any respondent or other person
subject to the requirements of section 46a-64, 46a-64c, 46a-81d or 46a-
81e, of such notices of statutory provisions as it deems desirable;

(15) [(A)] To require an employer having three or more employees
to (A) post in a prominent and accessible location information
concerning the illegality of sexual harassment and remedies available
to victims of sexual harassment, (B) provide, not later than three
months after the employee's start date with the employer, a copy of the
information concerning the illegality of sexual harassment and
remedies available to victims of sexual harassment to each employee
by electronic mail with a subject line that includes the words "Sexual
Harassment Policy" or words of similar import, if (i) the employer has
provided an electronic mail account to the employee, or (ii) the
employee has provided the employer with an electronic mail address,
provided if an employer has not provided an electronic mail account to
the employee, the employer shall post the information concerning the
illegality of sexual harassment and remedies available to victims of
sexual harassment on the employer's Internet web site, if the employer
maintains such an Internet web site. An employer may comply with
the requirements of this subparagraph, by providing an employee with
the link to the commission's Internet web site concerning the illegality
of sexual harassment and the remedies available to victims of sexual
harassment by electronic mail, text message or in writing; and [(B) to
require an employer having fifty or more employees to] (C) provide

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two hours of training and education to all [supervisory] employees within one year of October 1, [1992, and to all new supervisory employees within six months of their assumption of a supervisory position] 2019, provided any employer who has provided such training and education to any such employees after October 1, [1991] 2018, shall not be required to provide such training and education a second time. Any employee hired on or after October 1, 2019, by an employer having (i) three or more employees, shall receive such training and education not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56, as amended by this act; or (ii) less than three employees shall provide two hours of training and education to all supervisory employees within one year of October 1, 2019, and to all new supervisory employees within six months of their assumption of a supervisory position, provided any employer who has provided such training and education to any such supervisory employees after October 1, 2018, shall not be required to provide such training and education a second time. Any supervisory employee hired on or after October 1, 2019, by an employer having less than three employees, shall receive such training and education not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56, as amended by this act. Such training and education shall include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment. An employer who is required to provide training under this subdivision shall provide periodic supplemental training that updates all supervisory and nonsupervisory employees on the content of such training and education not less than every ten years. As used in this subdivision, "sexual harassment" has the same meaning as provided in subdivision (8) of subsection (b) of section 46a-60, as amended by this act.
(16) To require each state agency that employs one or more employees to (A) provide a minimum of three hours of diversity training and education (i) to all supervisory and nonsupervisory employees, not later than July 1, 2002, with priority for such training to supervisory employees, and (ii) to all newly hired supervisory and nonsupervisory employees, not later than six months after their assumption of a position with a state agency, with priority for such training to supervisory employees. Such training and education shall include information concerning the federal and state statutory provisions concerning discrimination and hate crimes directed at protected classes and remedies available to victims of discrimination and hate crimes, standards for working with and serving persons from diverse populations and strategies for addressing differences that may arise from diverse work environments; and (B) submit an annual report to the Commission on Human Rights and Opportunities concerning the status of the diversity training and education required under subparagraph (A) of this subdivision. The information in such annual reports shall be reviewed by the commission for the purpose of submitting an annual summary report to the General Assembly.

Notwithstanding the provisions of this section, if a state agency has provided such diversity training and education to any of its employees prior to October 1, 1999, such state agency shall not be required to provide such training and education a second time to such employees.

The requirements of this subdivision shall be accomplished within available appropriations. As used in this subdivision, "employee" shall include any part-time employee who works more than twenty hours per week;

(17) To require each agency to submit information demonstrating its compliance with subdivision (16) of this section as part of its affirmative action plan and to receive and investigate complaints concerning the failure of a state agency to comply with the requirements of subdivision (16) of this section; and
(18) To enter into contracts for and accept grants of private or federal funds and to accept gifts, donations or bequests, including donations of service by attorneys.

Sec. 2. Subdivision (8) of section 46a-51 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(8) "Discriminatory practice" means a violation of section 4a-60, 4a-60a, 4a-60g, 31-40y, subdivisions (13) to (17), inclusive, of section 46a-54, as amended by this act, 46a-58, 46a-59, 46a-60, as amended by this act, 46a-64, 46a-64c, 46a-66, 46a-68, as amended by this act, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80 or sections 46a-81b to 46a-81o, inclusive;

Sec. 3. Subsection (a) of section 46a-56 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) The commission shall:

(1) Investigate the possibilities of affording equal opportunity of profitable employment to all persons, with particular reference to job training and placement;

(2) Compile facts concerning discrimination in employment, violations of civil liberties and other related matters;

(3) Investigate and proceed in all cases of discriminatory practices as provided in this chapter and noncompliance with the provisions of section 4a-60 or 4a-60a or sections 46a-68c to 46a-68f, inclusive;

(4) From time to time, but not less than once a year, report to the Governor as provided in section 4-60, making recommendations for the removal of such injustices as it may find to exist and such other recommendations as it deems advisable and describing the investigations, proceedings and hearings it has conducted and their
outcome, the decisions it has rendered and the other work it has
performed;

(5) Monitor state contracts to determine whether they are in
compliance with sections 4a-60 and 4a-60a, and those provisions of the
general statutes which prohibit discrimination; [and]

(6) Compile data concerning state contracts with female and
minority business enterprises and submit a report annually to the
General Assembly concerning the employment of such business
enterprises as contractors and subcontractors;

(7) Develop and include on the commission's Internet web site a link
centering the illegality of sexual harassment, as defined in section
46a-60, as amended by this act, and the remedies available to victims of
sexual harassment; and

(8) Develop and make available to employers an online training and
education video or other interactive method of training and education
that fulfills the requirements prescribed in subdivision (15) of section
46a-54, as amended by this act.

Sec. 4. Subdivision (8) of subsection (b) of section 46a-60 of the
general statutes is repealed and the following is substituted in lieu
thereof (Effective October 1, 2019):

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

(B) If an employer takes immediate corrective action in response to an employee's claim of sexual harassment, such corrective action shall not modify the conditions of employment of the employee making the claim of sexual harassment unless such employee agrees, in writing, to any modification in the conditions of employment. Corrective action taken by an employer, may include, but need not be limited to, employee relocation, assigning an employee to a different work schedule or other substantive changes to an employee's terms and conditions of employment;

Sec. 5. Subparagraph (A) of subdivision (4) of subsection (b) of section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(4) (A) Each person designated by a state agency, department, board or commission as an equal employment opportunity officer shall (i) be responsible for mitigating any discriminatory conduct within the agency, department, board or commission, (ii) investigate all complaints of discrimination made against the state agency, department, board or commission, except if any such complaint has been filed with the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission, the state agency, department, board or commission may rely upon the process of the applicable commission, as applicable, in lieu of such investigation, and (iii) report all findings and recommendations upon the conclusion of an investigation to the commissioner or director of the state agency, department, board or commission for proper action. A person designated as an equal employment opportunity officer shall not disclose to any other person, other than personnel charged with
investigating such complaint or to the commission upon request, witness statements or documents received or compiled in conjunction with the investigation of a complaint of discriminatory conduct within the agency, department, board or commission.

Sec. 6. Subsection (f) of section 46a-82 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(f) Any complaint filed pursuant to this section [must] shall be filed within one hundred and eighty days after the alleged act of discrimination, except that any complaint by a person (1) claiming to be aggrieved by a violation of subsection (a) of section 46a-80 [must] that occurred on or before October 1, 2019, shall be filed within thirty days of the alleged act of discrimination, and (2) claiming to be aggrieved by a violation of section 46a-60, as amended by this act, sections 46a-70 to 46a-78, inclusive, section 46a-80 or 46a-81c, that occurred on or after October 1, 2019, shall be filed not later than three hundred days after the date of the alleged act of discrimination.

Sec. 7. Subsection (b) of section 46a-86 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(b) In addition to any other action taken under this section, upon a finding of a discriminatory employment practice, the presiding officer [may order the hiring or reinstatement of any individual, with or without back pay, or] shall (1) issue an order eliminating the discriminatory practice complained of and making the complainant whole, including restoration to membership in any respondent labor organization, and (2) (A) determine the amount of damages suffered by the complainant, including the actual costs incurred by the complainant as a result of the discriminatory practice, and (B) allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant. Liability for back pay
shall not accrue from a date more than two years prior to the filing or
issuance of the complaint. Interim earnings, including unemployment
compensation and welfare assistance or amounts which could have
been earned with reasonable diligence on the part of the person to
whom back pay is awarded shall be deducted from the amount of back
pay to which such person is otherwise entitled. The amount of any
deduction for interim unemployment compensation or welfare
assistance shall be paid by the respondent to the commission which
shall transfer such amount to the appropriate state or local agency.

Sec. 8. Subsection (a) of section 46a-89 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019):

(a) (1) Whenever a complaint filed pursuant to section 46a-82, as
amended by this act, alleges a [violation of section 46a-60 or 46a-81c]
discriminatory employment practice, and the executive director
believes that [equitable relief is required to prevent irreparable harm to
the complainant] (A) a court order is necessary to preserve an
employment opportunity for the complainant until the commission is
able to issue a final decision, or (B) for a discriminatory practice,
occurring on or after October 1, 2019, that punitive damages or a civil
penalty would be appropriate, the commission may bring a petition in
the superior court for the judicial district of Hartford, the judicial
district in which the discriminatory practice which is the subject of the
complaint occurred or the judicial district in which the respondent
resides [, provided this] for such order or relief. This subdivision shall
not apply to complaints against employers with less than [fifty] three
employees.

(2) The petition [shall seek appropriate temporary injunctive relief
against the respondent pending final disposition of the complaint
pursuant to the procedures set forth in this chapter. The injunctive
relief may include an order temporarily restraining] brought by the
commission may seek (A) an order barring the respondent from doing
any act that would render ineffectual any order a presiding officer may render with respect to the complaint, or (B) the award of punitive damages payable to the complainant, not to exceed fifty thousand dollars, or a civil penalty payable to the commission, not to exceed ten thousand dollars, or both, or (C) both of the remedies provided in subparagraphs (A) and (B) of this subdivision. In fashioning an order barring the respondent from taking any action that would render ineffectual any order a presiding officer may render, the availability of money damages shall not be an adequate remedy for the loss of an employment opportunity. Where the respondent demonstrates that the inability to fill a position immediately would cause undue hardship, the court may permit the respondent to fill the position until a final determination by the commission or court upon appeal of the commission's final determination.

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

Sec. 9. Section 46a-83a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

[If] On or after October 1, 2019, if a complaint is dismissed for failure to accept full relief pursuant to subsection (m) of section 46a-83, and the complainant does not request reconsideration of such dismissal as provided in subsection (h) of section 46a-83, the executive director shall issue a release of jurisdiction and the complainant may, [within ninety days] two years after the date of receipt of the release from the commission, bring an action in accordance with sections 46a-100 and 46a-102 to 46a-104, inclusive, as amended by this act.
Sec. 10. Section 46a-97 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

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

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

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

Sec. 11. Subsection (e) of section 46a-101 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(e) [Any] On and after October 1, 2019, any action brought by the complainant in accordance with section 46a-100 shall be brought not later than ninety days after the date of the receipt of the release from the commission.

Sec. 12. Section 46a-102 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

[Any] On and after October 1, 2019, any action brought in accordance with section 46a-100 shall be brought within two years of the date of filing of the complaint with the commission, except that an action may be brought within six months of October 1, 1991, with respect to an alleged violation provided a complaint concerning such
violation has been pending with the commission for more than one year as of October 1, 1991, unless the complaint has been scheduled for a hearing not later than two years after the date of release from the commission.

Sec. 13. Section 46a-104 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

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

Sec. 14. (NEW) (Effective October 1, 2019) (a) As used in this section, "employer" has the same meaning as provided in section 31-58 of the general statutes, and "employee" means any individual employed or permitted to work by an employer.

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

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

Sec. 15. (NEW) (Effective July 1, 2019) (a) As used in this section:

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

(2) "Complaint" means a written communication alleging that an administrator has committed one or more acts of sexual harassment, that is filed by, or on behalf of, a school employee with (A) the superintendent of schools, (B) a person designated by the superintendent of schools to accept such complaint, (C) the Commission on Human Rights and Opportunities, or (D) a court.

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

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

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

Sec. 16. Section 46a-55 of the general statutes is amended by adding subsection (c) as follows (Effective October 1, 2019):

(NEW) (c) The executive director, through the supervising attorney, may, within available appropriations, assign a commission legal counsel to bring a civil action, in accordance with this subsection, in lieu of an administrative hearing pursuant to section 46a-84, as amended by this act, when the executive director determines that a civil action is in the public interest and if the parties to the administrative hearing mutually agree, in writing, to the bringing of such civil action by commission legal counsel. The commission legal counsel shall bring such a civil action in the Superior Court not later than ninety days following the date the commission legal counsel notifies the parties of the executive director's determination. Such civil action may be served by certified mail and shall not be subject to the
provisions of section 46a-100, 46a-101, as amended by this act, or 46a-102, as amended by this act. The jurisdiction of the Superior Court in an action brought under this subsection shall be limited to such claims, counterclaims, defenses or the like that could be presented at an administrative hearing before the commission, had the complaint remained with the commission for disposition. A complainant may intervene as a matter of right without permission of the court or the parties. The civil action shall be tried to the court without a jury. If the commission legal counsel determines that the interests of the state will not be adversely affected, the complainant or attorney for the complainant shall present all or part of the case in support of the complaint. The court may grant any relief available under section 46a-104, as amended by this act. Where the Superior Court finds that a respondent has committed a discriminatory practice, the court shall grant the commission its fees and costs and award the commission a civil penalty, not exceeding ten thousand dollars, which shall be payable to the commission and used by the commission to advance the public interest in eliminating discrimination.

Sec. 17. Section 46a-84 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

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

(b) Upon (1) certification of a complaint filed pursuant to subsection (a) or (b) of section 46a-82, (2) the filing of a complaint pursuant to subsection (c) of said section, or (3) a decision to hear a complaint, which is made pursuant to subsection (e) of section 46a-83, the Chief Human Rights Referee shall appoint a human rights referee to act as a
presiding officer to hear the complaint. The chief referee shall also
appoint an individual authorized by subsection (e) of this section or a
referee, other than the referee appointed to hear the complaint, to
conduct settlement negotiations. The chief referee shall serve in the
name of the commission a copy of the complaint, as the same may
have been amended, requiring the respondent to answer the charges of
the complaint, together with a written notice requiring the respondent
to appear at a hearing or settlement conference at a date and time
specified in the notice. A hearing on a complaint filed pursuant to
subsection (a) or (b) of section 46a-82 shall be commenced by
convening a hearing conference not later than forty-five days after the
certification of the complaint. Such hearing shall be a de novo hearing
on the merits of the complaint and not an appeal of the commission's
processing of the complaint prior to its certification. A hearing on a
complaint filed pursuant to subsection (c) of section 46a-82 shall be
commenced by convening a hearing conference not later than twenty
days after the date of notice of such complaint. Hearings shall proceed
with reasonable dispatch and be concluded in accordance with the
provisions of section 4-180.

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

(d) The case in support of the complaint shall be presented at the
hearing by the Attorney General, who shall be counsel for the
commission, or by a commission legal counsel as provided in section
46a-55, as amended by this act. If the Attorney General or the
commission legal counsel determines that a material mistake of law or
fact has been made in the finding of reasonable cause on a complaint
filed pursuant to subsection (a) or (b) of section 46a-82, or the
commission legal counsel determines that a complaint to be heard
pursuant to subsection (e) of section 46a-83, should be further
investigated, the Attorney General or the commission legal counsel
may withdraw the certification of the complaint or the decision to hear
the complaint and remand the file to the investigator for further action. The investigator shall complete any required action not later than ninety days after receipt of such file. The complainant may be represented by an attorney of the complainant's own choice. If the Attorney General or the commission legal counsel determines that the interests of the state will not be adversely affected, the complainant or the attorney for the complainant shall present all or part of the case in support of the complaint. No commissioner may participate in the deliberations of the presiding officer in the case.

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

(f) The respondent shall file a written answer to the complaint under oath and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. If the respondent fails to file a written answer not later than fifteen days after the date of service of the complaint, or fails to appear at the hearing, hearing conference or settlement conference after notice in accordance with section 4-177, the presiding officer or a referee or an attorney who volunteers services pursuant to subsection (e) of this section may enter an order of default and order such relief as is necessary to eliminate the discriminatory practice and make the complainant whole, except that if the default was entered by an attorney who volunteers services pursuant to subsection (e) of this section, the chief referee shall appoint a referee to act as a presiding officer to award relief. The commission or the complainant may petition the Superior Court for enforcement of
any such order for relief pursuant to section 46a-95.

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

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

(i) When the executive director of the commission has determined that there are available appropriations and otherwise approves a request, the Chief Human Rights Referee may appoint any magistrate, who is on the list of available magistrates maintained by the Chief Court Administrator, to act as a presiding officer at any proceeding conducted pursuant to this section, subsection (l) of section 46a-83, subsection (c) or (d) of section 46a-56, as amended by this act, or subsection (e) of section 4-61dd. Any magistrate so appointed shall have the same powers and duties as a human rights referee appointed pursuant to section 46a-57 and be compensated in accordance with the provisions of section 51-193r from such funds as may be available to the commission. The Chief Human Rights Referee may request the
appointment of a magistrate whenever the total number of complaints pending in the commission's office of public hearings exceeds one hundred.

Sec. 18. (NEW) (Effective October 1, 2019) (a) As used in this section:
(1) "Sexual misconduct" means any act that is prohibited by section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, as amended by this act, 53a-72b or 53a-73a of the general statutes, as amended by this act, and any act that constitutes sexual harassment, as defined in subdivision (8) of subsection (b) of section 46a-60 of the general statutes, as amended by this act; and (2) "victim" includes an alleged victim.

(b) The following evidence is not admissible in a civil proceeding involving alleged sexual misconduct: (1) Evidence offered to prove that a victim engaged in other sexual behavior; or (2) evidence offered to prove a victim's sexual predisposition.

(c) Notwithstanding the provisions of subsection (b) of this section, the court may admit the evidence in a civil case if the probative value of such evidence substantially outweighs the danger of (1) harm to any victim; and (2) unfair prejudice to any party. The court may admit evidence of a victim's reputation only if the victim has placed the victim's reputation in controversy.

(d) If a party intends to offer evidence under subsection (c) of this section, the party shall: (1) File a motion that specifically describes the evidence and states the purpose for which it is to be offered; (2) file such motion not later than fourteen days before the date on which the case is to be heard, unless the court, for good cause shown, prescribes a different time for the filing of such motion; (3) serve the motion on all parties in accordance with the rules of the court; and (4) notify the victim or, when appropriate, the victim's guardian or representative.

(e) Before admitting evidence pursuant to subsection (c) of this section, the court shall conduct an in camera hearing and give the
parties and the victim the right to attend such hearing and be heard. Unless the court orders otherwise, the motion, related materials and the record of the hearing shall be sealed and remain sealed.

Sec. 19. Section 52-557d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) Notwithstanding the provisions of section 52-577, [no] an action to recover damages for personal injury to a minor, including emotional distress, caused by sexual abuse, sexual exploitation or sexual assault arising may be brought under this subsection by such person [later than thirty years from the date such person attains the age of majority] at any time if the action arises from an incident: (1) Occurring on or after October 1, 2019, or (2) that occurred prior to October 1, 2019, and the statute of limitations applicable to such action had not expired on September 30, 2019.

(b) Notwithstanding the provisions of section 52-577, an action to recover damages for personal injury to a minor, including emotional distress, caused by sexual abuse, sexual exploitation or sexual assault that could not be brought on or before September 30, 2019, because such action would not be within the applicable statute of limitations, may be brought on or before December 31, 2021.

Sec. 20. (NEW) (Effective October 1, 2019, and applicable to any cause of action arising from an incident committed on or after said date):

(a) As used in this section:

(1) "Sexual assault" means (A) compelling another person to engage in sexual intercourse by the (i) use of force against such other person or a third person, or (ii) threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (B) engaging in sexual intercourse with another person who was made mentally incapacitated by the actor to the extent that such other person is unable
(2) "Actor" means the person who is alleged to have committed the sexual assault.

(3) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of another person's body.

(4) "Mentally incapacitated" has the same meaning as provided in section 53a-65 of the general statutes.

(5) "Use of force" has the same meaning as provided in section 53a-65 of the general statutes.

(b) Notwithstanding the provisions of sections 52-577 and 52-577d of the general statutes, as amended by this act, a person may bring an action to recover damages for personal injury caused by sexual assault at any time after the date of the act complained of.

Sec. 21. Section 53a-72a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) subjects another person to sexual contact and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual contact, or [(2)] (3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.
Committee Bill No.  

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

Sec. 22. Section 53a-73a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) [mentally incapacitated or] impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or
a person who provides intensive, ongoing instruction and subjects
another person to sexual contact who is a recipient of coaching or
instruction from the actor and (A) is a secondary school student and
receives such coaching or instruction in a secondary school setting, or
(B) is under eighteen years of age; or (8) such person subjects another
person to sexual contact and (A) the actor is twenty years of age or
older and stands in a position of power, authority or supervision over
such other person by virtue of the actor's professional, legal,
occupational or volunteer status and such other person's participation
in a program or activity, and (B) such other person is under eighteen
years of age; or (9) such person subjects another person to sexual
contact who is placed or receiving services under the direction of the
Commissioner of Developmental Services in any public or private
facility or program and the actor has supervisory or disciplinary
authority over such other person.

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

Sec. 23. Section 54-193 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2019, and
applicable to any offense committed on or after October 1, 2019, and to any
offense committed prior to October 1, 2019, 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, 2019):

(a) There shall be no limitation of time within which a person may
be prosecuted for (1) a capital felony under the provisions of section
53a-54b in effect prior to April 25, 2012, a class A felony or a violation
of subdivision (2) of subsection (a) of section 53-21, section 53a-54d or
53a-169, a class B felony violation of section 53a-70 or 53a-70a, a class C
felony violation of section 53a-71 or 53a-72b or a violation of section
53a-70b or 53a-86, (2) a violation of section 53a-165aa or 53a-166 in
which such person renders criminal assistance to another person who
(b) No person may be prosecuted for a class D felony offense of section 53a-72a, as amended by this act, except within twenty-five years next after the offense has been committed.

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

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

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

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

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

Sec. 24. Section 54-193a of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2019, and
applicable to any offense committed on or after October 1, 2019, and to any
offense committed prior to October 1, 2019, 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, 2019):

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

Sec. 25. Subdivision (2) of section 54-250 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019):

(2) "Criminal offense against a victim who is a minor" means (A) a
violation of subdivision (2) of section 53-21 of the general statutes in
effect prior to October 1, 2000, subdivision (2) of subsection (a) of
section 53-21, subdivision (2) of subsection (a) of section 53a-70,
subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of
subsection (a) of section 53a-71, subdivision [(2)] (3) of subsection (a) of
section 53a-72a, as amended by this act, subdivision (2) of subsection
(a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87,
section 53a-90a, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or
53a-196f, (B) a violation of subparagraph (A) of subdivision (9) of
subsection (a) of section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-
94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that,
at the time of the offense, the victim was under eighteen years of age,
(C) a violation of any of the offenses specified in subparagraph (A) or
(B) of this subdivision for which a person is criminally liable under
section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor
statute to any offense specified in subparagraph (A), (B) or (C) of this
subdivision the essential elements of which are substantially the same
as said offense.

Sec. 26. Subsection (c) of section 12-660 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019):

(c) Notwithstanding the provisions of subsection [(b)] (c) of section
54-193, as amended by this act, a person may be prosecuted for a
violation of any provision of this chapter more than five years after
such violation.

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**Statement of Purpose:**
To: (1) Enhance employer-sponsored training on sexual harassment, (2) extend the statute of limitations applicable to certain personal injury actions involving sexual abuse, sexual exploitation and sexual assault, (3) increase penalties for sexually assaulting a mentally incapacitated person, and (4) eliminate or extend the statute of limitations for the
prosecution of sexual assault crimes and certain risk of injury to children offenses.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.
SEN. WINFIELD, 10th Dist.; SEN. ABRAMS, 13th Dist.
SEN. BERGSTEIN, 36th Dist.; SEN. BRADLEY, 23rd Dist.
SEN. CASSANO, 4th Dist.; SEN. COHEN, 12th Dist.
SEN. FLEXER, 29th Dist.; SEN. FONFARA, 1st Dist.
SEN. HARTLEY, 15th Dist.; SEN. HASKELL, 26th Dist.
SEN. KUSHNER, 24th Dist.; SEN. LEONE, 27th Dist.
SEN. LESSER, 9th Dist.; SEN. MARONEY, 14th Dist.
SEN. MOORE, 22nd Dist.; SEN. NEEDLEMAN, 33rd Dist.
SEN. OSTEN, 19th Dist.; REP. PHIPPS, 100th Dist.
REP. CONLEY, 40th Dist.; REP. GILCHREST, 18th Dist.
REP. ELLIOTT, 88th Dist.; REP. WINKLER, 56th Dist.
REP. HUGHES, 135th Dist.; SEN. ANWAR AS, 3rd Dist.

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