



General Assembly

Substitute Bill No. 3

January Session, 2019



AN ACT COMBATting SEXUAL ASSAULT AND SEXUAL HARASSMENT.

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

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 Section 46a-54 of the general statutes is repealed and the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

3 The commission shall have the following powers and duties:

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

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

10 (3) To employ legal staff and commission legal counsel as necessary
11 to perform the duties and responsibilities under section 46a-55, as
12 amended by this act. One commission legal counsel shall serve as
13 supervising attorney. Each commission legal counsel shall be admitted
14 to practice law in this state;

15 (4) To appoint such investigators and other employees and agents as
16 it deems necessary, fix their compensation within the limitations

17 provided by law and prescribe their duties;

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

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

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

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

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

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

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

42 (12) To utilize such voluntary and uncompensated services of
43 private individuals, agencies and organizations as may from time to
44 time be offered and needed and with the cooperation of such agencies,
45 (A) to study the problems of discrimination in all or specific fields of

46 human relationships, and (B) to foster through education and
47 community effort or otherwise good will among the groups and
48 elements of the population of the state;

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

52 (14) To require the posting, by any respondent or other person
53 subject to the requirements of section 46a-64, 46a-64c, 46a-81d or 46a-
54 81e, of such notices of statutory provisions as it deems desirable;

55 (15) [(A)] To require an employer having three or more employees
56 to (A) post in a prominent and accessible location information
57 concerning the illegality of sexual harassment and remedies available
58 to victims of sexual harassment, (B) provide, not later than three
59 months after the employee's start date with the employer, a copy of the
60 information concerning the illegality of sexual harassment and
61 remedies available to victims of sexual harassment to each employee
62 by electronic mail with a subject line that includes the words "Sexual
63 Harassment Policy" or words of similar import, if (i) the employer has
64 provided an electronic mail account to the employee, or (ii) the
65 employee has provided the employer with an electronic mail address,
66 provided if an employer has not provided an electronic mail account to
67 the employee, the employer shall post the information concerning the
68 illegality of sexual harassment and remedies available to victims of
69 sexual harassment on the employer's Internet web site, if the employer
70 maintains such an Internet web site. An employer may comply with
71 the requirements of this subparagraph, by providing an employee with
72 the link to the commission's Internet web site concerning the illegality
73 of sexual harassment and the remedies available to victims of sexual
74 harassment by electronic mail, text message or in writing; and [(B) to
75 require an employer having fifty or more employees to] (C) provide
76 two hours of training and education to all [supervisory] employees
77 within one year of October 1, [1992, and to all new supervisory
78 employees within six months of their assumption of a supervisory

79 position] 2019, provided any employer who has provided such
80 training and education to any such employees after October 1, [1991]
81 2018, shall not be required to provide such training and education a
82 second time. An employer having (i) three or more employees, shall
83 provide such training and education to an employee hired on or after
84 October 1, 2019, not later than six months after the date of his or her
85 hire, provided the commission has developed and made available such
86 training and education materials in accordance with the provisions of
87 subdivision (8) of subsection (a) of section 46a-56, as amended by this
88 act; or (ii) less than three employees shall provide such training and
89 education to all supervisory employees within one year of October 1,
90 2019, and to all new supervisory employees within six months of their
91 assumption of a supervisory position, provided any employer who has
92 provided such training and education to any such supervisory
93 employees after October 1, 2018, shall not be required to provide such
94 training and education a second time. Any supervisory employee
95 hired on or after October 1, 2019, by an employer having less than
96 three employees, shall receive such training and education not later
97 than six months after the date of his or her hire, provided the
98 commission has developed and made available such training and
99 education materials in accordance with the provisions of subdivision
100 (8) of subsection (a) of section 46a-56, as amended by this act. Such
101 training and education shall include information concerning the
102 federal and state statutory provisions concerning sexual harassment
103 and remedies available to victims of sexual harassment. An employer
104 who is required to provide training under this subdivision shall
105 provide periodic supplemental training that updates all supervisory
106 and nonsupervisory employees on the content of such training and
107 education not less than every ten years. As used in this subdivision,
108 "sexual harassment" has the same meaning as provided in subdivision
109 (8) of subsection (b) of section 46a-60, as amended by this act, and
110 "employer" includes the General Assembly;

111 (16) To require each state agency that employs one or more
112 employees to (A) provide a minimum of three hours of diversity

113 training and education (i) to all supervisory and nonsupervisory
114 employees, not later than July 1, 2002, with priority for such training to
115 supervisory employees, and (ii) to all newly hired supervisory and
116 nonsupervisory employees, not later than six months after their
117 assumption of a position with a state agency, with priority for such
118 training to supervisory employees. Such training and education shall
119 include information concerning the federal and state statutory
120 provisions concerning discrimination and hate crimes directed at
121 protected classes and remedies available to victims of discrimination
122 and hate crimes, standards for working with and serving persons from
123 diverse populations and strategies for addressing differences that may
124 arise from diverse work environments; and (B) submit an annual
125 report to the Commission on Human Rights and Opportunities
126 concerning the status of the diversity training and education required
127 under subparagraph (A) of this subdivision. The information in such
128 annual reports shall be reviewed by the commission for the purpose of
129 submitting an annual summary report to the General Assembly.
130 Notwithstanding the provisions of this section, if a state agency has
131 provided such diversity training and education to any of its employees
132 prior to October 1, 1999, such state agency shall not be required to
133 provide such training and education a second time to such employees.
134 The requirements of this subdivision shall be accomplished within
135 available appropriations. As used in this subdivision, "employee" shall
136 include any part-time employee who works more than twenty hours
137 per week;

138 (17) To require each agency to submit information demonstrating its
139 compliance with subdivision (16) of this section as part of its
140 affirmative action plan and to receive and investigate complaints
141 concerning the failure of a state agency to comply with the
142 requirements of subdivision (16) of this section; and

143 (18) To enter into contracts for and accept grants of private or
144 federal funds and to accept gifts, donations or bequests, including
145 donations of service by attorneys.

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

149 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
150 60a, 4a-60g, 31-40y, subdivisions (13) to (17), inclusive, of section 46a-
151 54, as amended by this act, 46a-58, 46a-59, 46a-60, as amended by this
152 act, 46a-64, 46a-64c, 46a-66, 46a-68, as amended by this act, 46a-68c to
153 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of
154 section 46a-80 or sections 46a-81b to 46a-81o, inclusive;

155 Sec. 3. Subsection (a) of section 46a-56 of the general statutes is
156 repealed and the following is substituted in lieu thereof (*Effective July*
157 *1, 2019*):

158 (a) The commission shall:

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

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

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

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

174 (5) Monitor state contracts to determine whether they are in

175 compliance with sections 4a-60 and 4a-60a, and those provisions of the
176 general statutes which prohibit discrimination; [and]

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

181 (7) Develop and include on the commission's Internet web site a link
182 concerning the illegality of sexual harassment, as defined in section
183 46a-60, as amended by this act, and the remedies available to victims of
184 sexual harassment; and

185 (8) Develop and make available to employers an online training and
186 education video or other interactive method of training and education
187 that fulfills the requirements prescribed in subdivision (15) of section
188 46a-54, as amended by this act.

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

192 (8) For an employer, by the employer or the employer's agent, for an
193 employment agency, by itself or its agent, or for any labor
194 organization, by itself or its agent, to harass any employee, person
195 seeking employment or member on the basis of sex or gender identity
196 or expression. ["Sexual harassment" shall, for the purposes of this
197 subdivision, be defined as] If an employer takes immediate corrective
198 action in response to an employee's claim of sexual harassment, such
199 corrective action shall not modify the conditions of employment of the
200 employee making the claim of sexual harassment unless such
201 employee agrees, in writing, to any modification in the conditions of
202 employment. "Corrective action" taken by an employer, includes, but is
203 not limited to, employee relocation, assigning an employee to a
204 different work schedule or other substantive changes to an employee's
205 terms and conditions of employment. As used in this subdivision,

206 "sexual harassment" means any unwelcome sexual advances or
207 requests for sexual favors or any conduct of a sexual nature when (A)
208 submission to such conduct is made either explicitly or implicitly a
209 term or condition of an individual's employment, (B) submission to or
210 rejection of such conduct by an individual is used as the basis for
211 employment decisions affecting such individual, or (C) such conduct
212 has the purpose or effect of substantially interfering with an
213 individual's work performance or creating an intimidating, hostile or
214 offensive working environment;

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

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

237 Sec. 6. Subsection (f) of section 46a-82 of the general statutes is
238 repealed and the following is substituted in lieu thereof (*Effective*

239 *October 1, 2019*):

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

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

253 (b) In addition to any other action taken under this section, upon a
254 finding of a discriminatory employment practice, the presiding officer
255 [may order the hiring or reinstatement of any individual, with or
256 without back pay, or] shall (1) issue an order to eliminate the
257 discriminatory employment practice complained of and to make the
258 complainant whole, including restoration to membership in any
259 respondent labor organization, and (2) (A) determine the amount of
260 damages suffered by the complainant, including the actual costs
261 incurred by the complainant as a result of the discriminatory
262 employment practice, and (B) allow reasonable attorney's fees and
263 costs. The amount of attorney's fees allowed shall not be contingent
264 upon the amount of damages requested by or awarded to the
265 complainant. Liability for back pay shall not accrue from a date more
266 than two years prior to the filing or issuance of the complaint. Interim
267 earnings, including unemployment compensation and welfare
268 assistance or amounts which could have been earned with reasonable
269 diligence on the part of the person to whom back pay is awarded shall
270 be deducted from the amount of back pay to which such person is
271 otherwise entitled. The amount of any deduction for interim

272 unemployment compensation or welfare assistance shall be paid by
273 the respondent to the commission which shall transfer such amount to
274 the appropriate state or local agency.

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

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

293 (2) The petition [shall seek appropriate temporary injunctive relief
294 against the respondent pending final disposition of the complaint
295 pursuant to the procedures set forth in this chapter. The injunctive
296 relief may include an order temporarily restraining] brought by the
297 commission may seek (A) an order barring the respondent from doing
298 any act that would render ineffectual any order a presiding officer may
299 render with respect to the complaint, or (B) the award of punitive
300 damages payable to the complainant, not to exceed fifty thousand
301 dollars, or a civil penalty payable to the commission, not to exceed ten
302 thousand dollars, or both, or (C) both of the remedies provided in
303 subparagraphs (A) and (B) of this subdivision. In fashioning an order
304 barring the respondent from taking any action that would render

305 ineffectual any order a presiding officer may render, the availability of
306 money damages shall not be an adequate remedy for the loss of an
307 employment opportunity. Where the respondent demonstrates that the
308 inability to fill a position immediately would cause undue hardship,
309 the court may permit the respondent to fill the position until a final
310 determination by the commission or court upon appeal of the
311 commission's final determination.

312 (3) Upon service on the respondent of notice pursuant to section
313 46a-89a, the respondent shall be [temporarily restrained] barred from
314 taking any action that would render ineffectual the [temporary
315 injunctive] relief requested in the petition. [, provided nothing]
316 Nothing in this section shall be construed to prevent the respondent
317 from having any employment duties [enjoined under this section and
318 section 46a-89a, from being] carried out by another employee and the
319 notice shall so provide.

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

322 [If] On or after October 1, 2019, if a complaint is dismissed for
323 failure to accept full relief pursuant to subsection (m) of section 46a-83,
324 and the complainant does not request reconsideration of such
325 dismissal as provided in subsection (h) of section 46a-83, the executive
326 director shall issue a release of jurisdiction and the complainant may,
327 [within ninety days] two years after the date of receipt of the release
328 from the commission, bring an action in accordance with sections 46a-
329 100 and 46a-102 to 46a-104, inclusive, as amended by this act.

330 Sec. 10. Section 46a-97 of the general statutes is repealed and the
331 following is substituted in lieu thereof (*Effective October 1, 2019*):

332 (a) Any employer, employment agency or labor organization which
333 fails to post such notices of statutory provisions as the commission
334 may require pursuant to subsection (13) of section 46a-54, as amended
335 by this act, shall be [subject to a fine of] fined not more than [two

336 hundred fifty] one thousand dollars.

337 (b) Any person who fails to post such notices of statutory provisions
338 as the commission may require pursuant to subsection (14) of section
339 46a-54, as amended by this act, shall be fined not more than [two
340 hundred fifty] one thousand dollars.

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

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

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

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

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

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

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

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

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

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

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

389 (1) "Administrator" has the same meaning as provided in section 10-
390 144e of the general statutes;

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

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

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

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

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

408 (NEW) (c) The executive director, through the supervising attorney,
409 may, within available appropriations, assign a commission legal
410 counsel to bring a civil action concerning an alleged discriminatory
411 practice, in accordance with this subsection, in lieu of an
412 administrative hearing pursuant to section 46a-84, as amended by this
413 act, when the executive director determines that a civil action is in the
414 public interest and if the parties to the administrative hearing mutually
415 agree, in writing, to the bringing of such civil action by commission
416 legal counsel. The commission legal counsel shall bring such a civil
417 action in the Superior Court not later than ninety days following the
418 date the commission legal counsel notifies the parties of the executive
419 director's determination. Such civil action may be served by certified
420 mail and shall not be subject to the provisions of section 46a-100, 46a-
421 101, as amended by this act, or 46a-102, as amended by this act. The
422 jurisdiction of the Superior Court in an action brought under this
423 subsection shall be limited to such claims, counterclaims, defenses or
424 the like that could be presented at an administrative hearing before the
425 commission, had the complaint remained with the commission for
426 disposition. A complainant may intervene as a matter of right without
427 permission of the court or the parties. The civil action shall be tried to
428 the court without a jury. If the commission legal counsel determines

429 that the interests of the state will not be adversely affected, the
430 complainant or attorney for the complainant shall present all or part of
431 the case in support of the complaint. The court may grant any relief
432 available under section 46a-104, as amended by this act. Where the
433 Superior Court finds that a respondent has committed a discriminatory
434 practice, the court shall grant the commission its fees and costs and
435 award the commission a civil penalty, not exceeding ten thousand
436 dollars, which shall be payable to the commission and used by the
437 commission to advance the public interest in eliminating
438 discrimination.

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

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

448 (b) Upon (1) certification of a complaint filed pursuant to subsection
449 (a) or (b) of section 46a-82, (2) the filing of a complaint pursuant to
450 subsection (c) of said section, or (3) a decision to hear a complaint,
451 which is made pursuant to subsection (e) of section 46a-83, the Chief
452 Human Rights Referee shall appoint a human rights referee to act as a
453 presiding officer to hear the complaint. The chief referee shall also
454 appoint an individual authorized by subsection (e) of this section or a
455 referee, other than the referee appointed to hear the complaint, to
456 conduct settlement negotiations. The chief referee shall serve in the
457 name of the commission a copy of the complaint, as the same may
458 have been amended, requiring the respondent to answer the charges of
459 the complaint, together with a written notice requiring the respondent
460 to appear at a hearing or settlement conference at a date and time
461 specified in the notice. A hearing on a complaint filed pursuant to

462 subsection (a) or (b) of section 46a-82 shall be commenced by
463 convening a hearing conference not later than forty-five days after the
464 certification of the complaint. Such hearing shall be a de novo hearing
465 on the merits of the complaint and not an appeal of the commission's
466 processing of the complaint prior to its certification. A hearing on a
467 complaint filed pursuant to subsection (c) of section 46a-82 shall be
468 commenced by convening a hearing conference not later than twenty
469 days after the date of notice of such complaint. Hearings shall proceed
470 with reasonable dispatch and be concluded in accordance with the
471 provisions of section 4-180.

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

475 (d) The case in support of the complaint shall be presented at the
476 hearing by the Attorney General, who shall be counsel for the
477 commission, or by a commission legal counsel as provided in section
478 46a-55, as amended by this act. If the Attorney General or the
479 commission legal counsel determines that a material mistake of law or
480 fact has been made in the finding of reasonable cause on a complaint
481 filed pursuant to subsection (a) or (b) of section 46a-82, or the
482 commission legal counsel determines that a complaint to be heard
483 pursuant to subsection (e) of section 46a-83, should be further
484 investigated, the Attorney General or the commission legal counsel
485 may withdraw the certification of the complaint or the decision to hear
486 the complaint and remand the file to the investigator for further action.
487 The investigator shall complete any required action not later than
488 ninety days after receipt of such file. The complainant may be
489 represented by an attorney of the complainant's own choice. If the
490 Attorney General or the commission legal counsel determines that the
491 interests of the state will not be adversely affected, the complainant or
492 the attorney for the complainant shall present all or part of the case in
493 support of the complaint. No commissioner may participate in the
494 deliberations of the presiding officer in the case.

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

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

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

524 (h) The complainant, the respondent and the commission shall be
525 afforded the opportunity to inspect and copy relevant and material
526 records, papers and documents not in the possession of such party,
527 except as otherwise provided by applicable state or federal law. The

528 presiding officer may order a party to produce such records, papers
529 and documents, and if a party fails to comply with such order within
530 thirty days of the date of such order, the presiding officer may issue a
531 nonmonetary order that the presiding officer deems just and
532 appropriate, including, but not limited to, an order (1) finding that the
533 matters that are the subject of the order are established in accordance
534 with the claim of the party requesting such order, (2) prohibiting the
535 party who has failed to comply with such order from introducing
536 designated matters into evidence, (3) limiting the participation of the
537 noncomplying party with regard to issues or facts relating to the order,
538 and (4) drawing an adverse inference against the noncomplying party.

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

554 Sec. 18. (NEW) (*Effective October 1, 2019*) (a) As used in this section:
555 (1) "Sexual misconduct" means any act that is prohibited by section
556 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, as amended by this
557 act, 53a-72b or 53a-73a of the general statutes, as amended by this act,
558 and any act that constitutes sexual harassment, as defined in
559 subdivision (8) of subsection (b) of section 46a-60 of the general
560 statutes, as amended by this act; and (2) "victim" includes an alleged

561 victim.

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

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

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

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

585 Sec. 19. Section 52-577d of the general statutes is repealed and the
586 following is substituted in lieu thereof (*Effective October 1, 2019, and*
587 *applicable to any cause of action arising from an incident committed on or*
588 *after said date*):

589 Notwithstanding the provisions of section 52-577, no action to
590 recover damages for personal injury to a [minor] person under twenty-
591 one years of age, including emotional distress, caused by sexual abuse,

592 sexual exploitation or sexual assault may be brought by such person
593 later than [thirty years from the date such person attains the age of
594 majority] thirty-five years from the date that such person attains the
595 age of twenty-one.

596 Sec. 20. (NEW) (*Effective October 1, 2019, and applicable to any cause of*
597 *action arising from an incident committed on or after said date*)
598 Notwithstanding the provisions of section 52-577 of the general
599 statutes, no action to recover damages for personal injury to a person
600 twenty-one years of age or older, including emotional distress, caused
601 by sexual abuse, sexual exploitation or sexual assault may be brought
602 by such person later than five years from the date of the act
603 complained of.

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

606 (a) A person is guilty of sexual assault in the third degree when
607 such person (1) compels another person to submit to sexual contact (A)
608 by the use of force against such other person or a third person, or (B)
609 by the threat of use of force against such other person or against a third
610 person, which reasonably causes such other person to fear physical
611 injury to himself or herself or a third person, or (2) subjects another
612 person to sexual contact and such other person is mentally
613 incapacitated to the extent that such other person is unable to consent
614 to such sexual contact, or [(2)] (3) engages in sexual intercourse with
615 another person whom the actor knows to be related to him or her
616 within any of the degrees of kindred specified in section 46b-21.

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

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

621 (a) A person is guilty of sexual assault in the fourth degree when: (1)
622 Such person subjects another person to sexual contact who is (A) under

623 thirteen years of age and the actor is more than two years older than
624 such other person, or (B) thirteen years of age or older but under
625 fifteen years of age and the actor is more than three years older than
626 such other person, or (C) [mentally incapacitated or] impaired because
627 of mental disability or disease to the extent that such other person is
628 unable to consent to such sexual contact, or (D) physically helpless, or
629 (E) less than eighteen years old and the actor is such other person's
630 guardian or otherwise responsible for the general supervision of such
631 other person's welfare, or (F) in custody of law or detained in a
632 hospital or other institution and the actor has supervisory or
633 disciplinary authority over such other person; or (2) such person
634 subjects another person to sexual contact without such other person's
635 consent; or (3) such person engages in sexual contact with an animal or
636 dead body; or (4) such person is a psychotherapist and subjects
637 another person to sexual contact who is (A) a patient of the actor and
638 the sexual contact occurs during the psychotherapy session, or (B) a
639 patient or former patient of the actor and such patient or former
640 patient is emotionally dependent upon the actor, or (C) a patient or
641 former patient of the actor and the sexual contact occurs by means of
642 therapeutic deception; or (5) such person subjects another person to
643 sexual contact and accomplishes the sexual contact by means of false
644 representation that the sexual contact is for a bona fide medical
645 purpose by a health care professional; or (6) such person is a school
646 employee and subjects another person to sexual contact who is a
647 student enrolled in a school in which the actor works or a school under
648 the jurisdiction of the local or regional board of education which
649 employs the actor; or (7) such person is a coach in an athletic activity or
650 a person who provides intensive, ongoing instruction and subjects
651 another person to sexual contact who is a recipient of coaching or
652 instruction from the actor and (A) is a secondary school student and
653 receives such coaching or instruction in a secondary school setting, or
654 (B) is under eighteen years of age; or (8) such person subjects another
655 person to sexual contact and (A) the actor is twenty years of age or
656 older and stands in a position of power, authority or supervision over
657 such other person by virtue of the actor's professional, legal,

658 occupational or volunteer status and such other person's participation
659 in a program or activity, and (B) such other person is under eighteen
660 years of age; or (9) such person subjects another person to sexual
661 contact who is placed or receiving services under the direction of the
662 Commissioner of Developmental Services in any public or private
663 facility or program and the actor has supervisory or disciplinary
664 authority over such other person.

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

668 Sec. 23. Section 54-193 of the general statutes is repealed and the
669 following is substituted in lieu thereof (*Effective October 1, 2019, and*
670 *applicable to any offense committed on or after October 1, 2019, and to any*
671 *offense committed prior to October 1, 2019, for which the statute of*
672 *limitations in effect at the time of the commission of the offense had not yet*
673 *expired as of October 1, 2019*):

674 (a) There shall be no limitation of time within which a person may
675 be prosecuted for (1) a capital felony under the provisions of section
676 53a-54b in effect prior to April 25, 2012, a class A felony or a violation
677 of subdivision (2) of subsection (a) of section 53-21, section 53a-54d or
678 53a-169, a class B felony violation of section 53a-70 or 53a-70a, a class C
679 felony violation of section 53a-71 or 53a-72b or a violation of section
680 53a-70b or 53a-86, (2) a violation of section 53a-165aa or 53a-166 in
681 which such person renders criminal assistance to another person who
682 has committed an offense set forth in subdivision (1) of this subsection,
683 (3) a violation of section 53a-156 committed during a proceeding that
684 results in the conviction of another person subsequently determined to
685 be actually innocent of the offense or offenses of which such other
686 person was convicted, or (4) a motor vehicle violation or offense that
687 resulted in the death of another person and involved a violation of
688 subsection (a) of section 14-224.

689 (b) No person may be prosecuted for a class D felony offense of

690 section 53a-72a, as amended by this act, except within twenty-five
691 years next after the offense has been committed.

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

696 [(c)] (d) No person may be prosecuted for any offense, other than an
697 offense set forth in subsection (a), [or] (b) or (c) of this section, except
698 within one year next after the offense has been committed.

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

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

707 Sec. 24. Section 54-193a of the general statutes is repealed and the
708 following is substituted in lieu thereof (*Effective October 1, 2019, and*
709 *applicable to any offense committed on or after October 1, 2019, and to any*
710 *offense committed prior to October 1, 2019, for which the statute of*
711 *limitations in effect at the time of the commission of the offense had not yet*
712 *expired as of October 1, 2019*):

713 (a) Notwithstanding the provisions of section 54-193, as amended
714 by this act, [no person may be prosecuted for any offense, except a
715 class A felony,] there shall be no limitation of time within which a
716 person may be prosecuted for any offense involving sexual abuse,
717 sexual exploitation or sexual assault of a minor. [except within thirty
718 years from the date the victim attains the age of majority or within five
719 years from the date the victim notifies any police officer or state's
720 attorney acting in such police officer's or state's attorney's official

721 capacity of the commission of the offense, whichever is earlier,
722 provided if the prosecution is for a violation of subdivision (1) of
723 subsection (a) of section 53a-71, the victim notified such police officer
724 or state's attorney not later than five years after the commission of the
725 offense.]

726 (b) Except as provided in subsection (a) of section 54-193, as
727 amended by this act, no person may be prosecuted for any offense
728 involving sexual abuse, sexual exploitation or sexual assault of a victim
729 who was at the time of the offense, eighteen, nineteen or twenty years
730 of age, except within thirty-five years next after the offense.

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

734 (2) "Criminal offense against a victim who is a minor" means (A) a
735 violation of subdivision (2) of section 53-21 of the general statutes in
736 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
737 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
738 subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of
739 subsection (a) of section 53a-71, subdivision [(2)] (3) of subsection (a) of
740 section 53a-72a, as amended by this act, subdivision (2) of subsection
741 (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87,
742 section 53a-90a, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or
743 53a-196f, (B) a violation of subparagraph (A) of subdivision (9) of
744 subsection (a) of section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-
745 94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that,
746 at the time of the offense, the victim was under eighteen years of age,
747 (C) a violation of any of the offenses specified in subparagraph (A) or
748 (B) of this subdivision for which a person is criminally liable under
749 section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor
750 statute to any offense specified in subparagraph (A), (B) or (C) of this
751 subdivision the essential elements of which are substantially the same
752 as said offense.

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

756 (c) Notwithstanding the provisions of subsection [(b)] (c) of section
 757 54-193, as amended by this act, a person may be prosecuted for a
 758 violation of any provision of this chapter more than five years after
 759 such violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	46a-54
Sec. 2	<i>October 1, 2019</i>	46a-51(8)
Sec. 3	<i>July 1, 2019</i>	46a-56(a)
Sec. 4	<i>October 1, 2019</i>	46a-60(b)(8)
Sec. 5	<i>October 1, 2019</i>	46a-68(b)(4)(A)
Sec. 6	<i>October 1, 2019</i>	46a-82(f)
Sec. 7	<i>October 1, 2019</i>	46a-86(b)
Sec. 8	<i>October 1, 2019</i>	46a-89(a)
Sec. 9	<i>October 1, 2019</i>	46a-83a
Sec. 10	<i>October 1, 2019</i>	46a-97
Sec. 11	<i>October 1, 2019</i>	46a-101(e)
Sec. 12	<i>October 1, 2019</i>	46a-102
Sec. 13	<i>October 1, 2019</i>	46a-104
Sec. 14	<i>October 1, 2019</i>	New section
Sec. 15	<i>July 1, 2019</i>	New section
Sec. 16	<i>October 1, 2019</i>	46a-55
Sec. 17	<i>October 1, 2019</i>	46a-84
Sec. 18	<i>October 1, 2019</i>	New section
Sec. 19	<i>October 1, 2019, and applicable to any cause of action arising from an incident committed on or after said date</i>	52-577d
Sec. 20	<i>October 1, 2019, and applicable</i>	New section
Sec. 21	<i>October 1, 2019</i>	53a-72a
Sec. 22	<i>October 1, 2019</i>	53a-73a

Sec. 23	<i>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</i>	54-193
Sec. 24	<i>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</i>	54-193a
Sec. 25	<i>October 1, 2019</i>	54-250(2)
Sec. 26	<i>October 1, 2019</i>	12-660(c)

Statement of Legislative Commissioners:

In Section 1, provisions of section 46a-54(15)(C) were redrafted for clarity; in Section 3, the effective date was changed to July 1, 2019, for consistency with the provisions of Section 1; in Section 4, the provisions were reorganized for conformity with standard drafting conventions; in Section 7 and 8(a), "discriminatory practice" was changed to "discriminatory employment practice" for consistency; and in Section 16(c), "bring a civil action" was changed to "bring a civil action concerning an alleged discriminatory practice" for clarity.

JUD *Joint Favorable Subst.*