



General Assembly

Amendment

January Session, 2019

LCO No. 8794



Offered by:
REP. STAFSTROM, 129th Dist.

To: Subst. House Bill No. 7222 File No. 826 Cal. No. 526

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2019*) (a) The Attorney
4 General may investigate the facts and circumstances concerning any
5 alleged violation of section 53a-181j, 53a-181k or 53a-181l of the general
6 statutes, and in connection with such investigation, issue subpoenas
7 and written interrogatories in the same manner and to the same extent
8 as is provided in section 35-42 of the general statutes. No information
9 obtained pursuant to the provisions of this subsection may be used in a
10 criminal proceeding.

11 (b) If the Attorney General finds that a person has committed an act
12 that constitutes a violation of section 53a-181j, 53a-181k or 53a-181l of
13 the general statutes, the Attorney General may bring a civil action in
14 the superior court for the judicial district in which such act occurred in
15 the name of the state against such person.

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

26 (d) Nothing in this section shall limit the right of a person adversely
27 affected by a violation of section 53a-181j, 53a-181k or 53a-181l of the
28 general statutes to bring an action under section 52-571c of the general
29 statutes or any other law that may entitle such person to relief, except
30 that the Attorney General shall not bring an action under the
31 provisions of this section during the pendency of a matter involving
32 the same parties and the same alleged facts and circumstances before
33 the Commission on Human Rights and Opportunities.

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

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

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

46 (b) In conducting any investigation under this section, the Attorney
47 General may issue subpoenas and interrogatories, and otherwise

48 gather information, in the same manner and to the same extent as is
49 provided in section 35-42 of the general statutes. No information
50 obtained pursuant to the provisions of this subsection may be used in a
51 criminal proceeding.

52 (c) If the Attorney General prevails in a civil action brought
53 pursuant to this section, the court shall order the distribution of any
54 award of damages to the injured person. In a matter involving the
55 interference or attempted interference with any right protected by the
56 constitutions of this state or the United States, the court may also
57 award civil penalties against each defendant in an amount not
58 exceeding two thousand five hundred dollars for each violation,
59 provided such violation has been established by clear and convincing
60 evidence. Any civil penalty that is received pursuant to this subsection
61 shall be deposited in the General Fund.

62 (d) In lieu of bringing a civil action under this section, the Attorney
63 General may accept an assurance of the discontinuance of any
64 allegedly unlawful or unconstitutional practice from any person
65 engaged in such practice. Thereafter, any evidence of a violation of
66 such assurance shall constitute prima facie proof of violation of the
67 applicable law or right in any action commenced by the Attorney
68 General.

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

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

75 (g) The Attorney General shall not bring an action under the
76 provisions of this section during the pendency of a matter involving
77 the same parties and the same alleged facts and circumstances before
78 the Commission on Human Rights and Opportunities.

79 (h) Nothing in this section shall permit the Attorney General to
80 bring an action that would otherwise be barred under the applicable
81 statute of limitations or repose.

82 (i) The Attorney General shall post on the Attorney General's
83 Internet web site information on the proper filing of a complaint with
84 the Commission on Human Rights and Opportunities. The Attorney
85 General may, as appropriate, refer cases to the Commission on Human
86 Rights and Opportunities."

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