



General Assembly

Amendment

January Session, 2019

LCO No. 10467



Offered by:

REP. REBIMBAS, 70th Dist.

REP. CUMMINGS, 74th Dist.

REP. CANDELORA, 86th Dist.

REP. FISHBEIN, 90th Dist.

REP. O'DEA, 125th Dist.

REP. PAVALOCK-D'AMATO, 77th Dist.

REP. CARPINO, 32nd Dist.

REP. ZUPKUS, 89th Dist.

To: Subst. Senate Bill No. 3

File No. 852

Cal. No. 613

(As Amended by Senate Amendment Schedule "A")

"AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT."

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

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 Section 46a-54 of the general statutes is repealed and the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

5 The commission shall have the following powers and duties:

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

8 (2) To organize the commission into a division of affirmative action
9 monitoring and contract compliance, a division of discriminatory

10 practice complaints and such other divisions, bureaus or units as may
11 be necessary for the efficient conduct of business of the commission;

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

17 (4) To appoint such investigators and other employees and agents as
18 it deems necessary, fix their compensation within the limitations
19 provided by law and prescribe their duties;

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

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

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

27 (8) To receive, initiate as provided in section 46a-82, investigate and
28 mediate discriminatory practice complaints;

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

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

37 (11) To require written answers to interrogatories under oath
38 relating to any complaint under investigation pursuant to this chapter

39 alleging any discriminatory practice as defined in subdivision (8) of
40 section 46a-51, as amended by this act, and to adopt regulations, in
41 accordance with the provisions of chapter 54, for the procedure for the
42 issuance of interrogatories and compliance with interrogatory
43 requests;

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

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

54 (14) To require the posting, by any respondent or other person
55 subject to the requirements of section 46a-64, 46a-64c, 46a-81d or 46a-
56 81e, of such notices of statutory provisions as it deems desirable;

57 (15) (A) To require an employer having three or more employees to
58 (i) post in a prominent and accessible location information concerning
59 the illegality of sexual harassment and remedies available to victims of
60 sexual harassment; and [(B) to require an employer having fifty or
61 more employees to] (ii) provide, not later than three months after the
62 employee's start date with the employer, a copy of the information
63 concerning the illegality of sexual harassment and remedies available
64 to victims of sexual harassment to each employee by electronic mail
65 with a subject line that includes the words "Sexual Harassment Policy"
66 or words of similar import, if (I) the employer has provided an
67 electronic mail account to the employee, or (II) the employee has
68 provided the employer with an electronic mail address, provided, if an
69 employer has not provided an electronic mail account to the employee,
70 the employer shall post the information concerning the illegality of

71 sexual harassment and remedies available to victims of sexual
72 harassment on the employer's Internet web site, if the employer
73 maintains such an Internet web site. An employer may comply with
74 the requirements of this subparagraph by providing an employee with
75 the link to the commission's Internet web site concerning the illegality
76 of sexual harassment and the remedies available to victims of sexual
77 harassment by electronic mail, text message or in writing. (B) To
78 require an employer having twenty-five or more full-time employees
79 provide two hours of training and education to [all supervisory]
80 employees within one year of October 1, [1992, and to all new
81 supervisory employees within six months of their assumption of a
82 supervisory position] 2019, provided any employer who has provided
83 such training and education to any such employees after October 1,
84 [1991] 2018, shall not be required to provide such training and
85 education a second time. An employer having (i) twenty-five or more
86 full-time employees shall provide such training and education to an
87 employee hired on or after October 1, 2019, not later than six months
88 after the date of his or her hire, provided the commission has
89 developed and made available such training and education materials
90 in accordance with the provisions of subdivision (8) of subsection (a) of
91 section 46a-56, as amended by this act; or (ii) less than twenty-five full-
92 time employees shall provide such training and education to all
93 supervisory employees within one year of October 1, 2019, and to all
94 new supervisory employees within six months of their assumption of a
95 supervisory position, provided any employer who has provided such
96 training and education to any such supervisory employees after
97 October 1, 2018, shall not be required to provide such training and
98 education a second time. Any supervisory employee hired on or after
99 October 1, 2019, by an employer having less than twenty-five full-time
100 employees shall receive such training and education not later than six
101 months after the date of his or her hire, provided the commission has
102 developed and made available such training and education materials
103 in accordance with the provisions of subdivision (8) of subsection (a) of
104 section 46a-56, as amended by this act. Such training and education
105 shall include information concerning the federal and state statutory

106 provisions concerning sexual harassment and remedies available to
107 victims of sexual harassment. An employer who is required to provide
108 training under this subdivision shall provide periodic supplemental
109 training that updates all supervisory and nonsupervisory employees
110 on the content of such training and education not less than every ten
111 years. As used in this subdivision, "sexual harassment" has the same
112 meaning as provided in subdivision (8) of subsection (b) of section 46a-
113 60, and "employer" includes the General Assembly and "employee"
114 means any individual employed by an employer, including an
115 individual employed by such individual's parent, spouse or child;

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

140 available appropriations. As used in this subdivision, "employee"
141 [shall include] includes any part-time employee who works more than
142 twenty hours per week;

143 (17) To require each agency to submit information demonstrating its
144 compliance with subdivision (16) of this section as part of its
145 affirmative action plan and to receive and investigate complaints
146 concerning the failure of a state agency to comply with the
147 requirements of subdivision (16) of this section; and

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

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

154 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
155 60a, 4a-60g, 31-40y, subdivisions (16) to (17), inclusive, of section 46a-
156 54, 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, as amended
157 by this act, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive,
158 subsection (a) of section 46a-80 or sections 46a-81b to 46a-81o,
159 inclusive;

160 Sec. 3. Subsection (a) of section 46a-56 of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective July*
162 *1, 2019*):

163 (a) The commission shall:

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

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

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

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

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

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

186 (7) Develop and include on the commission's Internet web site a link
187 concerning the illegality of sexual harassment, as defined in section
188 46a-60, and the remedies available to victims of sexual harassment; and

189 (8) Develop and make available at no cost to employers an online
190 training and education video or other interactive method of training
191 and education that fulfills the requirements prescribed in subdivision
192 (15) of section 46a-54.

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

196 (4) (A) Each person designated by a state agency, department, board
197 or commission as an equal employment opportunity officer shall (i) be
198 responsible for mitigating any discriminatory conduct within the

199 agency, department, board or commission, (ii) investigate all
200 complaints of discrimination made against the state agency,
201 department, board or commission, except if any such complaint has
202 been filed with the Commission on Human Rights and Opportunities
203 or the Equal Employment Opportunity Commission, the state agency,
204 department, board or commission may rely upon the process of the
205 applicable commission, as applicable, in lieu of such investigation, and
206 (iii) report all findings and recommendations upon the conclusion of
207 an investigation to the commissioner or director of the state agency,
208 department, board or commission for proper action. An equal
209 employment opportunity officer shall not disclose witness statements
210 or documents received or compiled in conjunction with the
211 investigation of a complaint of discriminatory conduct within the
212 agency, department, board or commission until the conclusion of such
213 investigation, except that witness statements or documents may be
214 disclosed to personnel charged with investigating or adjudicating such
215 complaint, or to the Commission on Human Rights and Opportunities.

216 Sec. 5. Subsection (b) of section 46a-86 of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective*
218 *October 1, 2019*):

219 (b) In addition to any other action taken under this section, upon a
220 finding of a discriminatory employment practice, the presiding officer
221 may [order the hiring or reinstatement of any individual, with or
222 without back pay, or restoration to] issue an order (1) eliminating the
223 discriminatory employment practice complained of; (2) restoring
224 membership in any respondent labor organization; and (3) awarding
225 damages, including back pay, suffered by the complainant as a result
226 of the discriminatory employment practice. Liability for back pay shall
227 not accrue from a date more than two years prior to the filing or
228 issuance of the complaint. Interim earnings, including unemployment
229 compensation and welfare assistance or amounts which could have
230 been earned with reasonable diligence on the part of the person to
231 whom back pay is awarded shall be deducted from the amount of back
232 pay to which such person is otherwise entitled. The amount of any

233 deduction for interim unemployment compensation or welfare
234 assistance shall be paid by the respondent to the commission which
235 shall transfer such amount to the appropriate state or local agency.

236 Sec. 6. Section 46a-84 of the general statutes is repealed and the
237 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

245 (b) Upon (1) certification of a complaint filed pursuant to subsection
246 (a) or (b) of section 46a-82, (2) the filing of a complaint pursuant to
247 subsection (c) of said section, or (3) a decision to hear a complaint,
248 which is made pursuant to subsection (e) of section 46a-83, the Chief
249 Human Rights Referee shall appoint a human rights referee to act as a
250 presiding officer to hear the complaint. The chief referee shall also
251 appoint an individual authorized by subsection (e) of this section or a
252 referee, other than the referee appointed to hear the complaint, to
253 conduct settlement negotiations. The chief referee shall serve in the
254 name of the commission a copy of the complaint, as the same may
255 have been amended, requiring the respondent to answer the charges of
256 the complaint, together with a written notice requiring the respondent
257 to appear at a hearing or settlement conference at a date and time
258 specified in the notice. A hearing on a complaint filed pursuant to
259 subsection (a) or (b) of section 46a-82 shall be commenced by
260 convening a hearing conference not later than forty-five days after the
261 certification of the complaint. Such hearing shall be a de novo hearing
262 on the merits of the complaint and not an appeal of the commission's
263 processing of the complaint prior to its certification. A hearing on a
264 complaint filed pursuant to subsection (c) of section 46a-82 shall be
265 commenced by convening a hearing conference not later than twenty

266 days after the date of notice of such complaint. Hearings shall proceed
267 with reasonable dispatch and be concluded in accordance with the
268 provisions of section 4-180.

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

272 (d) The case in support of the complaint shall be presented at the
273 hearing by the Attorney General, who shall be counsel for the
274 commission, or by a commission legal counsel as provided in section
275 46a-55, as amended by this act. If the Attorney General or the
276 commission legal counsel determines that a material mistake of law or
277 fact has been made in the finding of reasonable cause on a complaint
278 filed pursuant to subsection (a) or (b) of section 46a-82, or the
279 commission legal counsel determines that a complaint to be heard
280 pursuant to subsection (e) of section 46a-83, should be further
281 investigated, the Attorney General or the commission legal counsel
282 may withdraw the certification of the complaint or the decision to hear
283 the complaint and remand the file to the investigator for further action.
284 The investigator shall complete any required action not later than
285 ninety days after receipt of such file. The complainant may be
286 represented by an attorney of the complainant's own choice. If the
287 Attorney General or the commission legal counsel determines that the
288 interests of the state will not be adversely affected, the complainant or
289 the attorney for the complainant shall present all or part of the case in
290 support of the complaint. No commissioner may participate in the
291 deliberations of the presiding officer in the case.

292 (e) A human rights referee or attorney who volunteers service
293 pursuant to subdivision (18) of section 46a-54 may supervise
294 settlement endeavors. In employment discrimination cases only, the
295 complainant and respondent, with the permission of the chief referee,
296 may engage in alternate dispute resolution endeavors for not more
297 than three months. The cost of such alternate dispute resolution
298 endeavors shall be borne by the complainant or the respondent, or

299 both, and not by the commission. Any endeavors or negotiations for
300 conciliation, settlement or alternate dispute resolution shall not be
301 received in evidence.

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

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

321 (h) The complainant, the respondent and the commission shall be
322 afforded the opportunity to inspect and copy relevant and material
323 records, papers and documents not in the possession of such party,
324 except as otherwise provided by applicable state or federal law. The
325 presiding officer may order a party to produce such records, papers
326 and documents, and if a party fails to comply with such order within
327 thirty days of the date of such order, the presiding officer may issue a
328 nonmonetary order that the presiding officer deems just and
329 appropriate, including, but not limited to, an order (1) finding that the
330 matters that are the subject of the order are established in accordance
331 with the claim of the party requesting such order, (2) prohibiting the

332 party who has failed to comply with such order from introducing
333 designated matters into evidence, (3) limiting the participation of the
334 noncomplying party with regard to issues or facts relating to the order,
335 and (4) drawing an adverse inference against the noncomplying party,
336 provided any such order drawing an adverse inference shall not be
337 enforceable in a proceeding in the Superior Court involving the same
338 parties.

339 (i) When the executive director of the commission has determined
340 that there are available appropriations and otherwise approves a
341 request, the Chief Human Rights Referee may appoint any magistrate,
342 who is on the list of available magistrates maintained by the Chief
343 Court Administrator, to act as a presiding officer at any proceeding
344 conducted pursuant to this section, subsection (l) of section 46a-83,
345 subsection (c) or (d) of section 46a-56 or subsection (e) of section 4-
346 61dd. Any magistrate so appointed shall have the same powers and
347 duties as a human rights referee appointed pursuant to section 46a-57
348 and be compensated in accordance with the provisions of section 51-
349 193r from such funds as may be available to the commission. The Chief
350 Human Rights Referee may request the appointment of a magistrate
351 whenever the total number of complaints pending in the commission's
352 office of public hearings exceeds one hundred.

353 Sec. 7. Section 46a-97 of the general statutes is repealed and the
354 following is substituted in lieu thereof (*Effective October 1, 2019*):

355 (a) Any employer, employment agency or labor organization which
356 fails to post such notices of statutory provisions as the commission
357 may require pursuant to subsection (13) of section 46a-54 shall be
358 [subject to a fine of] fined not more than two hundred fifty dollars.

359 (b) Any person who fails to post such notices of statutory provisions
360 as the commission may require pursuant to subsection (14) of section
361 46a-54 shall be fined not more than two hundred fifty dollars.

362 (c) Any employer who fails to provide the training and education
363 concerning the illegality of sexual harassment and the remedies

364 available to victims of sexual harassment, as required pursuant to
365 subdivision (15) of section 46a-54 shall be fined not more than two
366 hundred fifty dollars.

367 (d) During the twelve-month period following the date on which a
368 complaint against an employer has been filed with the commission by
369 an employee, the executive director of the commission may assign a
370 designated representative of the commission to enter an employer's
371 place of business during normal business hours for purposes of: (1)
372 Ensuring compliance with the posting requirements prescribed in
373 subdivisions (13), (14) and (15) of section 46a-54, and (2) examining
374 records, policies, procedures, postings and sexual harassment training
375 materials maintained by the employer in connection with the
376 requirements of subdivisions (13), (14) and (15) of section 46a-54. A
377 designated representative of the commission, who is carrying out the
378 duties set forth in this subsection, shall ensure that such activities do
379 not unduly disrupt the business operations of the employer. If the
380 employer's place of business is a residential home, the designated
381 representative of the commission shall not enter such residential home
382 without the express permission of such homeowner.

383 Sec. 8. Section 46a-104 of the general statutes is repealed and the
384 following is substituted in lieu thereof (*Effective October 1, 2019*):

385 The court may grant a complainant in an action brought in
386 accordance with section 46a-100 such legal and equitable relief which it
387 deems appropriate, including, but not limited to, temporary or
388 permanent injunctive relief, punitive damages, attorney's fees and
389 court costs. The amount of attorney's fees allowed shall not be
390 contingent upon the amount of damages requested by or awarded to
391 the complainant. The court may only award punitive damages under
392 this section when the Commission on Human Rights and
393 Opportunities has been authorized to award punitive damages in
394 connection with the underlying complaint.

395 Sec. 9. Section 46a-55 of the general statutes is amended by adding

396 subsection (c) as follows (*Effective October 1, 2019*):

397 (NEW) (c) The executive director, through the supervising attorney,
398 may, within available appropriations, assign a commission legal
399 counsel to bring a civil action concerning an alleged discriminatory
400 practice, in accordance with this subsection, in lieu of an
401 administrative hearing pursuant to section 46a-84, as amended by this
402 act, when the executive director determines that a civil action is in the
403 public interest and if the parties to the administrative hearing mutually
404 agree, in writing, to the bringing of such civil action by commission
405 legal counsel. The commission legal counsel shall bring such a civil
406 action in the Superior Court not later than ninety days following the
407 date the commission legal counsel notifies the parties of the executive
408 director's determination. Such civil action may be served by certified
409 mail and shall not be subject to the provisions of section 46a-100, 46a-
410 101 or 46a-102. The jurisdiction of the Superior Court in an action
411 brought under this subsection shall be limited to such claims,
412 counterclaims, defenses or the like that could be presented at an
413 administrative hearing before the commission, had the complaint
414 remained with the commission for disposition. A complainant may
415 intervene as a matter of right without permission of the court or the
416 parties. The civil action may be tried to the court without a jury,
417 provided the parties to such civil action mutually agree, in writing,
418 that such civil action may be tried to the court without a jury. If the
419 commission legal counsel determines that the interests of the state will
420 not be adversely affected, the complainant or attorney for the
421 complainant shall present all or part of the case in support of the
422 complaint. The court may grant any relief available under section 46a-
423 104, as amended by this act. Where the Superior Court finds that a
424 respondent has committed a discriminatory practice, the court shall
425 award the commission a civil penalty, not exceeding twenty-five
426 hundred dollars, provided such discriminatory practice has been
427 established by clear and convincing evidence. Any civil penalty that is
428 received by the commission pursuant to this subsection shall be
429 deposited in the General Fund.

430 Sec. 10. (NEW) (*Effective October 1, 2019*) (a) As used in this section:
431 (1) "Sexual misconduct" means any act that is prohibited by section
432 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a of
433 the general statutes, as amended by this act, and any act that
434 constitutes sexual harassment, as defined in subdivision (8) of
435 subsection (b) of section 46a-60 of the general statutes; and (2) "victim"
436 includes an alleged victim.

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

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

447 (d) If a party intends to offer evidence under subsection (c) of this
448 section, the party shall: (1) File a motion by lodging a record pursuant
449 to the requirements set forth in the Connecticut Practice Book that
450 specifically describes the evidence and states the purpose for which it
451 is to be offered; (2) file such motion not later than fourteen days before
452 the date on which the case is to be heard, unless the court, for good
453 cause shown, prescribes a different time for the filing of such motion;
454 (3) serve the motion on all parties in accordance with the rules of the
455 court; and (4) notify the victim or, when appropriate, the victim's
456 guardian or representative.

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

462 Sec. 11. (NEW) (*Effective October 1, 2019, and applicable to any cause of*
463 *action arising from an incident committed on or after said date*)
464 Notwithstanding the provisions of section 52-577 of the general
465 statutes, no action to recover damages for personal injury to a person
466 eighteen years of age or older, including emotional distress, caused by
467 sexual abuse, sexual exploitation or sexual assault may be brought by
468 such person later than five years from the date of the act complained
469 of.

470 Sec. 12. Section 53a-72a of the general statutes is repealed and the
471 following is substituted in lieu thereof (*Effective October 1, 2019*):

472 (a) A person is guilty of sexual assault in the third degree when
473 such person (1) compels another person to submit to sexual contact (A)
474 by the use of force against such other person or a third person, or (B)
475 by the threat of use of force against such other person or against a third
476 person, which reasonably causes such other person to fear physical
477 injury to himself or herself or a third person, or (2) subjects another
478 person to sexual contact and such other person is mentally
479 incapacitated or impaired because of mental disability or disease to the
480 extent that such other person is unable to consent to such sexual
481 contact, or [(2)] (3) engages in sexual intercourse with another person
482 whom the actor knows to be related to him or her within any of the
483 degrees of kindred specified in section 46b-21.

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

486 Sec. 13. Section 53a-73a of the general statutes is repealed and the
487 following is substituted in lieu thereof (*Effective October 1, 2019*):

488 (a) A person is guilty of sexual assault in the fourth degree when: (1)
489 Such person subjects another person to sexual contact who is (A) under
490 thirteen years of age and the actor is more than two years older than
491 such other person, or (B) thirteen years of age or older but under
492 fifteen years of age and the actor is more than three years older than
493 such other person, or (C) [mentally incapacitated or impaired because

494 of mental disability or disease to the extent that such other person is
495 unable to consent to such sexual contact, or (D)] physically helpless, or
496 [(E)] (D) less than eighteen years old and the actor is such other
497 person's guardian or otherwise responsible for the general supervision
498 of such other person's welfare, or [(F)] (E) in custody of law or
499 detained in a hospital or other institution and the actor has supervisory
500 or disciplinary authority over such other person; or (2) such person
501 subjects another person to sexual contact without such other person's
502 consent; or (3) such person engages in sexual contact with an animal or
503 dead body; or (4) such person is a psychotherapist and subjects
504 another person to sexual contact who is (A) a patient of the actor and
505 the sexual contact occurs during the psychotherapy session, or (B) a
506 patient or former patient of the actor and such patient or former
507 patient is emotionally dependent upon the actor, or (C) a patient or
508 former patient of the actor and the sexual contact occurs by means of
509 therapeutic deception; or (5) such person subjects another person to
510 sexual contact and accomplishes the sexual contact by means of false
511 representation that the sexual contact is for a bona fide medical
512 purpose by a health care professional; or (6) such person is a school
513 employee and subjects another person to sexual contact who is a
514 student enrolled in a school in which the actor works or a school under
515 the jurisdiction of the local or regional board of education which
516 employs the actor; or (7) such person is a coach in an athletic activity or
517 a person who provides intensive, ongoing instruction and subjects
518 another person to sexual contact who is a recipient of coaching or
519 instruction from the actor and (A) is a secondary school student and
520 receives such coaching or instruction in a secondary school setting, or
521 (B) is under eighteen years of age; or (8) such person subjects another
522 person to sexual contact and (A) the actor is twenty years of age or
523 older and stands in a position of power, authority or supervision over
524 such other person by virtue of the actor's professional, legal,
525 occupational or volunteer status and such other person's participation
526 in a program or activity, and (B) such other person is under eighteen
527 years of age; or (9) such person subjects another person to sexual
528 contact who is placed or receiving services under the direction of the

529 Commissioner of Developmental Services in any public or private
530 facility or program and the actor has supervisory or disciplinary
531 authority over such other person.

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

535 Sec. 14. Section 54-193 of the general statutes is repealed and the
536 following is substituted in lieu thereof (*Effective October 1, 2019, and*
537 *applicable to any offense committed on or after October 1, 2019, and to any*
538 *offense committed prior to October 1, 2019, for which the statute of*
539 *limitations in effect at the time of the commission of the offense had not yet*
540 *expired as of October 1, 2019*):

541 (a) There shall be no limitation of time within which a person may
542 be prosecuted for (1) a capital felony under the provisions of section
543 53a-54b in effect prior to April 25, 2012, a class A felony or a violation
544 of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or
545 53a-166 in which such person renders criminal assistance to another
546 person who has committed an offense set forth in subdivision (1) of
547 this subsection, (3) a violation of section 53a-156 committed during a
548 proceeding that results in the conviction of another person
549 subsequently determined to be actually innocent of the offense or
550 offenses of which such other person was convicted, or (4) a motor
551 vehicle violation or offense that resulted in the death of another person
552 and involved a violation of subsection (a) of section 14-224.

553 (b) (1) Except as provided in subsection (a) of this section, no person
554 may be prosecuted for a violation of a (A) class B felony violation of
555 section 53a-70, as amended by this act, 53a-70a or 53a-70b, as amended
556 by this act, (B) class C felony violation of section 53a-71, as amended
557 by this act, or 53a-72b, or (C) class D felony violation of section 53a-
558 72a, except within ten years next after the offense has been committed.

559 (2) No person may be prosecuted for a class A misdemeanor
560 violation of section 53a-73a, as amended by this act, if the victim at the

561 time of the offense was eighteen years of age or older, except within
562 five years next after the offense has been committed.

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

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

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

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

578 Sec. 15. Subsection (a) of section 53a-70 of the general statutes is
579 repealed and the following is substituted in lieu thereof (*Effective*
580 *October 1, 2019*):

581 (a) A person is guilty of sexual assault in the first degree when such
582 person (1) compels another person to [engage in] submit to sexual
583 intercourse by the use of force against such other person or a third
584 person, or by the threat of use of force against such other person or
585 against a third person which reasonably causes such person to fear
586 physical injury to such person or a third person, or (2) engages in
587 sexual intercourse with another person and such other person is under
588 thirteen years of age and the actor is more than two years older than
589 such person, or (3) commits sexual assault in the second degree as
590 provided in section 53a-71, as amended by this act, and in the
591 commission of such offense is aided by two or more other persons

592 actually present, or (4) engages in sexual intercourse with another
593 person and such other person is mentally incapacitated to the extent
594 that such other person is unable to consent to such sexual intercourse.

595 Sec. 16. Subsection (b) of section 53a-70b of the general statutes is
596 repealed and the following is substituted in lieu thereof (*Effective*
597 *October 1, 2019*):

598 (b) No spouse or cohabitor shall compel the other spouse or
599 cohabitor to [engage in] submit to sexual intercourse by the use of
600 force against such other spouse or cohabitor, or by the threat of the use
601 of force against such other spouse or cohabitor which reasonably
602 causes such other spouse or cohabitor to fear physical injury.

603 Sec. 17. Subsection (a) of section 53a-71 of the general statutes is
604 repealed and the following is substituted in lieu thereof (*Effective*
605 *October 1, 2019*):

606 (a) A person is guilty of sexual assault in the second degree when
607 such person [engages in] compels another person to submit to sexual
608 intercourse with [another] such person and: (1) Such other person is
609 thirteen years of age or older but under sixteen years of age and the
610 actor is more than three years older than such other person; or (2) such
611 other person is impaired because of mental disability or disease to the
612 extent that such other person is unable to consent to such sexual
613 intercourse; or (3) such other person is physically helpless; or (4) such
614 other person is less than eighteen years old and the actor is such
615 person's guardian or otherwise responsible for the general supervision
616 of such person's welfare; or (5) such other person is in custody of law
617 or detained in a hospital or other institution and the actor has
618 supervisory or disciplinary authority over such other person; or (6) the
619 actor is a psychotherapist and such other person is (A) a patient of the
620 actor and the sexual intercourse occurs during the psychotherapy
621 session, (B) a patient or former patient of the actor and such patient or
622 former patient is emotionally dependent upon the actor, or (C) a
623 patient or former patient of the actor and the sexual intercourse occurs

624 by means of therapeutic deception; or (7) the actor accomplishes the
 625 sexual intercourse by means of false representation that the sexual
 626 intercourse is for a bona fide medical purpose by a health care
 627 professional; or (8) the actor is a school employee and such other
 628 person is a student enrolled in a school in which the actor works or a
 629 school under the jurisdiction of the local or regional board of education
 630 which employs the actor; or (9) the actor is a coach in an athletic
 631 activity or a person who provides intensive, ongoing instruction and
 632 such other person is a recipient of coaching or instruction from the
 633 actor and (A) is a secondary school student and receives such coaching
 634 or instruction in a secondary school setting, or (B) is under eighteen
 635 years of age; or (10) the actor is twenty years of age or older and stands
 636 in a position of power, authority or supervision over such other person
 637 by virtue of the actor's professional, legal, occupational or volunteer
 638 status and such other person's participation in a program or activity,
 639 and such other person is under eighteen years of age; or (11) such
 640 other person is placed or receiving services under the direction of the
 641 Commissioner of Developmental Services in any public or private
 642 facility or program and the actor has supervisory or disciplinary
 643 authority over such other person."

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-68(b)(4)(A)
Sec. 5	<i>October 1, 2019</i>	46a-86(b)
Sec. 6	<i>October 1, 2019</i>	46a-84
Sec. 7	<i>October 1, 2019</i>	46a-97
Sec. 8	<i>October 1, 2019</i>	46a-104
Sec. 9	<i>October 1, 2019</i>	46a-55
Sec. 10	<i>October 1, 2019</i>	New section

Sec. 11	<i>October 1, 2019, and applicable to any cause of action arising from an incident committed on or after said date</i>	New section
Sec. 12	<i>October 1, 2019</i>	53a-72a
Sec. 13	<i>October 1, 2019</i>	53a-73a
Sec. 14	<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. 15	<i>October 1, 2019</i>	53a-70(a)
Sec. 16	<i>October 1, 2019</i>	53a-70b(b)
Sec. 17	<i>October 1, 2019</i>	53a-71(a)