



General Assembly

Amendment

January Session, 2019

LCO No. 8991



Offered by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

SEN. WINFIELD, 10th Dist.

SEN. FLEXER, 29th Dist.

SEN. FASANO, 34th Dist.

SEN. KISSEL, 7th Dist.

SEN. DAUGHERTY ABRAMS, 13th
Dist.

SEN. BERGSTEIN, 36th Dist.

SEN. BRADLEY, 23rd Dist.

SEN. COHEN, 12th Dist.

SEN. FONFARA, 1st Dist.

SEN. HARTLEY, 15th Dist.

SEN. HASKELL, 26th Dist.

SEN. KUSHNER, 24th Dist.

SEN. LEONE, 27th Dist.

SEN. LESSER, 9th Dist.

SEN. MARONEY, 14th Dist.

SEN. MOORE, 22nd Dist.

SEN. NEEDLEMAN, 33rd Dist.

SEN. OSTEN, 19th Dist.

SEN. SLAP, 5th Dist.

SEN. ANWAR, 3rd Dist.

SEN. CASSANO, 4th Dist.

To: Subst. Senate Bill No. 3

File No. 852

Cal. No. 448

"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 Section 46a-54 of the general statutes is repealed and the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, as amended by
28 this act, investigate and 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
58 to (A) post in a prominent and accessible location information
59 concerning the illegality of sexual harassment and remedies available
60 to victims of sexual harassment, (B) provide, not later than three
61 months after the employee's start date with the employer, a copy of the
62 information concerning the illegality of sexual harassment and
63 remedies available to victims of sexual harassment to each employee
64 by electronic mail with a subject line that includes the words "Sexual
65 Harassment Policy" or words of similar import, if (i) the employer has
66 provided an electronic mail account to the employee, or (ii) the

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

102 (8) of subsection (a) of section 46a-56, as amended by this act. Such
103 training and education shall include information concerning the
104 federal and state statutory provisions concerning sexual harassment
105 and remedies available to victims of sexual harassment. An employer
106 who is required to provide training under this subdivision shall
107 provide periodic supplemental training that updates all supervisory
108 and nonsupervisory employees on the content of such training and
109 education not less than every ten years. As used in this subdivision,
110 "sexual harassment" has the same meaning as provided in subdivision
111 (8) of subsection (b) of section 46a-60, as amended by this act, and
112 "employer" includes the General Assembly and "employee" means any
113 individual employed by an employer, including an individual
114 employed by such individual's parent, spouse or child;

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

136 prior to October 1, 1999, such state agency shall not be required to
137 provide such training and education a second time to such employees.
138 The requirements of this subdivision shall be accomplished within
139 available appropriations. As used in this subdivision, "employee"
140 [shall include] includes any part-time employee who works more than
141 twenty hours per week;

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

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

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

153 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
154 60a, 4a-60g, 31-40y, subdivisions (15) to (17), inclusive, of section 46a-
155 54, as amended by this act, 46a-58, 46a-59, 46a-60, as amended by this
156 act, 46a-64, 46a-64c, 46a-66, 46a-68, as amended by this act, 46a-68c to
157 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of
158 section 46a-80 or sections 46a-81b to 46a-81o, inclusive;

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

162 (a) The commission shall:

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

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

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

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

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

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

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

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

196 (8) For an employer, by the employer or the employer's agent, for an
197 employment agency, by itself or its agent, or for any labor
198 organization, by itself or its agent, to harass any employee, person
199 seeking employment or member on the basis of sex or gender identity
200 or expression. ["Sexual harassment" shall, for the purposes of this
201 subdivision, be defined as] If an employer takes immediate corrective
202 action in response to an employee's claim of sexual harassment, such
203 corrective action shall not modify the conditions of employment of the
204 employee making the claim of sexual harassment unless such
205 employee agrees, in writing, to any modification in the conditions of
206 employment. "Corrective action" taken by an employer, includes, but is
207 not limited to, employee relocation, assigning an employee to a
208 different work schedule or other substantive changes to an employee's
209 terms and conditions of employment. As used in this subdivision,
210 "sexual harassment" means any unwelcome sexual advances or
211 requests for sexual favors or any conduct of a sexual nature when (A)
212 submission to such conduct is made either explicitly or implicitly a
213 term or condition of an individual's employment, (B) submission to or
214 rejection of such conduct by an individual is used as the basis for
215 employment decisions affecting such individual, or (C) such conduct
216 has the purpose or effect of substantially interfering with an
217 individual's work performance or creating an intimidating, hostile or
218 offensive working environment;

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

222 (4) (A) Each person designated by a state agency, department, board
223 or commission as an equal employment opportunity officer shall (i) be
224 responsible for mitigating any discriminatory conduct within the
225 agency, department, board or commission, (ii) investigate all
226 complaints of discrimination made against the state agency,
227 department, board or commission, except if any such complaint has
228 been filed with the Commission on Human Rights and Opportunities
229 or the Equal Employment Opportunity Commission, the state agency,

230 department, board or commission may rely upon the process of the
231 applicable commission, as applicable, in lieu of such investigation, and
232 (iii) report all findings and recommendations upon the conclusion of
233 an investigation to the commissioner or director of the state agency,
234 department, board or commission for proper action. An equal
235 employment opportunity officer shall not disclose witness statements
236 or documents received or compiled in conjunction with the
237 investigation of a complaint of discriminatory conduct within the
238 agency, department, board or commission until the conclusion of such
239 investigation, except that witness statements or documents may be
240 disclosed to personnel charged with investigating or adjudicating such
241 complaint, or to the Commission on Human Rights and Opportunities.

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

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

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

258 (b) In addition to any other action taken under this section, upon a
259 finding of a discriminatory employment practice, the presiding officer
260 [may order the hiring or reinstatement of any individual, with or
261 without back pay, or] shall (1) issue an order to eliminate the

262 discriminatory employment practice complained of and to make the
263 complainant whole, including restoration to membership in any
264 respondent labor organization, and (2) (A) determine the amount of
265 damages suffered by the complainant, including the actual costs
266 incurred by the complainant as a result of the discriminatory
267 employment practice, and (B) allow reasonable attorney's fees and
268 costs. The amount of attorney's fees allowed shall not be contingent
269 upon the amount of damages requested by or awarded to the
270 complainant. Liability for back pay shall not accrue from a date more
271 than two years prior to the filing or issuance of the complaint. Interim
272 earnings, including unemployment compensation and welfare
273 assistance or amounts which could have been earned with reasonable
274 diligence on the part of the person to whom back pay is awarded shall
275 be deducted from the amount of back pay to which such person is
276 otherwise entitled. The amount of any deduction for interim
277 unemployment compensation or welfare assistance shall be paid by
278 the respondent to the commission which shall transfer such amount to
279 the appropriate state or local agency.

280 Sec. 8 Section 46a-84 of the of the general statutes is amended by
281 adding subsection (h) as follows (*Effective October 1, 2019*):

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

296 and (4) drawing an adverse inference against the noncomplying party.

297 Sec. 9. Section 46a-97 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

304 (b) Any person who fails to post such notices of statutory provisions
305 as the commission may require pursuant to subsection (14) of section
306 46a-54, as amended by this act, shall be fined not more than [two
307 hundred fifty] one thousand dollars.

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

313 (d) The executive director of the commission may assign a
314 designated representative of the commission to enter an employer's
315 place of business during normal business hours for purposes of: (1)
316 Ensuring compliance with the posting requirements prescribed in
317 subdivisions (13), (14) and (15) of section 46a-54, as amended by this
318 act, and (2) examining records, policies, procedures, postings and
319 sexual harassment training materials maintained by the employer in
320 connection with the requirements of subdivisions (13), (14) and (15) of
321 section 46a-54, as amended by this act. A designated representative of
322 the commission, who is carrying out the duties set forth in this
323 subsection, shall ensure that such activities do not unduly disrupt the
324 business operations of the employer.

325 Sec. 10. Section 46a-104 of the general statutes is repealed and the
326 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

334 Sec. 11. Section 46a-55 of the general statutes is amended by adding
335 subsection (c) as follows (*Effective October 1, 2019*):

336 (NEW) (c) The executive director, through the supervising attorney,
337 may, within available appropriations, assign a commission legal
338 counsel to bring a civil action concerning an alleged discriminatory
339 practice, in accordance with this subsection, in lieu of an
340 administrative hearing pursuant to section 46a-84, as amended by this
341 act, when the executive director determines that a civil action is in the
342 public interest and if the parties to the administrative hearing mutually
343 agree, in writing, to the bringing of such civil action by commission
344 legal counsel. The commission legal counsel shall bring such a civil
345 action in the Superior Court not later than ninety days following the
346 date the commission legal counsel notifies the parties of the executive
347 director's determination. Such civil action may be served by certified
348 mail and shall not be subject to the provisions of section 46a-100, 46a-
349 101 or 46a-102. The jurisdiction of the Superior Court in an action
350 brought under this subsection shall be limited to such claims,
351 counterclaims, defenses or the like that could be presented at an
352 administrative hearing before the commission, had the complaint
353 remained with the commission for disposition. A complainant may
354 intervene as a matter of right without permission of the court or the
355 parties. The civil action shall be tried to the court without a jury. If the
356 commission legal counsel determines that the interests of the state will
357 not be adversely affected, the complainant or attorney for the
358 complainant shall present all or part of the case in support of the
359 complaint. The court may grant any relief available under section 46a-
360 104, as amended by this act. Where the Superior Court finds that a

361 respondent has committed a discriminatory practice, the court shall
362 grant the commission its fees and costs and award the commission a
363 civil penalty, not exceeding ten thousand dollars, which shall be
364 payable to the commission and used by the commission to advance the
365 public interest in eliminating discrimination.

366 Sec. 12. (NEW) (*Effective October 1, 2019*) (a) As used in this section:
367 (1) "Sexual misconduct" means any act that is prohibited by section
368 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, as amended by this
369 act, 53a-72b or 53a-73a of the general statutes, as amended by this act,
370 and any act that constitutes sexual harassment, as defined in
371 subdivision (8) of subsection (b) of section 46a-60 of the general
372 statutes, as amended by this act; and (2) "victim" includes an alleged
373 victim.

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

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

384 (d) If a party intends to offer evidence under subsection (c) of this
385 section, the party shall: (1) File a motion by lodging a record pursuant
386 to the requirements set forth in the Connecticut Practice Book that
387 specifically describes the evidence and states the purpose for which it
388 is to be offered; (2) file such motion not later than fourteen days before
389 the date on which the case is to be heard, unless the court, for good
390 cause shown, prescribes a different time for the filing of such motion;
391 (3) serve the motion on all parties in accordance with the rules of the
392 court; and (4) notify the victim or, when appropriate, the victim's

393 guardian or representative.

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

399 Sec. 13. Section 52-577d of the general statutes is repealed and the
400 following is substituted in lieu thereof (*Effective October 1, 2019, and*
401 *applicable to any cause of action arising from an incident committed on or*
402 *after said date*):

403 Notwithstanding the provisions of section 52-577, no action to
404 recover damages for personal injury to a [minor] person under twenty-
405 one years of age, including emotional distress, caused by sexual abuse,
406 sexual exploitation or sexual assault may be brought by such person
407 later than [thirty years from the date such person attains the age of
408 majority] thirty years from the date that such person attains the age of
409 twenty-one.

410 Sec. 14. (*Effective from passage*) (a) There is established a task force to
411 study whether the statutes of limitations to recover damages for
412 personal injury to minors and adults caused by sexual abuse, sexual
413 exploitation or sexual assault should be amended. The task force shall
414 examine the applicable statutes of limitations in this state and that of
415 other states. Such examination shall include review of reviving claims
416 that are otherwise time barred.

417 (b) The task force shall consist of the following members:

418 (1) One appointed by the speaker of the House of Representatives;

419 (2) One appointed by the president pro tempore of the Senate, who
420 is a victim of sexual abuse, sexual exploitation or sexual assault;

421 (3) One jointly appointed by the president pro tempore of the Senate
422 and the speaker of the House of Representatives;

423 (4) One appointed by the majority leader of the House of
424 Representatives, who is (A) a representative of an entity named as a
425 defendant in a civil action for sexual abuse, sexual exploitation or
426 sexual assault; or (B) a lawyer who has represented two or more clients
427 named as a defendant in a civil action for sexual abuse, sexual
428 exploitation or sexual assault;

429 (5) One appointed by the majority leader of the Senate who is a
430 representative of the Connecticut Alliance to End Sexual Violence;

431 (6) One appointed by the minority leader of the House of
432 Representatives, who is (A) a representative of an entity named as a
433 defendant in a civil action for sexual abuse, sexual exploitation or
434 sexual assault; or (B) a lawyer who has represented two or more clients
435 named as a defendant in a civil action for sexual abuse, sexual
436 exploitation or sexual assault;

437 (7) One appointed by the minority leader of the Senate;

438 (8) The executive director of the Connecticut Trial Lawyers
439 Association, or said executive director's designee; and

440 (9) One appointed by the Chief Court Administrator, who is a judge
441 of the Superior Court or who previously served as a judge of the
442 Superior Court.

443 (c) Any member of the task force appointed under subdivision (1),
444 (2), (3) or (6) of subsection (b) of this section may be a member of the
445 General Assembly.

446 (d) All appointments to the task force shall be made not later than
447 thirty days after the effective date of this section. Any vacancy shall be
448 filled by the appointing authority.

449 (e) The person jointly appointed by the speaker of the House of
450 Representatives and the president pro tempore of the Senate under
451 subdivision (3) of subsection (b) of this section shall serve as the
452 chairperson of the task force. The chairperson shall schedule the first

453 meeting of the task force, which shall be held not later than sixty days
454 after the effective date of this section.

455 (f) The administrative staff of the joint standing committee of the
456 General Assembly having cognizance of matters relating to the
457 judiciary shall serve as administrative staff of the task force.

458 (g) Not later than January 15, 2020, the task force shall submit a
459 report on its findings and recommendations to the joint standing
460 committee of the General Assembly having cognizance of matters
461 relating to the judiciary, in accordance with the provisions of section
462 11-4a of the general statutes. The task force shall terminate on the date
463 that it submits such report or January 15, 2020, whichever is later.

464 Sec. 15. Section 53a-72a of the general statutes is repealed and the
465 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

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

479 Sec. 16. Section 53a-73a of the general statutes is repealed and the
480 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

483 thirteen years of age and the actor is more than two years older than
484 such other person, or (B) thirteen years of age or older but under
485 fifteen years of age and the actor is more than three years older than
486 such other person, or (C) [mentally incapacitated or] impaired because
487 of mental disability or disease to the extent that such other person is
488 unable to consent to such sexual contact, or (D) physically helpless, or
489 (E) less than eighteen years old and the actor is such other person's
490 guardian or otherwise responsible for the general supervision of such
491 other person's welfare, or (F) in custody of law or detained in a
492 hospital or other institution and the actor has supervisory or
493 disciplinary authority over such other person; or (2) such person
494 subjects another person to sexual contact without such other person's
495 consent; or (3) such person engages in sexual contact with an animal or
496 dead body; or (4) such person is a psychotherapist and subjects
497 another person to sexual contact who is (A) a patient of the actor and
498 the sexual contact occurs during the psychotherapy session, or (B) a
499 patient or former patient of the actor and such patient or former
500 patient is emotionally dependent upon the actor, or (C) a patient or
501 former patient of the actor and the sexual contact occurs by means of
502 therapeutic deception; or (5) such person subjects another person to
503 sexual contact and accomplishes the sexual contact by means of false
504 representation that the sexual contact is for a bona fide medical
505 purpose by a health care professional; or (6) such person is a school
506 employee and subjects another person to sexual contact who is a
507 student enrolled in a school in which the actor works or a school under
508 the jurisdiction of the local or regional board of education which
509 employs the actor; or (7) such person is a coach in an athletic activity or
510 a person who provides intensive, ongoing instruction and subjects
511 another person to sexual contact who is a recipient of coaching or
512 instruction from the actor and (A) is a secondary school student and
513 receives such coaching or instruction in a secondary school setting, or
514 (B) is under eighteen years of age; or (8) such person subjects another
515 person to sexual contact and (A) the actor is twenty years of age or
516 older and stands in a position of power, authority or supervision over
517 such other person by virtue of the actor's professional, legal,

518 occupational or volunteer status and such other person's participation
519 in a program or activity, and (B) such other person is under eighteen
520 years of age; or (9) such person subjects another person to sexual
521 contact who is placed or receiving services under the direction of the
522 Commissioner of Developmental Services in any public or private
523 facility or program and the actor has supervisory or disciplinary
524 authority over such other person.

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

528 Sec. 17. Section 54-193 of the general statutes is repealed and the
529 following is substituted in lieu thereof (*Effective October 1, 2019, and*
530 *applicable to any offense committed on or after October 1, 2019, and to any*
531 *offense committed prior to October 1, 2019, for which the statute of*
532 *limitations in effect at the time of the commission of the offense had not yet*
533 *expired as of October 1, 2019*):

534 (a) There shall be no limitation of time within which a person may
535 be prosecuted for (1) (A) a capital felony under the provisions of
536 section 53a-54b in effect prior to April 25, 2012, a class A felony or a
537 violation of section 53a-54d or 53a-169, or (B) any other offense
538 involving sexual abuse, sexual exploitation or sexual assault if the
539 victim of the offense was a minor at the time of the offense, including,
540 but not limited to, a violation of subdivision (2) of subsection (a) of
541 section 53-21, (2) a violation of section 53a-165aa or 53a-166 in which
542 such person renders criminal assistance to another person who has
543 committed an offense set forth in subdivision (1) of this subsection, (3)
544 a violation of section 53a-156 committed during a proceeding that
545 results in the conviction of another person subsequently determined to
546 be actually innocent of the offense or offenses of which such other
547 person was convicted, or (4) a motor vehicle violation or offense that
548 resulted in the death of another person and involved a violation of
549 subsection (a) of section 14-224.

550 (b) (1) Except as provided in subsection (a) of this section or
551 subdivision (2) of this subsection, no person may be prosecuted for a
552 violation of a (A) class B felony violation of section 53a-70, 53a-70a or
553 53a-70b, (B) class C felony violation of section 53a-71 or 53a-72b, or (C)
554 class D felony violation of section 53a-72a, as amended by this act,
555 except within twenty years next after the offense has been committed.

556 (2) Except as provided in subsection (a) of this section, no person
557 may be prosecuted for any offense involving sexual abuse, sexual
558 exploitation or sexual assault of a victim if the victim was eighteen,
559 nineteen or twenty years of age at the time of the offense, except not
560 later than thirty years next after such victim attains the age of twenty-
561 one years.

562 (3) No person may be prosecuted for a class A misdemeanor
563 violation of section 53a-73a if the victim at the time of the offense was
564 twenty-one years of age or older, except within ten years next after the
565 offense has been committed.

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

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

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

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

581 Sec. 18. Subdivision (2) of section 54-250 of the general statutes is
582 repealed and the following is substituted in lieu thereof (*Effective*
583 *October 1, 2019*):

584 (2) "Criminal offense against a victim who is a minor" means (A) a
585 violation of subdivision (2) of section 53-21 of the general statutes in
586 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
587 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
588 subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of
589 subsection (a) of section 53a-71, subdivision [(2)] (3) of subsection (a) of
590 section 53a-72a, as amended by this act, subdivision (2) of subsection
591 (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87,
592 section 53a-90a, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or
593 53a-196f, (B) a violation of subparagraph (A) of subdivision (9) of
594 subsection (a) of section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-
595 94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that,
596 at the time of the offense, the victim was under eighteen years of age,
597 (C) a violation of any of the offenses specified in subparagraph (A) or
598 (B) of this subdivision for which a person is criminally liable under
599 section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor
600 statute to any offense specified in subparagraph (A), (B) or (C) of this
601 subdivision the essential elements of which are substantially the same
602 as said offense.

603 Sec. 19. Subsection (c) of section 12-660 of the general statutes is
604 repealed and the following is substituted in lieu thereof (*Effective*
605 *October 1, 2019*):

606 (c) Notwithstanding the provisions of subsection [(b)] (c) of section
607 54-193, as amended by this act, a person may be prosecuted for a
608 violation of any provision of this chapter more than five years after
609 such violation.

610 Sec. 20. Subdivision (3) of subsection (m) of section 54-56d of the
611 general statutes is repealed and the following is substituted in lieu
612 thereof (*Effective October 1, 2019*):

613 (3) If the court orders the release of a defendant charged with the
614 commission of a crime that resulted in the death or serious physical
615 injury, as defined in section 53a-3, of another person, or with a
616 violation of subdivision (2) of subsection (a) of section 53-21,
617 subdivision (2) of subsection (a) of section 53a-60 or section 53a-60a,
618 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, or orders the
619 placement of such defendant in the custody of the Commissioner of
620 Mental Health and Addiction Services or the Commissioner of
621 Developmental Services, the court may, on its own motion or on
622 motion of the prosecuting authority, order, as a condition of such
623 release or placement, periodic examinations of the defendant as to the
624 defendant's competency at intervals of not less than six months. If, at
625 any time after the initial periodic examination, the court finds again,
626 based upon an examiner's recommendation, that there is a substantial
627 probability that the defendant, if provided with a course of treatment,
628 will never regain competency, then any subsequent periodic
629 examination of the defendant as to the defendant's competency shall
630 be at intervals of not less than eighteen months. Such an examination
631 shall be conducted in accordance with subsection (d) of this section.
632 Periodic examinations ordered by the court under this subsection shall
633 continue until the court finds that the defendant has attained
634 competency or until the time within which the defendant may be
635 prosecuted for the crime with which the defendant is charged, as
636 provided in section 54-193, [or 54-193a,] has expired, whichever occurs
637 first.

638 Sec. 21. Subdivision (5) of subsection (m) of section 54-56d of the
639 general statutes is repealed and the following is substituted in lieu
640 thereof (*Effective October 1, 2019*):

641 (5) The court shall dismiss, with or without prejudice, any charges
642 for which a nolle prosequi is not entered when the time within which
643 the defendant may be prosecuted for the crime with which the
644 defendant is charged, as provided in section 54-193, [or 54-193a,] has
645 expired. Notwithstanding the record erasure provisions of section 54-
646 142a, police and court records and records of any state's attorney

647 pertaining to a charge which is nolleed or dismissed without prejudice
 648 while the defendant is not competent shall not be erased until the time
 649 for the prosecution of the defendant expires under section 54-193. [or
 650 54-193a.] A defendant who is not civilly committed as a result of an
 651 application made by the Commissioner of Mental Health and
 652 Addiction Services, the Commissioner of Children and Families or the
 653 Commissioner of Developmental Services pursuant to this section shall
 654 be released. A defendant who is civilly committed pursuant to such an
 655 application shall be treated in the same manner as any other civilly
 656 committed person.

657 Sec. 22. Section 54-193b of the general statutes is repealed and the
 658 following is substituted in lieu thereof (*Effective October 1, 2019*):

659 Notwithstanding the provisions of [sections] section 54-193, [and 54-
 660 193a,] there shall be no limitation of time within which a person may
 661 be prosecuted for a violation of section 53a-70, 53a-70a, 53a-70b, 53a-
 662 71, 53a-72a or 53a-72b, provided (1) the victim notified any police
 663 officer or state's attorney acting in such police officer's or state's
 664 attorney's official capacity of the commission of the offense not later
 665 than five years after the commission of the offense, and (2) the identity
 666 of the person who allegedly committed the offense has been
 667 established through a DNA (deoxyribonucleic acid) profile comparison
 668 using evidence collected at the time of the commission of the offense.

669 Sec. 23. Section 54-193a of the general statutes is repealed. (*Effective*
 670 *October 1, 2019*)"

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>	New section
Sec. 9	<i>October 1, 2019</i>	46a-97
Sec. 10	<i>October 1, 2019</i>	46a-104
Sec. 11	<i>October 1, 2019</i>	46a-55
Sec. 12	<i>October 1, 2019</i>	New section
Sec. 13	<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. 14	<i>from passage</i>	New section
Sec. 15	<i>October 1, 2019</i>	53a-72a
Sec. 16	<i>October 1, 2019</i>	53a-73a
Sec. 17	<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. 18	<i>October 1, 2019</i>	54-250(2)
Sec. 19	<i>October 1, 2019</i>	12-660(c)
Sec. 20	<i>October 1, 2019</i>	54-56d(m)(3)
Sec. 21	<i>October 1, 2019</i>	54-56d(m)(5)
Sec. 22	<i>October 1, 2019</i>	54-193b
Sec. 23	<i>October 1, 2019</i>	Repealer section