

OFFICE OF FISCAL ANALYSIS

Legislative Office Building, Room 5200
Hartford, CT 06106 ◊ (860) 240-0200
<http://www.cga.ct.gov/ofa>

SB-3

AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

AMENDMENT

LCO No.: 10467

File Copy No.: 852

House Calendar No.: 613

Senate Calendar No.: 448

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Human Rights & Opportunities, Com.	GF - Cost	150,791	146,791
State Comptroller - Fringe Benefits ¹	GF - Cost	48,930	48,930
Human Rights & Opportunities, Com.	GF - Potential Revenue Gain	Up to \$15,000	Up to \$15,000
Pub. Defender Serv. Com.	GF - Potential Cost	See Below	See Below
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Various State Agencies	All Funds - Potential Cost	See Below	See Below

Note: GF=General Fund; All Funds=All Funds

Municipal Impact:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	STATE MANDATE ²	See Below	See Below

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

Primary Analyst: MG
Contributing Analyst(s):

6/1/19
(SM)

	- Potential Cost		
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Explanation

The amendment strikes the underlying bill as amended by Senate "A" and its associated fiscal impact.

Sections 1, 3, and 7 expand requirements for employers on training employees regarding sexual harassment laws and providing related information, as well as require the Commission on Human Rights and Opportunities (CHRO) to make related training materials available.

The amendment expands requirements for employers with more than twenty-five employees to train them on sexual harassment laws. No impact is anticipated to other state agencies or municipalities as CHRO is required to make available such training to employers under the amendment.

To the extent that an essential state or municipal employee's shift needs to be covered during training, there may be a potential cost to cover the work responsibilities of the employee. For example, the replacement cost of a State Police Trooper would be at least \$30/hour or possibly higher if overtime was used to cover the employee's shift.

The amendment requires CHRO to develop and make available, at no cost to employers, an online training and education video or other interactive method that fulfills the amendment's training requirements. It further requires CHRO to develop and include on its website a link about the illegality of sexual harassment and the remedies available to victims.

CHRO will need to hire one Human Rights Attorney 1 and one Human Rights Trainee at a cost of \$118,791 in FY 20 and FY 21, and

² State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

associated fringe benefit costs of \$48,930 each year. The Attorney 1 will be responsible for developing and maintaining the training materials to ensure they comply with law, as well as responding to law related employer questions. The Human Rights Trainee will assist with the preparation of training materials, the development of the training module, and providing live responses to questions during training. CHRO will require one-time funding of \$4,000 in FY 20 in order to purchase equipment, such as a video editing computer and webcam/microphone to implement the interactive training. In addition, they will need \$3,000 in each fiscal year for webinar and other software related subscriptions.

Section 7 also subjects employers to a fine of up to \$250 if they fail to provide the training and education as required. As this section permits the CHRO executive director to designate a representative to enter an employer's place of business for the purpose of ensuring compliance with the provisions of this amendment, it is anticipated up to approximately \$10,000 in fines may be generated.

Section 2 expands the definition of "discriminatory practice" in the CHRO statutes, adding new violations under this definition and allowing individuals aggrieved by such violations to file a complaint with CHRO. No fiscal impact is anticipated as CHRO has the expertise to handle additional complaints as a result of this provision.

Section 6 creates a process for magistrates to also preside over CHRO hearings under certain circumstances. It allows the Chief Human Rights Referee to request such an appointment when there are more than 100 CHRO complaints pending for public hearings, and results in a cost of approximately \$25,000 per year.

Section 9 allows the CHRO executive director, through the supervising attorney, to assign CHRO legal counsel to bring a civil action concerning an alleged discriminatory practice instead of a case proceeding to an administrative hearing under certain circumstances. Under the amendment, if the court finds the respondent committed a discriminatory practice, the respondent must pay a civil penalty of up

to \$2,500 to be deposited to the General Fund. It is anticipated approximately \$5,000 in civil penalties a year will be generated.

Section 10 and 11 impact civil actions only and do not result in a fiscal impact.

Section 12 and 13 increases the penalty for sexual assault when the victim is mentally incapacitated and unable to consent and results in a potential cost for incarceration or probation supervision and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800³ while the average marginal cost for supervision in the community is less than \$700⁴ each year.

Sections 14 extends the statute of limitation for specified sexual assault crimes from five years to 10 years and results in a potential cost to the Division of Public Defenders. While the majority of new cases would be assigned to state public defenders, any cases that present a conflict of interest would be assigned to outside counsel, at a cost of approximately \$7,000 per case. In addition, any cases that require offender evaluation or expert witnesses would result in a cost of approximately \$3,000 per case.

To the extent that additional offenders are convicted due to the elimination of the statute of limitation, the bill results in a potential cost to the Department of Correction and Judicial Department for incarceration and probation supervision. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800⁵ while

³ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

⁴ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

⁵ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

the average marginal cost for supervision in the community is less than \$700⁶ each year. In addition, the increased convictions may result in revenue from fines.

Sections 15-17 make clarifying changes and do not result in a fiscal impact.

Sections 4, 5, and 8 have no fiscal impact.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

⁶ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.