



PA 21-128—sSB 363

Judiciary Committee

AN ACT CONCERNING THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL

SUMMARY: This act expands the attorney general’s powers to include (1) investigating allegations of certain hate crimes and civil rights violations; (2) initiating related legal proceedings, with certain exceptions; and (3) seeking relief for the affected person. When conducting investigations, the attorney general may issue subpoenas and interrogatories consistent with how he investigates Connecticut Antitrust Act violations. But the act prohibits information obtained from these investigations from being used in any criminal proceeding.

The act specifies that its provisions do not allow the attorney general to assert a claim against a state agency or a state officer or employee whose act or omission was done in his or her official capacity unless he determines that the officer or employee is not entitled to indemnification under the law.

The act also establishes a civil penalty, directed to the General Fund, of up to \$2,500 for such a hate crime or civil rights violation established by clear and convincing evidence.

Under the act, the person affected by the hate crime or civil rights violation retains the right to bring a civil action in court and to file a Commission on Human Rights and Opportunities (CHRO) complaint. However, the act prohibits the attorney general from bringing an action while a case before CHRO is pending that involves the same parties and alleged facts and circumstances.

The act also specifies that its civil rights provision does not limit CHRO’s jurisdiction, and it authorizes the attorney general to refer cases to CHRO as appropriate. It also requires the attorney general to post information on the office’s website about properly filing a CHRO complaint.

EFFECTIVE DATE: July 1, 2021

§§ 1 & 2 — APPLICABILITY

The act applies to allegations of:

1. 1st, 2nd, or 3rd degree intimidation based on bigotry or bias (commonly called “hate crimes”) (PA 21-78, §§ 17-19, effective October 1, 2021, specifies that this includes actions motivated in whole or in substantial part by bigotry or bias);
2. conduct that subjects someone, or causes him or her to be subject, to the deprivation of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions or laws (i.e., civil rights); or
3. conduct that interferes, or attempts to interfere by threats, intimidation, or coercion, with another individual’s exercise or enjoyment of any rights,

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privileges, or immunities secured by the U.S. or Connecticut constitutions or laws.

§ 1 — HATE CRIMES

Civil Action in the State's Name

Under the act, if the attorney general finds that a person has committed a hate crime, he may bring a civil action in the state's name against the person in the Superior Court for the judicial district where the act occurred.

Relief

The act allows the attorney general to obtain any relief that the affected person may be entitled to by law. This includes treble damages; a civil penalty of up to \$2,500 per violation, as long as the violation is established by clear and convincing evidence; and declaratory, injunctive, or equitable relief that the attorney general determines is necessary to vindicate the public's interests. Any civil penalty received must be deposited in the General Fund.

§ 2 — CIVIL RIGHTS VIOLATIONS

Civil or Administrative Action in the State's Name

The act allows the attorney general to investigate, intervene in, or bring a civil or administrative action in the state's name seeking injunctive or declaratory relief, damages, and any other relief that may be available under law, whenever any person is engaged in conduct that violates another person's civil rights as described above.

However, the act prohibits the attorney general from bringing an action for a civil rights violation that would otherwise be barred under the applicable statute of limitations or repose.

Relief

Under the act, if the attorney general prevails in such a civil action, the court must order the distribution of any award of damages to the injured person. In a case involving the interference or attempted interference with a right protected by the U.S. or state constitution, the court may also impose civil penalties against each defendant for up to \$2,500 per violation, as long as the violation is established by clear and convincing evidence. Any civil penalty received must be deposited in the General Fund.

Assurance of Discontinuance

In lieu of bringing a civil action, the act allows the attorney general to accept

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an assurance of the discontinuance of any allegedly unlawful or unconstitutional practice from anyone engaged in the practice. Under the act, any evidence of a violation of the assurance constitutes prima facie proof of a violation of the applicable law or right in any action the attorney general commences.