



General Assembly

January Session, 2021

**Substitute Bill No. 363**



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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2021*) (a) The Attorney General may  
2 investigate the facts and circumstances concerning any alleged violation  
3 of section 53a-181j, 53a-181k or 53a-181l of the general statutes, and in  
4 connection with such investigation, issue subpoenas and written  
5 interrogatories in the same manner and to the same extent as is provided  
6 in section 35-42 of the general statutes. No information obtained  
7 pursuant to the provisions of this subsection may be used in a criminal  
8 proceeding.

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

14 (c) In any such action, the Attorney General may obtain, for the  
15 benefit of a person adversely affected by a violation of section 53a-181j,  
16 53a-181k or 53a-181l of the general statutes, any relief to which such  
17 person may be entitled by law, including treble damages; a civil penalty  
18 not to exceed two thousand five hundred dollars, per violation,

19 provided such violation has been established by clear and convincing  
20 evidence; and declaratory, injunctive or equitable relief that the  
21 Attorney General determines is necessary to vindicate the public's  
22 interests. Any civil penalty that is received pursuant to this subsection  
23 shall be deposited in the General Fund.

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

32 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) The Attorney General may  
33 investigate, intervene in or bring a civil or administrative action in the  
34 name of the state, seeking injunctive or declaratory relief, damages, and  
35 any other relief that may be available under law, whenever any person  
36 is or has engaged in a practice or pattern of conduct that:

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

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

44 (b) In conducting any investigation under this section, the Attorney  
45 General may issue subpoenas and interrogatories, and otherwise gather  
46 information, in the same manner and to the same extent as is provided  
47 in section 35-42 of the general statutes. No information obtained  
48 pursuant to the provisions of this subsection may be used in a criminal  
49 proceeding.

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

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

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

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

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

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

79 (i) The Attorney General shall post on the Attorney General's Internet  
80 web site information on how to properly file a complaint with the

81 Commission on Human Rights and Opportunities. The Attorney  
82 General may, as appropriate, refer cases to the Commission on Human  
83 Rights and Opportunities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section

**Statement of Legislative Commissioners:**

The first sentence of Section 2 (i) was rewritten for clarity.

**JUD**      *Joint Favorable Subst. -LCO*