



Substitute Senate Bill No. 363

Public Act No. 21-128

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

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

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

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

(c) In any such action, the Attorney General may obtain, for the benefit of a person adversely affected by a violation of section 53a-181j, 53a-181k or 53a-181l of the general statutes, any relief to which such person may be entitled by law, including treble damages; a civil penalty

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not to exceed two thousand five hundred dollars, per violation, provided such violation has been 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 that is received pursuant to this subsection shall be deposited in the General Fund.

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

(e) Nothing in this section shall permit the Attorney General to assert any claim against a state agency or a state officer or state employee in such officer's or employee's official capacity, regarding actions or omissions of such state agency, state officer or state employee. If the Attorney General determines that a state officer or state employee is not entitled to indemnification under section 5-141d of the general statutes, the Attorney General may, as relates to such officer or employee, take any action authorized under this section.

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

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

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

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

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

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

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

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

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

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

(i) The Attorney General shall post on the Attorney General's Internet web site information on how to properly file a complaint with the Commission on Human Rights and Opportunities. The Attorney General may, as appropriate, refer cases to the Commission on Human Rights and Opportunities.

(j) Nothing in this section shall permit the Attorney General to assert any claim against a state agency or a state officer or state employee in such officer's or employee's official capacity, regarding actions or omissions of such state agency, state officer or state employee. If the Attorney General determines that a state officer or state employee is not entitled to indemnification under section 5-141d of the general statutes, the Attorney General may, as relates to such officer or employee, take any action authorized under this section.

Approved July 7, 2021