



# House of Representatives

**File No. 760**

General Assembly

January Session, 2023

**(Reprint of File No. 615)**

House Bill No. 6638  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 11, 2023

**AN ACT REVISING THE STATE'S ANTIDISCRIMINATION STATUTES.**

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

1 Section 1. Section 46a-58 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) It shall be a discriminatory practice in violation of this section for  
4 any person to subject, or cause to be subjected, any other person to the  
5 deprivation of any rights, privileges or immunities, secured or protected  
6 by the Constitution or laws of this state or of the United States, on  
7 account of religion, national origin, alienage, color, race, sex, gender  
8 identity or expression, sexual orientation, blindness, mental disability,  
9 physical disability, age, status as a veteran or status as a victim of  
10 domestic violence.

11 (b) Any person who intentionally desecrates any public property,  
12 monument or structure, or any religious object, symbol or house of  
13 religious worship, or any cemetery, or any private structure not owned

14 by such person, shall be in violation of subsection (a) of this section. For  
15 the purposes of this subsection, "desecrate" means to mar, deface or  
16 damage as a demonstration of irreverence or contempt.

17 (c) Any person who places a burning cross or a simulation thereof on  
18 any public property, or on any private property without the written  
19 consent of the owner, and with intent to intimidate or harass any other  
20 person or group of persons, shall be in violation of subsection (a) of this  
21 section.

22 (d) Any person who places a noose or a simulation thereof on any  
23 public property, or on any private property without the written consent  
24 of the owner, and with intent to intimidate or harass any other person  
25 on account of religion, national origin, alienage, color, race, sex, gender  
26 identity or expression, sexual orientation, blindness, mental disability,  
27 physical disability, age, status as a veteran or status as a victim of  
28 domestic violence, shall be in violation of subsection (a) of this section.

29 (e) (1) Except as provided in subdivision (2) of this subsection, any  
30 person who violates any provision of this section shall be guilty of a  
31 class A misdemeanor and shall be fined not less than one thousand  
32 dollars, except that if property is damaged as a consequence of such  
33 violation in an amount in excess of one thousand dollars, such person  
34 shall be guilty of a class D felony and shall be fined not less than one  
35 thousand dollars.

36 (2) Any person who violates the provisions of this section by  
37 intentionally desecrating a house of religious worship (A) shall be guilty  
38 of a class D felony and shall be fined not less than one thousand dollars  
39 if property is damaged as a consequence of such violation in an amount  
40 up to and including ten thousand dollars, and (B) shall be guilty of a  
41 class C felony and shall be fined not less than three thousand dollars if  
42 the property damaged as a consequence of such violation is in an  
43 amount in excess of ten thousand dollars.

44 (3) The minimum amount of any fine imposed by the provisions of  
45 this section may not be remitted or reduced by the court unless the court

46 states on the record its reasons for remitting or reducing such fine.

47 (4) The court may order restitution for any victim of a violation of this  
48 section pursuant to subsection (c) of section 53a-28.

49 Sec. 2. Section 46a-51 of the general statutes is repealed and the  
50 following is substituted in lieu thereof (*Effective July 1, 2023*):

51 As used in section 4a-60a and this chapter:

52 (1) "Blind" refers to an individual whose central visual acuity does  
53 not exceed 20/200 in the better eye with correcting lenses, or whose  
54 visual acuity is greater than 20/200 but is accompanied by a limitation  
55 in the fields of vision such that the widest diameter of the visual field  
56 subtends an angle no greater than twenty degrees;

57 (2) "Commission" means the Commission on Human Rights and  
58 Opportunities created by section 46a-52;

59 (3) "Commission legal counsel" means a member of the legal staff  
60 employed by the commission pursuant to section 46a-54;

61 (4) "Commissioner" means a member of the commission;

62 (5) "Court" means the Superior Court or any judge of said court;

63 (6) "Discrimination" includes segregation and separation;

64 (7) "Discriminatory employment practice" means any discriminatory  
65 practice specified in subsection (b), (d), (e) or (f) of section 31-51i or  
66 section 46a-60 or 46a-81c;

67 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-  
68 60a, 4a-60g, 31-40y, subsection (b), (d), (e) or (f) of section 31-51i,  
69 subparagraph (C) of subdivision (15) of section 46a-54, subdivisions (16)  
70 and (17) of section 46a-54, section 46a-58, as amended by this act, 46a-  
71 59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive,  
72 or 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80 or sections

73 46a-81b to 46a-81o, inclusive, and sections 46a-80b to 46a-80e, inclusive,  
74 and sections 46a-80k to 46a-80m, inclusive;

75 (9) "Employee" means any person employed by an employer but shall  
76 not include any individual employed by such individual's parents,  
77 spouse or child. "Employee" includes any elected or appointed official  
78 of a municipality, board, commission, counsel or other governmental  
79 body;

80 (10) "Employer" includes the state and all political subdivisions  
81 thereof and means any person or employer with one or more persons in  
82 such person's or employer's employ;

83 (11) "Employment agency" means any person undertaking with or  
84 without compensation to procure employees or opportunities to work;

85 (12) "Labor organization" means any organization which exists for the  
86 purpose, in whole or in part, of collective bargaining or of dealing with  
87 employers concerning grievances, terms or conditions of employment,  
88 or of other mutual aid or protection in connection with employment;

89 (13) "Intellectual disability" means intellectual disability as defined in  
90 section 1-1g;

91 (14) "Person" means one or more individuals, partnerships,  
92 associations, corporations, limited liability companies, legal  
93 representatives, trustees, trustees in bankruptcy, receivers and the state  
94 and all political subdivisions and agencies thereof;

95 (15) "Physically disabled" refers to any individual who has any  
96 chronic physical handicap, infirmity or impairment, whether congenital  
97 or resulting from bodily injury, organic processes or changes or from  
98 illness, including, but not limited to, epilepsy, deafness or being hard of  
99 hearing or reliance on a wheelchair or other remedial appliance or  
100 device;

101 (16) "Respondent" means any person alleged in a complaint filed  
102 pursuant to section 46a-82 to have committed a discriminatory practice;

103 (17) "Discrimination on the basis of sex" includes but is not limited to  
104 discrimination related to pregnancy, child-bearing capacity,  
105 sterilization, fertility or related medical conditions;

106 (18) "Discrimination on the basis of religious creed" includes but is  
107 not limited to discrimination related to all aspects of religious  
108 observances and practice as well as belief, unless an employer  
109 demonstrates that the employer is unable to reasonably accommodate  
110 to an employee's or prospective employee's religious observance or  
111 practice without undue hardship on the conduct of the employer's  
112 business;

113 (19) "Learning disability" refers to an individual who exhibits a severe  
114 discrepancy between educational performance and measured  
115 intellectual ability and who exhibits a disorder in one or more of the  
116 basic psychological processes involved in understanding or in using  
117 language, spoken or written, which may manifest itself in a diminished  
118 ability to listen, speak, read, write, spell or to do mathematical  
119 calculations;

120 (20) "Mental disability" refers to an individual who has a record of, or  
121 is regarded as having one or more mental disorders, as defined in the  
122 most recent edition of the American Psychiatric Association's  
123 "Diagnostic and Statistical Manual of Mental Disorders"; and

124 (21) "Gender identity or expression" means a person's gender-related  
125 identity, appearance or behavior, whether or not that gender-related  
126 identity, appearance or behavior is different from that traditionally  
127 associated with the person's physiology or assigned sex at birth, which  
128 gender-related identity can be shown by providing evidence including,  
129 but not limited to, medical history, care or treatment of the gender-  
130 related identity, consistent and uniform assertion of the gender-related  
131 identity or any other evidence that the gender-related identity is  
132 sincerely held, part of a person's core identity or not being asserted for  
133 an improper purpose;

134 (22) "Veteran" means veteran as defined in subsection (a) of section

135 27-103;

136 (23) "Race" is inclusive of ethnic traits historically associated with  
137 race, including, but not limited to, hair texture and protective hairstyles;

138 (24) "Protective hairstyles" includes, but is not limited to, wigs,  
139 headwraps and hairstyles such as individual braids, cornrows, locs,  
140 twists, Bantu knots, afros and afro puffs; [and]

141 (25) "Domestic violence" has the same meaning as provided in  
142 subsection (b) of section 46b-1; and

143 (26) "Sexual orientation" means a person's identity in relation to the  
144 gender or genders to which they are romantically, emotionally or  
145 sexually attracted, inclusive of any identity that a person (A) may have  
146 previously expressed, or (B) is perceived by another person to hold.

147 Sec. 3. Subsection (d) of section 31-51q of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
149 *2023*):

150 (d) The provisions of this section shall not apply to a religious  
151 corporation, entity, association, educational institution or society that is  
152 exempt from the requirements of Title VII of the Civil Rights Act of 1964  
153 pursuant to 42 USC 2000e-1(a) or is exempt from sections 4a-60a, [46a-  
154 81a and] 46a-81b to 46a-81o, inclusive, pursuant to section 46a-81p, as  
155 amended by this act, with respect to speech on religious matters to  
156 employees who perform work connected with the activities undertaken  
157 by such religious corporation, entity, association, educational institution  
158 or society.

159 Sec. 4. Section 46a-81p of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective July 1, 2023*):

161 The provisions of sections 4a-60a and [46a-81a] 46a-81b to 46a-81o,  
162 inclusive, shall not apply to a religious corporation, entity, association,  
163 educational institution or society with respect to the employment of  
164 individuals to perform work connected with the carrying on by such

165 corporation, entity, association, educational institution or society of its  
 166 activities, or with respect to matters of discipline, faith, internal  
 167 organization or ecclesiastical rule, custom or law which are established  
 168 by such corporation, entity, association, educational institution or  
 169 society.

170 Sec. 5. Section 46a-81q of the general statutes is repealed and the  
 171 following is substituted in lieu thereof (*Effective July 1, 2023*):

172 The provisions of sections 4a-60a and [46a-81a] 46a-81b to 46a-81o,  
 173 inclusive, shall not apply to the conduct and administration of a ROTC  
 174 program established and maintained pursuant to 10 USC Sections 2101  
 175 to 2111, inclusive, as amended from time to time, and the regulations  
 176 thereunder, at an institution of higher education. For purposes of this  
 177 section, "ROTC" means the Reserve Officers' Training Corps.

178 Sec. 6. Section 46a-81a of the general statutes is repealed. (*Effective July*  
 179 *1, 2023*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	46a-58
Sec. 2	<i>July 1, 2023</i>	46a-51
Sec. 3	<i>July 1, 2023</i>	31-51q(d)
Sec. 4	<i>July 1, 2023</i>	46a-81p
Sec. 5	<i>July 1, 2023</i>	46a-81q
Sec. 6	<i>July 1, 2023</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do 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.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill changes the circumstances under which a behavior may be considered discriminatory, resulting in: (1) a potential cost for incarceration or probation beginning in FY 24, and (2) a potential revenue gain from fines beginning in FY 24.

**Section 1** adds age to the list of reasons a person cannot be discriminated against, and **Section 2** revises the definition of sexual orientation for the purposes of the state's anti-discrimination laws.

On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500<sup>1</sup> while the average marginal cost for supervision in the community is less than \$800<sup>2</sup> each year.

<sup>1</sup>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.

<sup>2</sup> 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.



The bill also makes other changes that have no fiscal impact to the state or municipalities.

House "A" clarifies the definition of "sexual orientation", which has no fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses and number of fines assessed.

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**OLR Bill Analysis****HB 6638 (as amended by House "A")\*****AN ACT REVISING THE STATE'S ANTIDISCRIMINATION STATUTES.****SUMMARY**

In the state's antidiscrimination laws, this bill (1) adds "age" to the list of protected classes and (2) repeals the definition of the term "sexual orientation" and replaces it with a new one.

It also makes technical and conforming changes.

\*House Amendment "A" specifies that "sexual orientation" includes any identity that a person is perceived by another person to hold, relating to the gender or genders to which a person is romantically, emotionally, or sexually attracted.

EFFECTIVE DATE: July 1, 2023

**§ 1 — AGE AS A PROTECTED CLASS**

By law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental or physical disability, veteran status, or status as a domestic violence victim. The bill adds "age" to this list of protected classes, which authorizes the Commission on Human Rights and Opportunities (CHRO) to investigate claims of discrimination based on age.

Under existing law, this crime also includes placing a noose or simulation of one on public property, or on private property without the

owner’s written consent with the intent to harass someone because of any protected class listed above. The bill correspondingly adds “age” to this list of protected classes.

By law, a violation of these provisions is generally a class A misdemeanor; but, if the violation results in more than \$1,000 in property damage, then it is a class D felony. In either case, there is a minimum \$1,000 fine unless the court states on the record its reasons for reducing it.

**§§ 2-6 — SEXUAL ORIENTATION**

Under current antidiscrimination law, “sexual orientation” generally means having a preference for heterosexuality, homosexuality or bisexuality or having a history of or being identified with this preference. However, its definition expressly excludes any behavior that is a sex offense crime.

The bill redefines “sexual orientation” to means a person’s identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person may have previously expressed or is perceived by another person to hold. This new definition specifically applies to antidiscrimination laws subject to enforcement by CHRO, as well as laws prohibiting nondiscrimination in awarding agency, municipal public works and quasi-public agency project contracts.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 26 Nay 11 (03/28/2023)