



General Assembly

January Session, 2023

***Raised Bill No. 6638***

LCO No. 3790



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***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 Section 46a-58 of the general statutes is repealed and the  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 may have  
146 previously expressed or be perceived 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

**Statement of Purpose:**

To provide consistency in the listing of protected classes in the state's antidiscrimination statutes and revise the statutory definition of "sexual orientation".

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*