



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 Section 46a-58 of the general statutes is repealed and the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
6 protected by the Constitution or laws of this state or of the United
7 States, on account of religion, national origin, alienage, color, race, sex,
8 gender identity or expression, sexual orientation, blindness, mental
9 disability, physical disability, age, status as a veteran or status as a
10 victim of 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.
15 For the purposes of this subsection, "desecrate" means to mar, deface
16 or damage as a demonstration of irreverence or contempt.

17 (c) Any person who places a burning cross or a simulation thereof
18 on 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
21 this 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
24 consent of the owner, and with intent to intimidate or harass any other
25 person on account of religion, national origin, alienage, color, race, sex,
26 gender identity or expression, sexual orientation, blindness, mental
27 disability, physical disability, age, status as a veteran or status as a
28 victim of domestic violence, shall be in violation of subsection (a) of
29 this section.

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

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

45 (3) The minimum amount of any fine imposed by the provisions of
46 this section may not be remitted or reduced by the court unless the
47 court states on the record its reasons for remitting or reducing such
48 fine.

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

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

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

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

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

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

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

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

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

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

69 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
70 60a, 4a-60g, 31-40y, subsection (b), (d), (e) or (f) of section 31-51i,
71 subparagraph (C) of subdivision (15) of section 46a-54, subdivisions
72 (16) and (17) of section 46a-54, section 46a-58, as amended by this act,
73 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f,
74 inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80
75 or sections 46a-81b to 46a-81o, inclusive, and sections 46a-80b to 46a-
76 80e, inclusive, and sections 46a-80k to 46a-80m, inclusive;

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

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

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

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

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

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

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

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

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

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

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

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

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

138 (22) "Veteran" means veteran as defined in subsection (a) of section
139 27-103;

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

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

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

148 (26) "Sexual orientation" means a person's identity in relation to the
149 gender or genders to which they are romantically, emotionally or
150 sexually attracted, inclusive of any identity that a person may have
151 previously expressed or be perceived to hold.

152 Sec. 3. Subsection (d) of section 31-51q of the general statutes is
153 repealed and the following is substituted in lieu thereof (*Effective July*
154 *1, 2023*):

155 (d) The provisions of this section shall not apply to a religious
156 corporation, entity, association, educational institution or society that
157 is exempt from the requirements of Title VII of the Civil Rights Act of
158 1964 pursuant to 42 USC 2000e-1(a) or is exempt from sections 4a-60a,
159 [46a-81a and] 46a-81b to 46a-81o, inclusive, pursuant to section 46a-
160 81p, as amended by this act, with respect to speech on religious
161 matters to employees who perform work connected with the activities
162 undertaken by such religious corporation, entity, association,
163 educational institution or society.

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

166 The provisions of sections 4a-60a and [46a-81a] 46a-81b to 46a-81o,

167 inclusive, shall not apply to a religious corporation, entity, association,
 168 educational institution or society with respect to the employment of
 169 individuals to perform work connected with the carrying on by such
 170 corporation, entity, association, educational institution or society of its
 171 activities, or with respect to matters of discipline, faith, internal
 172 organization or ecclesiastical rule, custom or law which are established
 173 by such corporation, entity, association, educational institution or
 174 society.

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

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

183 Sec. 6. Section 46a-81a of the general statutes is repealed. (*Effective*
 184 *July 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

JUD *Joint Favorable*