



General Assembly

January Session, 2023

Raised Bill No. 1117

LCO No. 4731



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT PROVIDING PROTECTIONS FOR PERSONS WHO HAVE BEEN TRAFFICKED AND ADDITIONAL MEASURES TO PREVENT TRAFFICKING IN PERSONS.

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

1 Section 1. Subsection (b) of section 46a-60 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2023*):

4 (b) It shall be a discriminatory practice in violation of this section:

5 (1) For an employer, by the employer or the employer's agent, except
6 in the case of a bona fide occupational qualification or need, to refuse to
7 hire or employ or to bar or to discharge from employment any
8 individual or to discriminate against any individual in compensation or
9 in terms, conditions or privileges of employment because of the
10 individual's race, color, religious creed, age, sex, gender identity or
11 expression, marital status, national origin, ancestry, present or past
12 history of mental disability, intellectual disability, learning disability,
13 physical disability, including, but not limited to, blindness, status as a
14 veteran or status as a victim of domestic violence, sexual assault or

15 trafficking in persons;

16 (2) For any employment agency, except in the case of a bona fide
17 occupational qualification or need, to fail or refuse to classify properly
18 or refer for employment or otherwise to discriminate against any
19 individual because of such individual's race, color, religious creed, age,
20 sex, gender identity or expression, marital status, national origin,
21 ancestry, present or past history of mental disability, intellectual
22 disability, learning disability, physical disability, including, but not
23 limited to, blindness, status as a veteran or status as a victim of domestic
24 violence, sexual assault or trafficking in persons;

25 (3) For a labor organization, because of the race, color, religious creed,
26 age, sex, gender identity or expression, marital status, national origin,
27 ancestry, present or past history of mental disability, intellectual
28 disability, learning disability, physical disability, including, but not
29 limited to, blindness, status as a veteran or status as a victim of domestic
30 violence, sexual assault or trafficking in persons of any individual to
31 exclude from full membership rights or to expel from its membership
32 such individual or to discriminate in any way against any of its
33 members or against any employer or any individual employed by an
34 employer, unless such action is based on a bona fide occupational
35 qualification;

36 (4) For any person, employer, labor organization or employment
37 agency to discharge, expel or otherwise discriminate against any person
38 because such person has opposed any discriminatory employment
39 practice or because such person has filed a complaint or testified or
40 assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

41 (5) For any person, whether an employer or an employee or not, to
42 aid, abet, incite, compel or coerce the doing of any act declared to be a
43 discriminatory employment practice or to attempt to do so;

44 (6) For any person, employer, employment agency or labor
45 organization, except in the case of a bona fide occupational qualification
46 or need, to advertise employment opportunities in such a manner as to

47 restrict such employment so as to discriminate against individuals
48 because of their race, color, religious creed, age, sex, gender identity or
49 expression, marital status, national origin, ancestry, present or past
50 history of mental disability, intellectual disability, learning disability,
51 physical disability, including, but not limited to, blindness, status as a
52 veteran or status as a victim of domestic violence, sexual assault or
53 trafficking in persons;

54 (7) For an employer, by the employer or the employer's agent: (A) To
55 terminate a woman's employment because of her pregnancy; (B) to
56 refuse to grant to that employee a reasonable leave of absence for
57 disability resulting from her pregnancy; (C) to deny to that employee,
58 who is disabled as a result of pregnancy, any compensation to which
59 she is entitled as a result of the accumulation of disability or leave
60 benefits accrued pursuant to plans maintained by the employer; (D) to
61 fail or refuse to reinstate the employee to her original job or to an
62 equivalent position with equivalent pay and accumulated seniority,
63 retirement, fringe benefits and other service credits upon her signifying
64 her intent to return unless, in the case of a private employer, the
65 employer's circumstances have so changed as to make it impossible or
66 unreasonable to do so; (E) to limit, segregate or classify the employee in
67 a way that would deprive her of employment opportunities due to her
68 pregnancy; (F) to discriminate against an employee or person seeking
69 employment on the basis of her pregnancy in the terms or conditions of
70 her employment; (G) to fail or refuse to make a reasonable
71 accommodation for an employee or person seeking employment due to
72 her pregnancy, unless the employer can demonstrate that such
73 accommodation would impose an undue hardship on such employer;
74 (H) to deny employment opportunities to an employee or person
75 seeking employment if such denial is due to the employee's request for
76 a reasonable accommodation due to her pregnancy; (I) to force an
77 employee or person seeking employment affected by pregnancy to
78 accept a reasonable accommodation if such employee or person seeking
79 employment (i) does not have a known limitation related to her
80 pregnancy, or (ii) does not require a reasonable accommodation to

81 perform the essential duties related to her employment; (J) to require an
82 employee to take a leave of absence if a reasonable accommodation can
83 be provided in lieu of such leave; and (K) to retaliate against an
84 employee in the terms, conditions or privileges of her employment
85 based upon such employee's request for a reasonable accommodation;

86 (8) For an employer, by the employer or the employer's agent, for an
87 employment agency, by itself or its agent, or for any labor organization,
88 by itself or its agent, to harass any employee, person seeking
89 employment or member on the basis of sex or gender identity or
90 expression. If an employer takes immediate corrective action in
91 response to an employee's claim of sexual harassment, such corrective
92 action shall not modify the conditions of employment of the employee
93 making the claim of sexual harassment unless such employee agrees, in
94 writing, to any modification in the conditions of employment.
95 "Corrective action" taken by an employer, includes, but is not limited to,
96 employee relocation, assigning an employee to a different work
97 schedule or other substantive changes to an employee's terms and
98 conditions of employment. Notwithstanding an employer's failure to
99 obtain a written agreement from an employee concerning a modification
100 in the conditions of employment, the commission may find that
101 corrective action taken by an employer was reasonable and not of
102 detriment to the complainant based on the evidence presented to the
103 commission by the complainant and respondent. As used in this
104 subdivision, "sexual harassment" means any unwelcome sexual
105 advances or requests for sexual favors or any conduct of a sexual nature
106 when (A) submission to such conduct is made either explicitly or
107 implicitly a term or condition of an individual's employment, (B)
108 submission to or rejection of such conduct by an individual is used as
109 the basis for employment decisions affecting such individual, or (C)
110 such conduct has the purpose or effect of substantially interfering with
111 an individual's work performance or creating an intimidating, hostile or
112 offensive working environment;

113 (9) For an employer, by the employer or the employer's agent, for an
114 employment agency, by itself or its agent, or for any labor organization,

115 by itself or its agent, to request or require information from an
116 employee, person seeking employment or member relating to the
117 individual's child-bearing age or plans, pregnancy, function of the
118 individual's reproductive system, use of birth control methods, or the
119 individual's familial responsibilities, unless such information is directly
120 related to a bona fide occupational qualification or need, provided an
121 employer, through a physician may request from an employee any such
122 information which is directly related to workplace exposure to
123 substances which may cause birth defects or constitute a hazard to an
124 individual's reproductive system or to a fetus if the employer first
125 informs the employee of the hazards involved in exposure to such
126 substances;

127 (10) For an employer, by the employer or the employer's agent, after
128 informing an employee, pursuant to subdivision (9) of this subsection,
129 of a workplace exposure to substances which may cause birth defects or
130 constitute a hazard to an employee's reproductive system or to a fetus,
131 to fail or refuse, upon the employee's request, to take reasonable
132 measures to protect the employee from the exposure or hazard
133 identified, or to fail or refuse to inform the employee that the measures
134 taken may be the subject of a complaint filed under the provisions of
135 this chapter. Nothing in this subdivision is intended to prohibit an
136 employer from taking reasonable measures to protect an employee from
137 exposure to such substances. For the purpose of this subdivision,
138 "reasonable measures" are those measures which are consistent with
139 business necessity and are least disruptive of the terms and conditions
140 of the employee's employment;

141 (11) For an employer, by the employer or the employer's agent, for an
142 employment agency, by itself or its agent, or for any labor organization,
143 by itself or its agent: (A) To request or require genetic information from
144 an employee, person seeking employment or member, or (B) to
145 discharge, expel or otherwise discriminate against any person on the
146 basis of genetic information. For the purpose of this subdivision,
147 "genetic information" means the information about genes, gene
148 products or inherited characteristics that may derive from an individual

149 or a family member;

150 (12) For an employer, by the employer or the employer's agent, to
151 request or require a prospective employee's age, date of birth, dates of
152 attendance at or date of graduation from an educational institution on
153 an initial employment application, provided the provisions of this
154 subdivision shall not apply to any employer requesting or requiring
155 such information (A) based on a bona fide occupational qualification or
156 need, or (B) when such information is required to comply with any
157 provision of state or federal law; and

158 (13) (A) For an employer or the employer's agent to deny an employee
159 a reasonable leave of absence in order to: (i) Seek attention for injuries
160 caused by domestic violence including for a child who is a victim of
161 domestic violence, provided the employee is not the perpetrator of the
162 domestic violence against the child; (ii) obtain services including safety
163 planning from a domestic violence agency or rape crisis center, as those
164 terms are defined in section 52-146k, as a result of domestic violence;
165 (iii) obtain psychological counseling related to an incident or incidents
166 of domestic violence, including for a child who is a victim of domestic
167 violence, provided the employee is not the perpetrator of the domestic
168 violence against the child; (iv) take other actions to increase safety from
169 future incidents of domestic violence, including temporary or
170 permanent relocation; or (v) obtain legal services, assisting in the
171 prosecution of the offense, or otherwise participate in legal proceedings
172 in relation to the incident or incidents of domestic violence.

173 (B) An employee who is absent from work in accordance with the
174 provisions of subparagraph (A) of this subdivision shall, within a
175 reasonable time after the absence, provide a certification to the employer
176 when requested by the employer. Such certification shall be in the form
177 of: (i) A police report indicating that the employee or the employee's
178 child was a victim of domestic violence; (ii) a court order protecting or
179 separating the employee or employee's child from the perpetrator of an
180 act of domestic violence; (iii) other evidence from the court or
181 prosecuting attorney that the employee appeared in court; or (iv)

182 documentation from a medical professional, domestic violence
183 counselor, as defined in section 52-146k, or other health care provider,
184 that the employee or the employee's child was receiving services,
185 counseling or treatment for physical or mental injuries or abuse
186 resulting in victimization from an act of domestic violence.

187 (C) Where an employee has a physical or mental disability resulting
188 from an incident or series of incidents of domestic violence, such
189 employee shall be treated in the same manner as an employee with any
190 other disability.

191 (D) To the extent permitted by law, employers shall maintain the
192 confidentiality of any information regarding an employee's status as a
193 victim of domestic violence.

194 Sec. 2. Subsection (a) of section 46b-16a of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective July 1,*
196 *2023*):

197 (a) Any person who has been the victim of sexual abuse, sexual
198 assault or stalking may make an application to the Superior Court for
199 relief under this section, provided such person has not obtained any
200 other court order of protection arising out of such abuse, assault or
201 stalking and does not qualify to seek relief under section 46b-15. As used
202 in this section, "stalking" means two or more wilful acts, performed in a
203 threatening, predatory or disturbing manner of: Harassing, following,
204 lying in wait for, surveilling, monitoring or sending unwanted gifts or
205 messages to another person directly, indirectly or through a third
206 person, by any method, device or other means, [that causes such person
207 to reasonably fear for his or her physical safety.]

208 Sec. 3. (NEW) (*Effective October 1, 2023*) No operator of a hotel, motel
209 or similar lodging may offer an hourly rate for any sleeping
210 accommodation maintained by such hotel, motel or similar lodging.

211 Sec. 4. (NEW) (*Effective October 1, 2023*) No operator of a hotel, motel
212 or similar lodging shall provide use of any sleeping accommodation

213 maintained by such hotel, motel or similar lodging to any person
214 without first establishing such person's identity by requiring such
215 person to present such person's motor vehicle operator's license, or any
216 other valid form of identification issued by the federal government or a
217 state or municipal government or an official passport, provided such
218 form of identification includes a photograph.

219 Sec. 5. Subsection (b) of section 46a-170 of the general statutes is
220 repealed and the following is substituted in lieu thereof (*Effective July 1,*
221 *2023*):

222 (b) The council shall consist of the following members: (1) The Chief
223 State's Attorney, or a designee; (2) the Chief Public Defender, or a
224 designee; (3) the Commissioner of Emergency Services and Public
225 Protection, or the commissioner's designee; (4) the Labor Commissioner,
226 or the commissioner's designee; (5) the Commissioner of Social Services,
227 or the commissioner's designee; (6) the Commissioner of Public Health,
228 or the commissioner's designee; (7) the Commissioner of Mental Health
229 and Addiction Services, or the commissioner's designee; (8) the
230 Commissioner of Children and Families, or the commissioner's
231 designee; (9) the Commissioner of Consumer Protection, or the
232 commissioner's designee; (10) the Commissioner of Developmental
233 Services, or the commissioner's designee; (11) the director of the Basic
234 Training Division of the Police Officer Standards and Training Council,
235 or the director's designee; [(11)] (12) the Child Advocate, or the Child
236 Advocate's designee; [(12)] (13) the Victim Advocate, or the Victim
237 Advocate's designee; [(13)] (14) a chairperson of the Commission on
238 Women, Children, Seniors, Equity and Opportunity, or the
239 chairperson's designee; [(14)] (15) one representative of the Office of
240 Victim Services of the Judicial Branch appointed by the Chief Court
241 Administrator; [(15)] (16) a municipal police chief appointed by the
242 Connecticut Police Chiefs Association, or a designee; [(16)] (17) the
243 Commissioner of Education, or the commissioner's designee; [(17)] (18)
244 an adult victim of trafficking, appointed by the Governor; [(18)] (19) a
245 judge of the Superior Court, appointed by the Chief Court
246 Administrator; [(19)] (20) a state's attorney appointed by the Chief

247 State's Attorney; [(20)] (21) a public defender appointed by the Chief
 248 Public Defender; and [(21)] (22) fifteen public members appointed as
 249 follows: The Governor shall appoint three members, one of whom shall
 250 represent victims of commercial exploitation of children, one of whom
 251 shall represent sex trafficking victims who are children and one of
 252 whom shall represent a coalition of children's advocacy centers and
 253 multidisciplinary teams that are dedicated to serving child abuse
 254 victims and their families, the president pro tempore of the Senate shall
 255 appoint two members, one of whom shall represent the Connecticut
 256 Alliance to End Sexual Violence and one of whom shall represent an
 257 organization that provides civil legal services to low-income
 258 individuals, the speaker of the House of Representatives shall appoint
 259 two members, one of whom shall represent the Connecticut Coalition
 260 Against Domestic Violence and one of whom shall represent the
 261 Connecticut Lodging Association, the majority leader of the Senate shall
 262 appoint two members, one of whom shall represent an organization that
 263 deals with behavioral health needs of women and children and one of
 264 whom shall represent the Connecticut Coalition to End Homelessness,
 265 the majority leader of the House of Representatives shall appoint two
 266 members, one of whom shall represent an organization that advocates
 267 on social justice and human rights issues and one of whom shall
 268 represent the Connecticut Criminal Defense Lawyers Association, the
 269 minority leader of the Senate shall appoint two members, one of whom
 270 shall represent the Connecticut Immigrant and Refugee Coalition and
 271 one of whom shall represent massage therapists, and the minority
 272 leader of the House of Representatives shall appoint two members, one
 273 of whom shall represent the Motor Transport Association of
 274 Connecticut, Inc. and one of whom shall represent an organization that
 275 works with adult victims of trafficking.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	46a-60(b)
Sec. 2	<i>July 1, 2023</i>	46b-16a(a)
Sec. 3	<i>October 1, 2023</i>	New section

Sec. 4	<i>October 1, 2023</i>	New section
Sec. 5	<i>July 1, 2023</i>	46a-170(b)

Statement of Purpose:

To (1) include victims of sexual assault and trafficking as protected persons under the state's employment discrimination provisions, (2) revise the definition of stalking as relates to an application for a civil protection order, (3) prohibit a hotel, motel and similar lodging from offering an hourly rate for any sleeping accommodation and require such entities to establish a person's identity by means of a photo identification prior to providing such person any sleeping accommodation, and (4) expand the membership of the Trafficking in Persons Council.

[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.]