



General Assembly

February Session, 2024

Committee Bill No. 4

LCO No. 2879



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING VICTIMS OF DOMESTIC VIOLENCE, THE
UNSOLICITED TRANSMISSION OF INTIMATE IMAGES BY MEANS OF
AN ELECTRONIC COMMUNICATION DEVICE AND THE
IMPERMISSIBLE USE OF NONDISCLOSURE AGREEMENTS IN THE
WORKPLACE.***

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

1 Section 1. Subsection (c) of section 46b-15f of the 2024 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2024*):

4 (c) The organization administering the program may only award [a
5 grant] grants (1) to provide services in the judicial districts of
6 Bridgeport, Danbury, Hartford, Middletown, New Haven, Stamford-
7 Norwalk, Torrington or Waterbury, and (2) in an amount not to exceed
8 two hundred thousand dollars, except that a grant to provide services
9 in the judicial district with the highest average number of applications
10 for restraining orders under section 46b-15 over the previous three fiscal
11 years may receive a grant of not more than four hundred thousand
12 dollars. Grants may not be used to provide services to individuals who
13 are not indigent.

14 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) As used in this section:

15 (1) "Electronic communication device" has the same meaning as
16 provided in section 53a-196h of the general statutes; and

17 (2) "Intimate image" means a photograph, film, video, recording,
18 digital picture or other similar visual photographic reproduction of a
19 person eighteen years of age or older who is in a state of undress so as
20 to expose such person's genitals.

21 (b) Any person, eighteen years of age or older, who knowingly
22 transmits an intimate image by means of an electronic communication
23 device to the electronic communication device of another person,
24 eighteen years of age or older, when such other person has not
25 consented to the receipt of such material on their electronic
26 communication device or has expressly forbidden the receipt of such
27 material on their electronic communication device, shall be liable in a
28 civil action to the recipient of the intimate image for actual damages or
29 five hundred dollars, whichever is greater, in addition to reasonable
30 attorney's fees and costs. The court may also award punitive damages
31 or enjoin the person transmitting the intimate images in violation of this
32 section from engaging in further acts constituting a violation of this
33 section. The remedies provided by this section are cumulative and shall
34 not be construed as restricting any other remedy that is available under
35 any other law.

36 (c) The provisions of this section shall not apply to (1) a health care
37 provider who transmits an intimate image for a legitimate medical
38 purpose; or (2) the transmission of commercial electronic mail, which is
39 otherwise subject to the provisions of 15 USC 7701 to 7713, inclusive, as
40 amended from time to time, and 16 CFR 316.

41 Sec. 3. Section 46a-60 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2024*):

43 (a) As used in this section:

44 (1) "Pregnancy" means pregnancy, childbirth or a related condition,
45 including, but not limited to, lactation;

46 (2) "Reasonable accommodation" means, but is not limited to, being
47 permitted to sit while working, more frequent or longer breaks, periodic
48 rest, assistance with manual labor, job restructuring, light duty
49 assignments, modified work schedules, temporary transfers to less
50 strenuous or hazardous work, time off to recover from childbirth or
51 break time and appropriate facilities for expressing breast milk; and

52 (3) "Undue hardship" means an action requiring significant difficulty
53 or expense when considered in light of factors such as (A) the nature
54 and cost of the accommodation; (B) the overall financial resources of the
55 employer; (C) the overall size of the business of the employer with
56 respect to the number of employees, and the number, type and location
57 of its facilities; and (D) the effect on expenses and resources or the
58 impact otherwise of such accommodation upon the operation of the
59 employer.

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

61 (1) For an employer, by the employer or the employer's agent, except
62 in the case of a bona fide occupational qualification or need, to refuse to
63 hire or employ or to bar or to discharge from employment any
64 individual or to discriminate against any individual in compensation or
65 in terms, conditions or privileges of employment because of the
66 individual's race, color, religious creed, age, sex, gender identity or
67 expression, marital status, national origin, ancestry, present or past
68 history of mental disability, intellectual disability, learning disability,
69 physical disability, including, but not limited to, blindness, status as a
70 veteran or status as a victim of domestic violence;

71 (2) For any employment agency, except in the case of a bona fide
72 occupational qualification or need, to fail or refuse to classify properly
73 or refer for employment or otherwise to discriminate against any
74 individual because of such individual's race, color, religious creed, age,

75 sex, gender identity or expression, marital status, national origin,
76 ancestry, present or past history of mental disability, intellectual
77 disability, learning disability, physical disability, including, but not
78 limited to, blindness, status as a veteran or status as a victim of domestic
79 violence;

80 (3) For a labor organization, because of the race, color, religious creed,
81 age, sex, gender identity or expression, marital status, national origin,
82 ancestry, present or past history of mental disability, intellectual
83 disability, learning disability, physical disability, including, but not
84 limited to, blindness, status as a veteran or status as a victim of domestic
85 violence of any individual to exclude from full membership rights or to
86 expel from its membership such individual or to discriminate in any
87 way against any of its members or against any employer or any
88 individual employed by an employer, unless such action is based on a
89 bona fide occupational qualification;

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

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

98 (6) For any person, employer, employment agency or labor
99 organization, except in the case of a bona fide occupational qualification
100 or need, to advertise employment opportunities in such a manner as to
101 restrict such employment so as to discriminate against individuals
102 because of their race, color, religious creed, age, sex, gender identity or
103 expression, marital status, national origin, ancestry, present or past
104 history of mental disability, intellectual disability, learning disability,
105 physical disability, including, but not limited to, blindness, status as a
106 veteran or status as a victim of domestic violence;

107 (7) For an employer, by the employer or the employer's agent: (A) To
108 terminate a woman's employment because of her pregnancy; (B) to
109 refuse to grant to that employee a reasonable leave of absence for
110 disability resulting from her pregnancy; (C) to deny to that employee,
111 who is disabled as a result of pregnancy, any compensation to which
112 she is entitled as a result of the accumulation of disability or leave
113 benefits accrued pursuant to plans maintained by the employer; (D) to
114 fail or refuse to reinstate the employee to her original job or to an
115 equivalent position with equivalent pay and accumulated seniority,
116 retirement, fringe benefits and other service credits upon her signifying
117 her intent to return unless, in the case of a private employer, the
118 employer's circumstances have so changed as to make it impossible or
119 unreasonable to do so; (E) to limit, segregate or classify the employee in
120 a way that would deprive her of employment opportunities due to her
121 pregnancy; (F) to discriminate against an employee or person seeking
122 employment on the basis of her pregnancy in the terms or conditions of
123 her employment; (G) to fail or refuse to make a reasonable
124 accommodation for an employee or person seeking employment due to
125 her pregnancy, unless the employer can demonstrate that such
126 accommodation would impose an undue hardship on such employer;
127 (H) to deny employment opportunities to an employee or person
128 seeking employment if such denial is due to the employee's request for
129 a reasonable accommodation due to her pregnancy; (I) to force an
130 employee or person seeking employment affected by pregnancy to
131 accept a reasonable accommodation if such employee or person seeking
132 employment (i) does not have a known limitation related to her
133 pregnancy, or (ii) does not require a reasonable accommodation to
134 perform the essential duties related to her employment; (J) to require an
135 employee to take a leave of absence if a reasonable accommodation can
136 be provided in lieu of such leave; and (K) to retaliate against an
137 employee in the terms, conditions or privileges of her employment
138 based upon such employee's request for a reasonable accommodation;

139 (8) For an employer, by the employer or the employer's agent, for an
140 employment agency, by itself or its agent, or for any labor organization,

141 by itself or its agent, to harass any employee, person seeking
142 employment or member on the basis of sex or gender identity or
143 expression. If an employer takes immediate corrective action in
144 response to an employee's claim of sexual harassment, such corrective
145 action shall not modify the conditions of employment of the employee
146 making the claim of sexual harassment unless such employee agrees, in
147 writing, to any modification in the conditions of employment.
148 "Corrective action" taken by an employer, includes, but is not limited to,
149 employee relocation, assigning an employee to a different work
150 schedule or other substantive changes to an employee's terms and
151 conditions of employment. Notwithstanding an employer's failure to
152 obtain a written agreement from an employee concerning a modification
153 in the conditions of employment, the commission may find that
154 corrective action taken by an employer was reasonable and not of
155 detriment to the complainant based on the evidence presented to the
156 commission by the complainant and respondent. As used in this
157 subdivision, "sexual harassment" means any unwelcome sexual
158 advances or requests for sexual favors or any conduct of a sexual nature
159 when (A) submission to such conduct is made either explicitly or
160 implicitly a term or condition of an individual's employment, (B)
161 submission to or rejection of such conduct by an individual is used as
162 the basis for employment decisions affecting such individual, or (C)
163 such conduct has the purpose or effect of substantially interfering with
164 an individual's work performance or creating an intimidating, hostile or
165 offensive working environment;

166 (9) For an employer, by the employer or the employer's agent, for an
167 employment agency, by itself or its agent, or for any labor organization,
168 by itself or its agent, to request or require information from an
169 employee, person seeking employment or member relating to the
170 individual's child-bearing age or plans, pregnancy, function of the
171 individual's reproductive system, use of birth control methods, or the
172 individual's familial responsibilities, unless such information is directly
173 related to a bona fide occupational qualification or need, provided an
174 employer, through a physician may request from an employee any such

175 information which is directly related to workplace exposure to
176 substances which may cause birth defects or constitute a hazard to an
177 individual's reproductive system or to a fetus if the employer first
178 informs the employee of the hazards involved in exposure to such
179 substances;

180 (10) For an employer, by the employer or the employer's agent, after
181 informing an employee, pursuant to subdivision (9) of this subsection,
182 of a workplace exposure to substances which may cause birth defects or
183 constitute a hazard to an employee's reproductive system or to a fetus,
184 to fail or refuse, upon the employee's request, to take reasonable
185 measures to protect the employee from the exposure or hazard
186 identified, or to fail or refuse to inform the employee that the measures
187 taken may be the subject of a complaint filed under the provisions of
188 this chapter. Nothing in this subdivision is intended to prohibit an
189 employer from taking reasonable measures to protect an employee from
190 exposure to such substances. For the purpose of this subdivision,
191 "reasonable measures" are those measures which are consistent with
192 business necessity and are least disruptive of the terms and conditions
193 of the employee's employment;

194 (11) For an employer, by the employer or the employer's agent, for an
195 employment agency, by itself or its agent, or for any labor organization,
196 by itself or its agent: (A) To request or require genetic information from
197 an employee, person seeking employment or member, or (B) to
198 discharge, expel or otherwise discriminate against any person on the
199 basis of genetic information. For the purpose of this subdivision,
200 "genetic information" means the information about genes, gene
201 products or inherited characteristics that may derive from an individual
202 or a family member;

203 (12) For an employer, by the employer or the employer's agent, to
204 request or require a prospective employee's age, date of birth, dates of
205 attendance at or date of graduation from an educational institution on
206 an initial employment application, provided the provisions of this

207 subdivision shall not apply to any employer requesting or requiring
208 such information (A) based on a bona fide occupational qualification or
209 need, or (B) when such information is required to comply with any
210 provision of state or federal law; [and]

211 (13) (A) For an employer or the employer's agent to deny an employee
212 a reasonable leave of absence in order to: (i) Seek attention for injuries
213 caused by domestic violence including for a child who is a victim of
214 domestic violence, provided the employee is not the perpetrator of the
215 domestic violence against the child; (ii) obtain services including safety
216 planning from a domestic violence agency or rape crisis center, as those
217 terms are defined in section 52-146k, as a result of domestic violence;
218 (iii) obtain psychological counseling related to an incident or incidents
219 of domestic violence, including for a child who is a victim of domestic
220 violence, provided the employee is not the perpetrator of the domestic
221 violence against the child; (iv) take other actions to increase safety from
222 future incidents of domestic violence, including temporary or
223 permanent relocation; or (v) obtain legal services, assisting in the
224 prosecution of the offense, or otherwise participate in legal proceedings
225 in relation to the incident or incidents of domestic violence.

226 (B) An employee who is absent from work in accordance with the
227 provisions of subparagraph (A) of this subdivision shall, within a
228 reasonable time after the absence, provide a certification to the employer
229 when requested by the employer. Such certification shall be in the form
230 of: (i) A police report indicating that the employee or the employee's
231 child was a victim of domestic violence; (ii) a court order protecting or
232 separating the employee or employee's child from the perpetrator of an
233 act of domestic violence; (iii) other evidence from the court or
234 prosecuting attorney that the employee appeared in court; or (iv)
235 documentation from a medical professional, domestic violence
236 counselor, as defined in section 52-146k, or other health care provider,
237 that the employee or the employee's child was receiving services,
238 counseling or treatment for physical or mental injuries or abuse
239 resulting in victimization from an act of domestic violence.

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

244 (D) To the extent permitted by law, employers shall maintain the
245 confidentiality of any information regarding an employee's status as a
246 victim of domestic violence; and

247 (14) For an employer, by the employer or the employer's agent to: (A)
248 Refuse to hire or employ, discriminate in compensation or in terms,
249 conditions or privileges of employment, or bar or discharge from
250 employment, any employee or independent contractor because such
251 person disclosed conduct the person reasonably believes to be a
252 discriminatory employment practice, or because such person
253 disparaged the employer for engaging in conduct the person reasonably
254 believes to be a discriminatory employment practice, or (B) require or
255 request a prospective, current or former employee or independent
256 contractor to enter into an agreement containing a provision that is void
257 pursuant to subsection (e) of this section, or for an employer to attempt
258 to enforce such provision. An employer who violates the provisions of
259 this subdivision shall be liable to an employee or independent
260 contractor for actual or statutory damages of ten thousand dollars,
261 whichever is more, as well as other remedies provided under law. The
262 provisions of this subdivision and subsection (e) of this section shall be
263 liberally construed so as to effectuate their remedial purpose and such
264 provisions shall extend to an intern, who is paid or unpaid, and any
265 volunteer engaged in service to an employer in this state in the business
266 of the employer.

267 (c) (1) The provisions of this section concerning age shall not apply
268 to: (A) The termination of employment of any person with a contract of
269 unlimited tenure at an independent institution of higher education who
270 is mandatorily retired, on or before July 1, 1993, after having attained
271 the age of seventy; (B) the termination of employment of any person

272 who has attained the age of sixty-five and who, for the two years
273 immediately preceding such termination, is employed in a bona fide
274 executive or a high policy-making position, if such person is entitled to
275 an immediate nonforfeitable annual retirement benefit under a pension,
276 profit-sharing, savings or deferred compensation plan, or any
277 combination of such plans, from such person's employer, which equals,
278 in aggregate, at least forty-four thousand dollars; (C) the termination of
279 employment of persons in occupations, including police work and fire-
280 fighting, in which age is a bona fide occupational qualification; (D) the
281 operation of any bona fide apprenticeship system or plan; or (E) the
282 observance of the terms of a bona fide seniority system or any bona fide
283 employee benefit plan for retirement, pensions or insurance which is not
284 adopted for the purpose of evading said provisions, except that no such
285 plan may excuse the failure to hire any individual and no such system
286 or plan may require or permit the termination of employment on the
287 basis of age. No such plan which covers less than twenty employees may
288 reduce the group hospital, surgical or medical insurance coverage
289 provided under the plan to any employee who has reached the age of
290 sixty-five and is eligible for Medicare benefits or any employee's spouse
291 who has reached age sixty-five and is eligible for Medicare benefits
292 except to the extent such coverage is provided by Medicare. The terms
293 of any such plan which covers twenty or more employees shall entitle
294 any employee who has attained the age of sixty-five and any employee's
295 spouse who has attained the age of sixty-five to group hospital, surgical
296 or medical insurance coverage under the same conditions as any
297 covered employee or spouse who is under the age of sixty-five.

298 (2) No employee retirement or pension plan may exclude any
299 employee from membership in such plan or cease or reduce the
300 employee's benefit accruals or allocations under such plan on the basis
301 of age. The provisions of this subdivision shall be applicable to plan
302 years beginning on or after January 1, 1988, except that for any
303 collectively bargained plan this subdivision shall be applicable on the
304 earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date of
305 the collective bargaining agreement, or (ii) January 1, 1988.

306 (3) The provisions of this section concerning age shall not prohibit an
307 employer from requiring medical examinations for employees for the
308 purpose of determining such employees' physical qualification for
309 continued employment.

310 (4) Any employee who continues employment beyond the normal
311 retirement age in the applicable retirement or pension plan shall give
312 notice of intent to retire, in writing, to such employee's employer not
313 less than thirty days prior to the date of such retirement.

314 (d) (1) An employer shall provide written notice of the right to be free
315 from discrimination in relation to pregnancy, childbirth and related
316 conditions, including the right to a reasonable accommodation to the
317 known limitations related to pregnancy pursuant to subdivision (7) of
318 subsection (b) of this section to: (A) New employees at the
319 commencement of employment; (B) existing employees within one
320 hundred twenty days of October 1, 2017; and (C) any employee who
321 notifies the employer of her pregnancy within ten days of such
322 notification. An employer may comply with the provisions of this
323 section by displaying a poster in a conspicuous place, accessible to
324 employees, at the employer's place of business that contains the
325 information required by this section in both English and Spanish. The
326 Labor Commissioner may adopt regulations, in accordance with
327 chapter 54, to establish additional requirements concerning the means
328 by which employers shall provide such notice.

329 (2) The Commission on Human Rights and Opportunities shall
330 develop courses of instruction and conduct ongoing public education
331 efforts as necessary to inform employers, employees, employment
332 agencies and persons seeking employment about their rights and
333 responsibilities under this section.

334 (e) Any provision in an agreement between an employer and a
335 prospective, current or former employee or independent contractor
336 shall be void as against public policy if such provision prohibits
337 disparagement or disclosure relating to conduct the employee or

338 independent contractor reasonably believes to be a discriminatory
339 employment practice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	46b-15f(c)
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	46a-60

Statement of Purpose:

To protect victims of domestic violence, deter the unsolicited transmission of intimate images by means of an electronic communication device and to prohibit the use of certain nondisclosure agreements in the workplace.

[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.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.
SEN. ANWAR, 3rd Dist.; SEN. CABRERA, 17th Dist.
SEN. COHEN, 12th Dist.; SEN. FLEXER, 29th Dist.
SEN. GASTON, 23rd Dist.; SEN. HOCHADEL, 13th Dist.
SEN. KUSHNER, 24th Dist.; SEN. LESSER, 9th Dist.
SEN. MAHER, 26th Dist.; SEN. MARONEY, 14th Dist.
SEN. MARX, 20th Dist.; SEN. MCCRORY, 2nd Dist.
SEN. MILLER P., 27th Dist.; SEN. MOORE, 22nd Dist.
SEN. NEEDLEMAN, 33rd Dist.; SEN. RAHMAN, 4th Dist.
SEN. SLAP, 5th Dist.; SEN. WINFIELD, 10th Dist.

S.B. 4