

AN ACT CONCERNING THE ALVIN W. PENN ACT

Sec. 1. Section 54-1l of the general statutes is repealed and the following is substituted in lieu thereof:

(a) This section and section 54-1m shall be known as the “Alvin W. Penn Racial Profiling Prohibition Act”.

(b) For the purposes of this section, “racial profiling” means the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

(c) No member of the Division of State Police within the Department of Emergency Services and Public Protection, a municipal police department or any other law enforcement agency shall engage in racial profiling. The detention of an individual based on any noncriminal factor or combination of noncriminal factors is inconsistent with this policy.

(d) The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

(e) In addition to proceeding under section 46a-64 of the general statutes, any person who believes that he or she has been the victim of racial profiling in violation of this section, or that such person’s rights under subsection (a) or subdivision (2) of subsection (b) of section 54-1m of the general statutes have been violated, may file a complaint with the commission on human rights and opportunities under section 46a-82 of the general statutes. Information about how to contact the commission on human rights shall be provided to motor vehicle operators in English and Spanish at the time of any such traffic stops.

Sec. 2. Subdivision (8) of section 46a-51 of the general statutes is repealed and the following is substituted in lieu thereof (*July 1, 2015*):

(8) "Discriminatory practice" means a violation of section 4a-60, 4a-60a, 4a-60g, 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80, **[or]** sections 46a-81b to 46a-81o, inclusive, or section 54-1l;

AN ACT CONCERNING HUMAN RIGHTS

Sec. 1. (NEW):

The provisions of sections 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-74, 46a-75 and 46a-76 of the general statutes shall apply to veterans as defined in section 27-103 of the general statutes.

Sec. 2. Subdivision (7) of subsection (a) of section 4a-60g of the general statutes is repealed and the following is substituted in lieu thereof:

(7) "Individual with a disability" means [an individual (A) having a physical or mental impairment that substantially limits one or more of the major life activities of the individual, which mental impairment may include, but is not limited to, having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or (B) having a record of such an impairment] a person who has a learning disability, intellectual disability, mental disability or physical disability, as those terms are defined in section 46a-51.

Sec. 3. Section 46a-58 of the general statutes is repealed and the following is substituted in lieu thereof:

[(a)] It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, age, marital status, mental disability, intellectual disability, learning disability or physical disability.

[(b)] Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. For the purposes of this subsection, "desecrate" means to mar, deface or damage as a demonstration of irreverence or contempt.

[(c)] Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, shall be in violation of subsection (a) of this section.

[(d)] Any person who places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person on account of religion, national origin, alienage, color, race, sex, sexual orientation, blindness or physical disability, shall be in violation of subsection (a) of this section.

(e) Any person who violates any provision of this section shall be guilty of a class A misdemeanor, except that if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a class D felony.]

Sec. 4. (NEW):

(a) Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of this section. For the purposes of this section, "desecrate" means to mar, deface or damage as a demonstration of irreverence or contempt.

(b) Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, shall be in violation of this section.

(c) Any person who places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person because of race, color, religion, age, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, mental disability, intellectual disability, learning disability or physical disability shall be in violation of this section.

Sec. 5. Section 46a-64 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability or physical disability, including, but not limited to, blindness or deafness of the applicant, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, learning disability or physical disability, including, but not limited to, blindness or deafness; (3) for a place of public accommodation, resort or amusement to restrict or limit the right of a mother to breast-feed her child; (4) for a place of public accommodation, resort or amusement to fail or refuse to post a notice, in a conspicuous place, that any blind, deaf or mobility impaired person, accompanied by his guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities; or (5) to deny any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person, accompanied by his guide dog or assistance dog, full and equal access to any place of public accommodation, resort or amusement. Any blind,

deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person may keep his guide dog or assistance dog with him at all times in such place of public accommodation, resort or amusement at no extra charge, provided the dog wears a harness or an orange-colored leash and collar and is in the direct custody of such person. The blind, deaf or mobility impaired person or person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person shall be liable for any damage done to the premises or facilities by his dog. For purposes of this subdivision, "guide dog" or "assistance dog" includes a dog being trained as a guide dog or assistance dog and "person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person" means a person who is employed by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and who carries photographic identification indicating such employment and authorization.

(b) (1) The provisions of this section with respect to the prohibition of sex discrimination shall not apply to (A) the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex or (B) separate bathrooms or locker rooms based on sex. (2) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors or to special discount or other public or private programs to assist persons sixty years of age and older. (3) The provisions of this section with respect to the prohibition of discrimination on the basis of physical disability shall not require any person to modify his property in any way or provide a higher degree of care for a physically disabled person, including, but not limited to blind or deaf persons, than for a person not physically disabled. (4) The provisions of this section with respect to the prohibition of discrimination on the basis of creed shall not apply to the practice of granting preference in admission of residents into a nursing home as defined in section 19a-490, if (A) the nursing home is owned, operated by or affiliated with a religious organization, exempt from taxation for federal income tax purposes and (B) the class of persons granted preference in admission is consistent with the religious mission of the nursing home. (5) The provisions of this section with respect to the prohibition of discrimination on the basis of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income.

[(c) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.]

Sec. 6. Section 46a-64c of the general statutes is repealed and the following is substituted in lieu thereof:

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

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any

person because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income or familial status.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income or familial status.

(3) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability, or an intention to make any such preference, limitation or discrimination.

(4) (A) To represent to any person because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling (i) to an area which is substantially populated, even if less than a majority, by persons of the same protected class as the buyer or renter, (ii) while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person, and (iii) such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability.

(6) (A) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a learning disability or physical or mental disability of: (i) Such buyer or renter; (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such buyer or renter.

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a learning disability or physical or mental disability of: (i) Such person; or (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such person.

(C) For purposes of this subdivision, discrimination includes: (i) A refusal to permit, at the expense of a person with a physical or mental disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; (iii) in connection with the design and construction of covered multifamily dwellings for the first occupancy after March 13, 1991, a failure to design and construct those dwellings in such manner that they comply with the requirements of Section 804(f) of the Fair Housing Act or the provisions of the state building code as adopted pursuant to the provisions of sections 29-269 and 29-273, whichever requires greater accommodation. "Covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.

(7) For any person or other entity engaging in residential real-estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability.

(8) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability.

(9) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

(b) (1) The provisions of this section shall not apply to (A) the rental of a room or rooms in a single-family dwelling unit if the owner actually maintains and occupies part of such living quarters as his residence or (B) a unit in a dwelling containing living quarters

occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies the other such living quarters as his residence. (2) The provisions of this section with respect to the prohibition of discrimination on the basis of marital status shall not be construed to prohibit the denial of a dwelling to a man or a woman who are both unrelated by blood and not married to each other. (3) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors, to special discount or other public or private programs to assist persons sixty years of age and older or to housing for older persons as defined in section 46a-64b, provided there is no discrimination on the basis of age among older persons eligible for such housing. (4) The provisions of this section with respect to the prohibition of discrimination on the basis of familial status shall not apply to housing for older persons as defined in section 46a-64b or to a unit in a dwelling containing units for no more than four families living independently of each other, if the owner of such dwelling resides in one of the units. (5) The provisions of this section with respect to the prohibition of discrimination on the basis of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income. (6) The provisions of this section with respect to the prohibition of discrimination on the basis of sex shall not apply to the rental of sleeping accommodations to the extent they utilize shared bathroom facilities when such sleeping accommodations are provided by associations and organizations which rent such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex based on considerations of privacy and modesty.

(c) Nothing in this section limits the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.

(d) Nothing in this section or section 46a-64b shall be construed to invalidate or limit any state statute or municipal ordinance that requires dwellings to be designed and constructed in a manner that affords persons with physical or mental disabilities greater access than is required by this section or section 46a-64b.

(e) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability.

(f) Notwithstanding any other provision of this chapter, complaints alleging a violation of this section shall be investigated within one hundred days of filing and a final administrative disposition shall be made within one year of filing unless it is impracticable to do so. If the Commission on Human Rights and Opportunities is unable to complete its investigation or make a final administrative determination within such time frames, it shall notify the complainant and the respondent in writing of the reasons for not doing so.

[(g) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.]

Sec. 7. Section 46a-81d of the general statutes is repealed and the following is substituted in lieu thereof:

(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of such person's sexual orientation or civil union status, subject only to the conditions and limitations established by law and applicable alike to all persons; or (2) to discriminate, segregate or separate on account of sexual orientation or civil union status.

[(b) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.]

Sec. 8. Section 46a-81e of the general statutes is repealed and the following is substituted in lieu thereof:

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

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of sexual orientation or civil union status.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sexual orientation or civil union status.

(3) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sexual orientation or civil union status, or an intention to make any such preference, limitation or discrimination.

(4) (A) To represent to any person because of sexual orientation or civil union status, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available. (B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling (i) to an area which is substantially populated, even if less than a majority, by persons of the same sexual orientation or civil union status as the buyer or renter, (ii) while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person and (iii) such other dwelling is in an area which is not substantially populated by persons of the same sexual orientation or civil union status as the buyer or renter. As used in this subdivision, "area"

means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular sexual orientation or civil union status.

(6) For any person or other entity engaging in residential-real-estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of sexual orientation or civil union status.

(7) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of sexual orientation or civil union status.

(8) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

(b) The provisions of this section shall not apply to (1) the rental of a room or rooms in a unit in a dwelling if the owner actually maintains and occupies part of such unit as his residence, or (2) a unit in a dwelling containing not more than four units if the owner actually maintains and occupies one of such other units as his residence.

(c) Nothing in this section limits the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.

(d) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than sexual orientation or civil union status.

(e) Notwithstanding any other provision of this chapter, complaints alleging a violation of this section shall be investigated within one hundred days of filing and a final administrative disposition shall be made within one year of filing unless it is impracticable to do so. If the Commission on Human Rights and Opportunities is unable to complete its investigation or make a final administrative determination within such time frames, it shall notify the complainant and the respondent in writing of the reasons for not doing so.

[(f) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.]

Sec. 9. Subsection (a) of section 46a-86 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) If, upon all the evidence presented at the hearing conducted pursuant to section 46a-84, the presiding officer finds that a respondent has engaged in any discriminatory practice, the presiding officer shall state the presiding officer's findings of fact and shall issue and file with the commission and cause to be served on the respondent an order requiring the respondent to cease and desist from the discriminatory practice and further requiring the respondent to take such affirmative action as in the judgment of the presiding officer will effectuate the purpose of this chapter and make the complainant whole.

Sec. 10. Subsection (b) of section 46a-86 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) In addition to any other action taken under this section, upon a finding of a discriminatory employment practice, the presiding officer shall determine the damage suffered by the complainant, which damage shall include, but not be limited to, [may order] the hiring, promotion or reinstatement of employees, with or without back pay, [or] restoration to membership in any respondent labor organization[, provided, liability] and any other damages caused by such discriminatory employment practice, and shall allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant. Liability for back pay shall not accrue from a date more than two years prior to the filing or issuance of the complaint and, provided further, interim earnings, including unemployment compensation and welfare assistance or amounts which could have been earned with reasonable diligence on the part of the person to whom back pay is awarded, shall be deducted from the amount of back pay to which such person is otherwise entitled. The amount of any such deduction for interim unemployment compensation or welfare assistance shall be paid by the respondent to the commission which shall transfer such amount to the appropriate state or local agency.

Sec. 11. Subsection (b) of section 46a-90a of the general statutes is repealed and the following is substituted in lieu thereof:

(b) When the presiding officer finds that the respondent has engaged in any discriminatory practice prohibited by section 46a-60, 46a-64, 46a-64c, 46a-81c, 46a-81d or 46a-81e or section 4 of this act and grants relief on the complaint [, which relief requires that such] requiring that a temporary injunction remain in effect, the

commission [chairperson] may, through the procedure outlined in subsection (a) of section 46a-95, petition the court which granted the original temporary injunction to make the injunction permanent.

Sec. 12. Subsection (c) of section 46b-84 of the general statutes is repealed and the following is substituted in lieu thereof:

(c) The court may make appropriate orders of support of any child with intellectual disability, as defined in section 1-1g, or a mental disability, [as defined in subdivision \(20\) of section 46a-51](#), or physical disability, as defined in subdivision (15) of section 46a-51, who resides with a parent and is principally dependent upon such parent for maintenance until such child attains the age of twenty-one. The child support guidelines established pursuant to section 46b-215a shall not apply to orders entered under this subsection. The provisions of this subsection shall apply only in cases where the decree of dissolution of marriage, legal separation or annulment is entered on or after October 1, 1997, or where the initial support orders in actions not claiming any such decree are entered on or after October 1, 1997.

Sec. 13. (NEW):

[Whenever the commission believes that section 46a-58, section 46a-64, section 46a-64c, or section 4 of this act has been or is being violated, the executive director or the executive director's designee may refer the matter to the state's attorney for possible prosecution in accordance with the criminal laws of this state.](#)

AN ACT CONCERNING PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Sec. 1. Subsection (c) of section 46a-56 of the general statutes is repealed and the and following is substituted in lieu thereof:

(c) If the commission determines through its monitoring and compliance procedures that a contractor or subcontractor is not complying with antidiscrimination statutes or contract provisions required under section 4a-60 or 4a-60a or [the provisions of] sections 46a-68c to 46a-68f, inclusive, the commission may issue a complaint pursuant to subsection (c) of section 46a-82. Such complaint shall be scheduled for a hearing before a [hearing officer or] human rights referee appointed [by the chief referee](#) to act as a presiding officer. Such hearing shall be held in accordance with chapter 54 and section 46a-84. If, after such hearing, the presiding officer makes a finding of noncompliance with antidiscrimination statutes or contract provisions required under section 4a-60 or 4a-60a or [the provisions of] sections 46a-68c to 46a-68f, inclusive, the presiding officer [shall order such relief as is necessary to achieve full compliance with](#)

any antidiscrimination statute and required contract provisions. The presiding officer may: (1) Order the state to retain two per cent of the total contract price per month on any existing contract with such contractor that the state withheld pursuant to section 46a-68d and transfer the funds to the State Treasurer for deposit in the special fund described in subsection (d) of this section; (2) prohibit the contractor from participation in any further contracts with state agencies until: (A) The expiration of a period of two years from the date of the finding of noncompliance, or (B) the presiding officer determines that the contractor has adopted policies consistent with such statutes, provided the presiding officer shall make such determination within forty-five days of such finding of noncompliance; (3) publish, or cause to be published, the names of contractors or unions that the presiding officer has found to be in noncompliance with such provisions; (4) notify the Attorney General that, in cases in which there is substantial **[or material]** violation or the threat of substantial **[or material]** violation of **[the contractual provisions set forth in]** section 4a-60 or 4a-60a, appropriate proceedings should be brought to enforce such provisions, including the enjoining **[, within the limitations of applicable law,]** of organizations, individuals or groups **[who]** that prevent **[directly or indirectly,]** or seek to prevent **[directly or indirectly,]** compliance with **[the provisions of]** section 4a-60 or 4a-60a; (5) recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964 **[,]** or related laws when necessary; (6) recommend to the appropriate prosecuting authority that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the commission; **[as the case may be,]** (7) order the contractor to bring itself into compliance with antidiscrimination statutes or contract provisions required under section 4a-60 or 4a-60a or sections 46a-68c to 46a-68f, inclusive, within a period of thirty days or, for good cause shown, within an additional period of thirty days, and, if such contractor fails to bring itself into such compliance within such time period and such noncompliance is substantial **[or material]** or there is a pattern of noncompliance, recommend to the contracting agency that such agency declare the contractor to be in breach of the contract and that such agency pursue all available remedies; **[or]** (8) order the contracting agency to refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the commission that such contractor has established and will carry out personnel and employment policies in compliance with antidiscrimination statutes and **[the provisions of]** section 4a-60 or 4a-60a and sections 46a-68c to 46a-68f, inclusive; or (9) order two or more such remedies or other relief designed to achieve full compliance with antidiscrimination statutes and required contract provisions. The commission shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 2. Subsection (d) of section 46a-56 of the general statutes is repealed and the and following is substituted in lieu thereof:

(d) If the commission determines, through its monitoring and compliance procedures **[and after a complaint is filed and a hearing is held pursuant to subsection (c) of this**

section,] that, with respect to a state contract, a contractor, subcontractor, [service provider](#) or supplier of materials has (1) fraudulently qualified as a minority business enterprise, or (2) performed services or supplied materials on behalf of another contractor, subcontractor or supplier of materials knowing (A) that such other contractor, subcontractor, [service provider](#) or supplier has fraudulently qualified as a minority business enterprise in order to [appear to](#) comply with antidiscrimination statutes or contract provisions required under section 4a-60 or 4a-60a, and (B) that such services or materials are to be used in connection with a contract entered into pursuant to subsection (b) of section 4a-60g, **[the hearing officer or human rights referee before whom such hearing was held]** [the commission may issue a complaint pursuant to subsection \(c\) of section 46a-82 . Such complaint shall be scheduled for a hearing before a referee assigned by the chief referee to act as a presiding officer. Such hearing shall be held in accordance with chapter 54 and section 46a-84. If, after such hearing, the presiding officer makes a finding that a contractor, subcontractor, service provider or supplier of materials has violated this subsection, the presiding officer](#) shall assess a civil penalty of not more than ten thousand dollars upon such contractor, subcontractor, [service provider](#) or supplier of materials.

Sec. 3. Subsection (d) of section 46a-57 of the general statutes is repealed and the following is substituted in lieu thereof:

(d) When serving as a presiding officer as provided in section 46a-84 each human rights referee **[or hearing officer]** shall have the same subpoena powers as are granted to commissioners by subdivision (9) of section 46a-54. Each presiding officer shall also have the power to determine a reasonable fee to be paid to an expert witness **[, including, but not limited to, any practitioner of the healing arts, as defined in section 20-1, dentist, registered nurse or licensed practical nurse, as defined in section 20-87a, and real estate appraiser when any such expert witness is summoned by the commission to give expert testimony, in person or by deposition, in any contested case proceeding, pursuant to section 46a-84. Such fee shall be paid to the expert witness in lieu of all other witness fees.]** [called by the commission to give expert testimony in person or by deposition pursuant to section 46a-84. Such fee shall be paid to the expert witness in lieu of all other witness fees.](#)

Sec. 4. Subsection (a) of Section 46a-82 of the general statutes are repealed and the following is substituted in lieu thereof:

(a) Any person claiming to be aggrieved by an alleged discriminatory practice, except for an alleged violation of section 4a-60g or 46a-68 or the provisions of sections 46a-68c to 46a-68f, inclusive, may, by himself or herself or by such person's attorney, **[make, sign and]** file with the commission a complaint in writing under oath, **[which]** [except that a complaint alleging a violation of section 46a-64c need not be notarized. The complaint](#) shall state the name and address of the person alleged to have committed the discriminatory practice, **[and which shall set forth the particulars thereof]** [provide a short and plain statement of the allegations upon which the claim is based](#)

and contain such other information as may be required by the commission. After the filing of a complaint [pursuant to this subsection,] the commission shall [serve upon the person claiming to be aggrieved] provide the complainant with a notice that: (1) Acknowledges receipt of the complaint; and (2) advises of the time frames and choice of forums available under this chapter.

Sec. 5. Section 46a-82e of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Notwithstanding the failure of the commission [Commission on Human Rights and Opportunities] to comply with the time requirements of sections 46a-83 [and] or 46a-84 [with respect to a complaint before the commission,] the jurisdiction of the commission or the superior court over any such complaint shall be retained.

(b) The commission shall report annually to the judiciary committee of the General Assembly and the Governor: (1) The number of cases in the previous fiscal year that exceeded the time frame, including authorized extensions, set forth in subsection [(e)] (g) of section 46a-83; (2) the reasons for the failure to comply with the time frame; (3) the number of actions brought pursuant to subsection (d) of this section and the results thereof; and (4) the commission's recommendations for legislative action, if any, necessary for the commission to meet the statutory time frame.

(c) If a complaint has been pending for more than twenty-one months from the date of filing and the commission has not issued a finding of reasonable cause or no reasonable cause, the executive director shall notify the complainant as provided in section 46a-86a [by first class mail, facsimile machine, electronic mail or a file transfer protocol site] that the complainant has the right to request a release of jurisdiction in accordance with section 46a-101. The executive director or the executive director's designee shall investigate the cause for the delay in issuing a finding. After such investigation, the executive director may, given the facts and circumstances of the case, [schedule] set a date [certain] for issuance of a finding. [of reasonable cause or no reasonable cause.]

(d) (1) If a complaint has been pending for more than two years after the date of filing pursuant to section 46a-82 and if the investigator fails to issue a finding of reasonable cause or no reasonable cause by the date ordered by the executive director [of the commission] pursuant to subsection (c) of this section, the complainant or respondent may petition the superior court for the judicial district of Hartford for an order requiring the commission to issue a finding [of reasonable cause or no reasonable cause] by a specified date. [certain.] The petitioner shall submit the petition on forms prescribed by the Office of the Chief Court Administrator.

(2) The clerk, upon receipt of the petition and if the clerk finds it to be in the proper form, shall fix a date for the hearing and sign the notice of hearing. The hearing date shall be no more than thirty days after the clerk signs the notice. Service shall be made on the commission and all persons named in the discriminatory practice complaint at least

twenty days prior to the date of hearing by United States mail, certified or registered, postage prepaid, return receipt requested, without the use of a state marshal or other officer. Service on the commission shall be made on the executive director. [of the commission or a commission legal counsel.] Within five days of service, the petitioner shall file with the court an affidavit stating the date and manner in which a copy of the petition was served and attach to the affidavit the return receipts indicating delivery of the petition.

(3) Within ten days after receipt of the petition, any party, including the commission, may file an answer. The commission and all persons named in the discriminatory practice complaint shall have the right to appear and be heard at the hearing.

(4) If the commission and parties agree on a date, [certain,] the court shall order the commission to issue a finding by [said] that date. If the allegations of the petition are contested, the court shall hold a hearing [on the petition] and issue an appropriate order. [Hearing of oral argument on the petition] Hearings held pursuant to this subdivision shall take precedence over other matters in the court, as provided in section 46a-96. The court shall award court costs and attorney's fees to the petitioner, provided [such party] the petitioner is a "person", as defined in section 4-184a, unless the commission shows good cause for not issuing the finding of reasonable cause or no reasonable cause [within two years of the date of filing or] by the date ordered by the executive director for the investigator to issue such finding. [, whichever is later.] An award of court costs and attorney's fees shall be subject to the court's discretion, but shall not exceed a total of five hundred dollars.

(5) This subsection shall not apply to complaints initiated by the commission or to pattern or practice or systemic cases.

Sec. 6. Section 46a-83 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Within [twenty] fifteen days after the filing of any discriminatory practice complaint pursuant to subsection (a) or (b) of section 46a-82 or an amendment to such complaint adding an additional respondent, the commission shall serve [provide] the respondent as provided in section 46a-86a [by first class mail, facsimile machine, electronic mail or a file transfer protocol site] with the complaint and a notice advising of the procedural rights and obligations of a respondent under this chapter. [The respondent shall file a written answer to the complaint under oath with the commission within thirty days of receipt of the complaint, provided a respondent may request, and the commission may grant, for good cause shown, one extension of time of fifteen days within which to file an answer to a complaint. The answer to any complaint alleging a violation of section 46a-64c or 46a-81e shall be filed within ten days of receipt.] Except for complaints alleging a violation of section 46a-64c, the respondent either shall (1) file a written answer to the complaint pursuant to subsection (b) of this section or (2) not later than ten days after receipt of the complaint, provide written notice to the complainant and the commission that the respondent has elected to participate in no-fault conciliation. A complaint sent

by first class mail shall be assumed to be received two business days after the date of mailing, unless the respondent proves otherwise. A complaint sent by facsimile machine, electronic mail or file transfer protocol site shall be considered to be received on the date on which it was sent. The commission shall conduct a no-fault conciliation conference not later than thirty days after the date of receiving the respondent's request for no-fault conciliation.

(b) Within thirty days of receipt of the complaint or within thirty days of the date the commission determines that the no-fault conciliation conference was unsuccessful, the respondent shall file a written answer to the complaint under oath with the commission. The respondent may request, and the commission may grant, one extension of time of fifteen days within which to file. The answer to any amendment to a complaint shall be filed within twenty days of receipt. The answer to any complaint alleging a violation of section 46a-64c or 46a-81e shall be filed within ten days of receipt.

[(b)] (c) Within **[ninety]** sixty days of the filing of the respondent's answer **[to the complaint]**, the executive director or the executive director's designee shall conduct a **[merit]** case assessment review. The case assessment review shall determine whether the complaint should be retained for further processing or dismissed because it fails to state a claim for relief or is frivolous on its face, because the respondent is exempt from the provisions of this chapter or because there is no reasonable possibility that investigating the complaint will result in a finding of reasonable cause. No complaint may be dismissed unless a commission legal counsel approves the dismissal. The **[merit]** case assessment review shall include the complaint, the respondent's answer and the responses to the commission's requests for information, **[if any,]** and the complainant's comments, if any, to the respondent's answer and information responses. **[If the executive director or the executive director's designee determines that the complaint fails to state a claim for relief or is frivolous on its face, that the respondent is exempt from the provisions of this chapter or that there is no reasonable possibility that investigating the complaint will result in a finding of reasonable cause, the executive director or the executive director's designee shall dismiss the complaint and send notice of dismissal pursuant to section 46a-86a. Within fifteen days of the sending of the notice of dismissal, the complainant may request a release of jurisdiction allowing the complainant to bring a civil action under section 46a-100. If the complainant does not request a release of jurisdiction, commission legal counsel shall conduct a legal review of any complaint dismissed pursuant to this subsection and shall reinstate or deny reinstatement of the complaint within sixty days of the sending of the notice of dismissal. The executive director or the executive director's designee shall send notice of any action taken pursuant to the merit assessment review and the legal review conducted pursuant to this subsection in accordance with section 46a-86a.]** The executive director or the executive director's designee shall send notice of any action taken pursuant to the case assessment review in accordance with section 46a-86a. For any complaint dismissed pursuant to this subsection, the executive director or the executive director's designee shall issue a release of jurisdiction allowing the complainant to bring a civil action under section 46a-100. This subsection and subsection (e) of this section shall not apply to any complaint alleging a violation of section 46a-64c or 46a-81e. The

executive director shall report the results of the [merit] case assessment reviews made pursuant to this subsection to the commission quarterly during each year.

[(c)(1)] (d) [If a complaint is not dismissed after the merit assessment review pursuant to subsection (b) of this section or if a complaint is reinstated after legal review pursuant to said subsection (b) the,] Within sixty days of sending notice that a complaint has been retained after the case assessment review, the executive director or the executive director's designee shall assign an investigator or commission legal counsel to hold a mandatory mediation conference[within sixty days of sending notice of action taken pursuant to the merit assessment review or legal review]. A mediation may but need not be held if the commission has held a no-fault conciliation conference. The investigator or commission legal counsel assigned to conduct the mediation shall not be assigned to investigate the complaint. The mandatory mediation conference may not be scheduled for the same [time] day as a fact-finding conference held pursuant to subsection [(d)] (e) of this section. The mediator may hold additional mediation conferences to accommodate settlement discussions.

[(c)(2)] (e) If the complaint is not resolved after the mandatory mediation conference, the complainant, the respondent or the commission may at any time after such conference request early legal intervention. If a request for early legal intervention is made, [the executive director or the executive director's designee] commission legal counsel shall determine within ninety days of the request whether the complaint should be (A) [the complaint should be] heard pursuant to section 46a-84 (B) [the complaint should be processed] investigated pursuant to subsection [(d)] (f) of this section by an investigator working under a regional manager or a commission legal counsel, or (C) [the complainant should be] released from the jurisdiction of the commission. In making such determination, [the executive director or the executive director's designee] commission legal counsel may hold additional proceedings and may utilize and direct commission staff. If [the executive director or the executive director's designee] commission legal counsel determines that the complaint should be processed pursuant to subsection [(d)] (f) of this section, [the executive director or the executive director's designee] commission legal counsel may recommend that the investigator make a finding of no reasonable cause. [If the executive director or the executive director's designee recommends that the investigator make a finding of no reasonable cause, the] The investigator shall make such a finding unless the investigator believes [the executive director or the executive director's designee] commission legal counsel made a mistake of fact. If the investigator intends to make a finding of reasonable cause after [the executive director or the executive director's designee] commission legal counsel recommends otherwise, the investigator shall consult with the executive director or the executive director's designee before making such finding.

[(c)(3) If the complaint is not resolved after the mandatory mediation conference, the complainant or the respondent may request the commission to hold additional mediation conferences.

(c)(4) The commission may dismiss the complaint if (A) a complainant, after notice and without good cause, fails to attend a mandatory mediation conference; or (B) the

respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future and offered full relief to the complainant, even though the complainant has refused such relief.]

[(d)] (f) [If the complaint is not resolved after the mandatory mediation conference held pursuant to subsection (c) of this section or the executive director determines that the complaint should be processed pursuant to this subsection in accordance with subdivision (2) of subsection (c) of this section,] Within fifteen days after the failure of the mandatory mediation conference to resolve the complaint or within fifteen days of an early legal intervention decision to investigate the complaint, the executive director or the executive director's designee shall assign an investigator to process the complaint [within fifteen days after the mandatory mediation conference]. The investigator may process the complaint by any lawful means of finding facts, [conduct a fact-finding conference, a complete investigation,] including, but not limited to, a fact-finding conference, individual witness interviews, requests for voluntary disclosure of information, subpoenas of witnesses or documents, requests for admission of facts, interrogatories, site visits or any [other lawful means of finding facts, or any] combination of these means [thereof] for the purpose of determining [if] whether there is reasonable cause for believing that a discriminatory practice has been or is being committed as alleged in the complaint. As used in this section and section 46a-84 "reasonable cause" means a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint. [The executive director or the executive director's designee may dismiss the complaint if the complainant, after notice and without good cause, fails to attend a fact-finding conference.]

[(e)] (g) (1) Before issuing a finding of reasonable cause or no reasonable cause, the investigator shall afford each party and each party's representative an opportunity to provide written or oral comments on all evidence in the commission's file, except as otherwise provided by federal law or the general statutes. The investigator shall consider such comments before making a finding. The investigator shall make a finding of reasonable cause or no reasonable cause in writing and shall list the factual findings on which it is based not later than one hundred ninety days from the date of the [merit] case assessment review, except that, for good cause shown, the executive director or the executive director's designee may grant no more than two extensions of the investigation of three months each.

(2) If the investigator makes a finding that there is reasonable cause to believe that a violation of section 46a-64c has occurred, the complainant and the respondent shall have twenty days from sending of the reasonable cause finding to elect a civil action in lieu of an administrative hearing pursuant to section 46a-84. If either the complainant or the respondent requests a civil action, the commission, through the Attorney General or a commission legal counsel, shall commence an action pursuant to subsection (b) of section 46a-89 within ninety days of receipt of the notice of election. If the Attorney General or a commission legal counsel believes that injunctive relief, punitive damages or a civil penalty would be appropriate, such relief, damages or penalty may also be

sought. The jurisdiction of the Superior Court in an action brought under this subdivision shall be limited to such claims, counterclaims, defenses or the like that could be presented at an administrative hearing before the commission, had the complaint remained with the commission for disposition. A complainant may intervene as a matter of right in a civil action without permission of the court or the parties. If the Attorney General or commission legal counsel, as the case may be, determines that the interests of the state will not be adversely affected, the complainant or attorney for the complainant shall present all or part of the case in support of the complaint. If the Attorney General or a commission legal counsel determines that a material mistake of law or fact has been made in the finding of reasonable cause, the Attorney General or a commission legal counsel may decline to bring a civil action and shall remand the file to the investigator for further action. The investigator shall complete any such action not later than ninety days after receipt of such file.

[(f)] (h) If the investigator issues a finding of no reasonable cause or if the complaint is dismissed pursuant to subsection **[(d)] (m)** of this section, the complainant may file a written request for reconsideration with the executive director or the executive director's designee, not later than fifteen days from the sending of such finding or dismissal. A request for reconsideration shall state specifically the reasons why reconsideration should be granted. **[The executive director or the executive director's designee]** Commission legal counsel shall grant or reject reconsideration within ninety days of the sending of such finding or dismissal. **[The executive director or the executive director's designee]** Commission legal counsel shall conduct such additional proceedings as may be necessary to render a decision on the request.

[(g)] (i) After finding that there is reasonable cause to believe that a discriminatory practice has been or is being committed as alleged in the complaint, an investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion within fifty days of the finding. The refusal to accept a settlement shall not be grounds for dismissal of any complaint.

[(h)] (j) No commissioner or employee of the commission may disclose, except to the parties or their representatives, what has occurred in the course of **[such endeavors]** the commission's processing of a complaint, provided the commission may publish the facts in the case and any complaint which has been dismissed and the terms of conciliation when a complaint has been adjusted. Each party and his or her representative shall have the right to inspect and copy documents, statements of witnesses and other evidence pertaining to the complaint, except as otherwise provided by federal law or the general statutes.

[(i)] (k) In the investigation of any complaint filed pursuant to this chapter, **[the]** commission legal counsel may issue subpoenas requiring the production of records and other documents or compelling the attendance of witnesses. Commission legal counsel may recommend that the commission reopen any matter previously closed pursuant to this section in accordance with section 46a-94a.

[(j)] (l) The executive director or the executive director's designee may enter an order of default against a respondent who (1) after notice, fails to answer a complaint in accordance with subsection (a) of this section or within such extension of time as may have been granted; (2) fails to answer interrogatories issued pursuant to subdivision (11) of section 46a-54 or fails to respond to a subpoena issued pursuant to subsection **[(i)] (k)** of this section or subdivision (9) of section 46a-54, provided the executive director or the executive director's designee shall consider any timely filed objection; (3) after notice and without good cause, fails to attend a fact-finding conference; or (4) after notice and without good cause, fails to attend a mandatory mediation conference. The respondent may make application to the executive director to vacate the default. Upon entry of an order of default, or upon the decision of the executive director not to vacate the default, the executive director or the executive director's designee shall appoint a presiding officer to enter, after notice and hearing, an order eliminating the discriminatory practice complained of and making the complainant whole. The commission or the complainant may petition the Superior Court for enforcement of any order for relief pursuant to section 46a-95.

(m) The executive director or the executive director's designee may enter an order of dismissal against a complainant who (1) after notice and without good cause, fails to attend a fact-finding conference; (2) after notice and without good cause, fails to attend a mandatory mediation conference; or (3) refuses to accept an offer of settlement where the respondent has eliminated the discriminatory practice complained of, taken steps to prevent a like occurrence in the future and offered full relief to the complainant.

Sec. 7. Section 46a-83a of the general statutes is repealed and the following is substituted in lieu thereof:

If **[(1) a complainant requests a release of jurisdiction pursuant to subsection (b) of section 46a-83, (2) a commission legal counsel denies reinstatement of a complaint pursuant to subsection (b) of said section, or (3)]** a complaint is dismissed for failure to accept full relief pursuant to subsection **[(c)] (m)** of **[said]** section **46a-83** and the complainant does not request reconsideration of such dismissal as provided in subsection **[(f)] (h)** of said section, the executive director shall issue a release and the complainant may, within ninety days of receipt of the release from the commission, bring an action in accordance with sections 46a-100 and 46a-102 to 46a-104, inclusive.

Sec. 8. Section 46a-100 of the general statutes is repealed and the following is substituted in lieu thereof:

Any person who has **[timely]** filed a complaint with the **[Commission on Human Rights and Opportunities] commission** in accordance with section 46a-82 and who has obtained a release **[from the commission] of jurisdiction** in accordance with section 46a-83a or 46a-101 may **[also]** bring an action in the superior court for the judicial district in which the discriminatory practice is alleged to have occurred **[or] the judicial district** in which the respondent transacts business or the judicial district in which the complainant

resides, except any action involving a state agency or official may be brought in the superior court for the judicial district of Hartford.

Sec. 9. Section 46a-84 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) If the investigator fails to eliminate a discriminatory practice complained of pursuant to subsection (a) or (b) of section 46a-82 within fifty days of a finding of reasonable cause, the investigator shall, within ten days, certify the complaint and the results of the investigation to the executive director of the commission and to the Attorney General.

The investigator's conclusion that conciliation has failed shall be conclusive.

(b) Upon certification of a complaint filed pursuant to subsection (a) or (b) of section 46a-82 or upon the filing of a complaint pursuant to subsection (c) of said section ~~[, for a complaint filed pursuant to said subsection (a) or (b), a hearing officer, hearing adjudicator or human rights referee, and for a complaint filed pursuant to said subsection (c), a hearing officer or]~~ , or upon a decision to send a complaint directly to public hearing made pursuant to subsection (e) of section 46a-83 the Chief Human Rights Referee shall appoint a human rights referee [,] to act as a presiding officer to hear the complaint . [or] The chief referee shall also appoint an individual authorized by subsection (e) of this section or a referee other than the referee appointed to hear the complaint to conduct settlement negotiations. ~~[and shall cause to be issued and served]~~ The chief referee shall serve in the name of the commission ~~[a written notice, together with]~~ a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the ~~[complaint at a hearing before the presiding officer or hearing adjudicator at a time and place to be specified in the notice]~~ complaint, together with a written notice requiring the respondent to appear at a hearing or settlement conference at a date and time specified in the notice. A hearing on a complaint filed pursuant to subsection (a) or (b) of section 46a-82 shall be commenced by convening a hearing conference not later than forty-five days after the certification of the complaint. Such hearing shall be a de novo hearing on the merits of the complaint and not an appeal of the commission's processing of the complaint prior to its certification. A hearing on a complaint filed pursuant to subsection (c) of section 46a-82 shall be commenced by convening a hearing conference not later than twenty days after the date of notice of such complaint. Hearings shall proceed with reasonable dispatch and be concluded in accordance with the provisions of section 4-180.

(c) ~~[The place of any hearing may be the office of the commission or another place designated by the commission.]~~ The place of any hearing, hearing conference or settlement conference shall be the commission's administrative office in Hartford, unless all parties mutually agree to an alternate location.

(d) The case in support of the complaint shall be presented at the hearing by the Attorney General, who shall be counsel for the commission, or by a commission legal counsel as provided in section 46a-55. ~~[, as the case may be.]~~ If the Attorney General

or the commission legal counsel determines that a material mistake of law or fact has been made in the finding of reasonable cause on a complaint filed pursuant to subsection (a) or (b) of section 46a-82 or the commission legal counsel determines that a case sent to public hearing pursuant to subsection (e) of section 46a-83 should be further investigated. the Attorney General or the commission legal counsel may withdraw the certification of the complaint or the decision to send the complaint to public hearing and remand the file to the investigator for further action. The investigator shall complete any required action not later than ninety days after receipt of such file. The complainant may be represented by an attorney of the complainant's own choice. If the Attorney General or the commission legal counsel [**, as the case may be,**] determines that the interests of the state will not be adversely affected, the complainant or the attorney for the complainant shall present all or part of the case in support of the complaint. No commissioner may participate in the deliberations of the presiding officer in the case.

(e) A [**hearing officer, hearing adjudicator,**] human rights referee or attorney who volunteers service pursuant to subdivision (18) of section 46a-54 may supervise settlement endeavors. [**, or, in**] In employment discrimination cases only, the complainant and respondent, with the permission of the [**commission**] chief referee, may engage in alternate dispute resolution endeavors for not more than three months. The cost of such alternate dispute resolution endeavors shall be borne by the complainant or the respondent, or both, and not by the commission. Any endeavors or negotiations for conciliation, settlement or alternate dispute resolution shall not be received in evidence.

(f) The respondent [**may**] shall file a written answer to the complaint under oath and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. If the respondent fails to file a written answer [**prior to the hearing within the time limits established by regulation adopted by the commission in accordance with chapter 54**] not later than fifteen days after service of the complaint, or fails to appear at the hearing, hearing conference or settlement conference after notice in accordance with section 4-177, the presiding officer or [**hearing adjudicator**] a referee or an attorney who volunteers services pursuant subsection (e) of this section may enter an order of default and order such relief as is necessary to eliminate the discriminatory practice and make the complainant whole, except that if the default was entered by an attorney who volunteers services pursuant to subsection (e) of this section, the chief referee shall appoint a referee to act as a presiding officer to award relief. The commission or the complainant may petition the Superior Court for enforcement of any such order for relief pursuant to [**the provisions of**] section 46a-95.

(g) The presiding officer [**or hearing adjudicator**] conducting any hearing shall permit reasonable amendment to any complaint or answer and the testimony taken at the hearing shall be under oath and be transcribed at the request of any party.

Sec. 10. Section 46a-86 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) If, upon all the evidence presented at the hearing conducted pursuant to section 46a-84 the presiding officer finds that a respondent has engaged in any discriminatory practice, the presiding officer shall **[state the presiding officer's]** make written findings of fact and **[shall issue and]** file with the commission and **[cause to be served]** serve on the complainant and respondent an order requiring the respondent to cease and desist from the discriminatory practice and **[further requiring the respondent]** to take such affirmative action as **[in the judgment of the presiding officer]** will effectuate the purpose of this chapter.

(b) In addition to any other action taken under this section, upon a finding of a discriminatory employment practice, the presiding officer may order the hiring or reinstatement of **[employees]** any individual, with or without back pay, or restoration to membership in any respondent labor organization. **[, provided, liability]** Liability for back pay shall not accrue from a date more than two years prior to the filing or issuance of the complaint. **[and, provided further, interim]** Interim earnings, including unemployment compensation and welfare assistance or amounts which could have been earned with reasonable diligence on the part of the person to whom back pay is awarded shall be deducted from the amount of back pay to which such person is otherwise entitled. The amount of any **[such]** deduction for interim unemployment compensation or welfare assistance shall be paid by the respondent to the commission which shall transfer such amount to the appropriate state or local agency.

(c) In addition to any other action taken under this section, upon a finding of a discriminatory practice prohibited by section 46a-58, 46a-59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer shall determine the damage suffered by the complainant, which damage shall include, but not be limited to, the expense incurred by the complainant for obtaining alternate housing or space, storage of goods and effects, moving costs and other costs actually incurred by the complainant as a result of such discriminatory practice and shall allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant.

(d) In addition to any other action taken under this section, upon a finding of a discriminatory practice prohibited by section 46a-66 or 46a-81f, the presiding officer shall **[issue and]** file with the commission and **[cause to be served]** serve on the respondent an order requiring the respondent to pay the complainant the damages resulting from the discriminatory practice.

(e) In addition to any other action taken under this section, upon a finding of noncompliance with antidiscrimination statutes or contract provisions required under section 4a-60 or 4a-60a or the provisions of sections 46a-68c to 46a-68f, inclusive, the presiding officer shall **[issue and]** file with the commission and **[cause to be served]** serve on the respondent an order with respect to any remedial action imposed **[by the presiding officer]** pursuant to subsection (c) or (d) of section 46a-56.

(f) If, upon all the evidence and after a complete hearing, the presiding officer finds that the respondent has not engaged in any alleged discriminatory practice, the presiding officer shall **[state the presiding officer's]** make written findings of fact and shall **[issue and]** file with the commission and **[cause to be served]** serve on the complainant and respondent an order dismissing the complaint.

(g) Any payment received by a complainant under this chapter or under any equivalent federal antidiscrimination law, either as a settlement of a claim or as an award made in a judicial or administrative proceeding, shall not be considered as income, resources or assets for the purpose of determining the eligibility of or amount of assistance to be received by such person in the month of receipt or the three months following receipt under the state supplement program, Medicaid or any other medical assistance program, temporary family assistance program, state-administered general assistance program, or the temporary assistance for needy families program. After such time period, any remaining funds shall be subject to state and federal laws governing such programs, including, but not limited to, provisions concerning an individual development **[accounts]** account, as defined in section 31-51ww.

Sec. 11. Section 46a-89 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) Whenever a complaint **[is filed with or by the commission]** filed pursuant to section 46a-82 **[alleging]** alleges a violation of section 46a-60 or 46a-81c [,] and **[a commissioner]** the executive director believes **[, upon review and the recommendation of the investigator assigned,]** that equitable relief is required to prevent irreparable harm to the complainant, the **[commissioner]** commission may bring a petition **[in equity]** in the superior court for the judicial district of Hartford, the judicial district **[in which]** where the discriminatory practice which is the subject of the complaint occurred or the judicial district in which the respondent resides, provided this subdivision shall not apply to complaints against employers with less than fifty employees.

(2) The petition shall seek appropriate temporary injunctive relief against the respondent pending final disposition of the complaint pursuant to the procedures set forth in this chapter. The injunctive relief may include an order temporarily restraining the respondent from doing any act that would render ineffectual any order a presiding officer may render with respect to the complaint.

(3) Upon service on the respondent of notice pursuant to section 46a-89a the respondent shall be temporarily restrained from taking any action that would render ineffectual the temporary injunctive relief **[prayed for]** requested in the petition, provided nothing in this section shall be construed to prevent the respondent from having any employment duties [,] enjoined under this section and section 46a-89a from being carried out by another employee and the notice shall so provide.

(b) (1) Whenever a complaint filed pursuant to section 46a-82 alleges a violation of section 46a-64, 46a-64c, 46a-81d or 46a-81e, and **[a commissioner]** the commission

believes that injunctive relief is required or that the imposition of punitive damages or a civil penalty would be appropriate, the commission may bring a petition in the superior court for the judicial district in **[which]** where the discriminatory practice which is the subject of the complaint occurred or the judicial district in which the respondent resides.

(2) The petition shall seek: (A) Appropriate injunctive relief, including temporary or permanent orders or decrees restraining and enjoining the respondent from selling or renting to anyone other than the complainant or otherwise making unavailable to the complainant any dwelling or commercial property with respect to which the complaint is made, pending the final determination of such complaint by the commission or such petition by the court; (B) an award of damages based on the remedies available under subsection (c) of section 46a-86; (C) an award of punitive damages payable to the complainant, not to exceed fifty thousand dollars; (D) a civil penalty payable to the state against the respondent to vindicate the public interest: (i) In an amount not exceeding ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice; (ii) in an amount not exceeding twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice during the five-year period prior to the date of the filing of this complaint; and (iii) in an amount not exceeding fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven-year period prior to the date of the filing of the complaint; except that if the acts constituting the discriminatory housing practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in clauses (ii) and (iii) of this subparagraph may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred; or (E) two or more of such remedies.

(3) Upon service on the respondent of notice pursuant to section 46a-89a the respondent shall be temporarily restrained from selling or renting the dwelling or commercial property which is the subject of the complaint to anyone other than the complainant, or from otherwise making such dwelling or commercial property unavailable to the complainant, until the court or judge has decided the petition for temporary injunctive relief and the notice shall so provide.

Sec. 12. Section 46a-89 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) Whenever a complaint **[is filed with or by the commission]** filed pursuant to section 46a-82 **[alleging]** alleges a violation of section 46a-60 or 46a-81c **[,]** and **[a commissioner]** the executive director believes **[, upon review and the recommendation of the investigator assigned,]** that equitable relief is required to prevent irreparable harm to the complainant, the **[commissioner]** commission may bring a petition **[in equity]** in the superior court for the judicial district of Hartford, the judicial district in which the discriminatory practice which is the subject of the complaint occurred or the judicial

district in which the respondent resides, provided this subdivision shall not apply to complaints against employers with less than fifty employees.

(2) The petition shall seek appropriate temporary injunctive relief against the respondent pending final disposition of the complaint pursuant to the procedures set forth in this chapter. The injunctive relief may include an order temporarily restraining the respondent from doing any act that would render ineffectual any order a presiding officer may render with respect to the complaint.

(3) Upon service on the respondent of notice pursuant to section 46a-89a the respondent shall be temporarily restrained from taking any action that would render ineffectual the temporary injunctive relief **[prayed for]** requested in the petition, provided nothing in this section shall be construed to prevent the respondent from having any employment duties **[.]** enjoined under this section and section 46a-89a from being carried out by another employee and the notice shall so provide.

(b) (1) Whenever a complaint filed pursuant to section 46a-82 alleges a violation of section 46a-64, 46a-64c, 46a-81d or 46a-81e, and **[a commissioner]** the executive director believes that injunctive relief is required or that the imposition of punitive damages or a civil penalty would be appropriate, the commission may bring a petition in the superior court for the judicial district in which the discriminatory practice which is the subject of the complaint occurred or the judicial district in which the respondent resides.

(2) The petition shall seek: (A) Appropriate injunctive relief, including temporary or permanent orders or decrees restraining and enjoining the respondent from selling or renting to anyone other than the complainant or otherwise making unavailable to the complainant any dwelling or commercial property with respect to which the complaint is made, pending the final determination of such complaint by the commission or such petition by the court; (B) an award of damages based on the remedies available under subsection (c) of section 46a-86; (C) an award of punitive damages payable to the complainant, not to exceed fifty thousand dollars; (D) a civil penalty payable to the state against the respondent to vindicate the public interest: (i) In an amount not exceeding ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice; (ii) in an amount not exceeding twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice during the five-year period prior to the date of the filing of this complaint; and (iii) in an amount not exceeding fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven-year period prior to the date of the filing of the complaint; except that if the acts constituting the discriminatory housing practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in clauses (ii) and (iii) of this subparagraph may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred; or (E) two or more of such remedies.

(3) Upon service on the respondent of notice pursuant to section 46a-89a the respondent shall be temporarily restrained from selling or renting the dwelling or commercial property which is the subject of the complaint to anyone other than the complainant, or from otherwise making such dwelling or commercial property unavailable to the complainant, until the court or judge has decided the petition for temporary injunctive relief and the notice shall so provide.

Sec. 13. Section 46a-90a of the general statutes is repealed and the following is substituted in lieu thereof:

]

(a) The [chairperson of the commission] chief referee shall schedule a date for a hearing pursuant to section 46a-84 to be held within forty-five days of any temporary injunctive relief or restraining order issued pursuant to section 46a-89a. Such temporary injunctive relief or restraining order shall remain in effect until the presiding officer renders [his] a decision on the complaint. If the commission does not conduct its hearing procedure with reasonable [dispatch] speed, the court, on the motion of the respondent and for good cause shown, shall remove such temporary injunction and assume jurisdiction of all civil proceedings arising out of the complaint and shall set the matter for hearing on the merits. The presiding officer shall render [his] a decision within twenty days after the close of evidence and the filing of briefs.

(b) When the presiding officer finds that the respondent has engaged in any discriminatory practice prohibited by section 46a-60 46a-64, 46a-64c, 46a-81c, 46a-81d or 46a-81e and grants relief on the complaint [, which relief requires that such requiring that a temporary injunction remain in effect, the executive director [commission chairperson] may, through the procedure outlined in subsection (a) of section 46a-95 petition the court which granted the original temporary injunction to make the injunction permanent.

(c) Upon issuance of a permanent injunction, the case shall be returned to the commission for such further action as is authorized by this chapter.

(d) Any temporary injunction issued under [the provisions of] section 46a-89a shall remain in effect during any appeal under section 46a-94a or any enforcement procedure under section 46a-95 unless removed by the court . [or a judge thereof.]

Sec. 14. Section 46a-94a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The [Commission on Human Rights and Opportunities,] commission, any respondent or any complainant aggrieved by a final order of a presiding officer [or any complainant] may appeal to the Superior Court in accordance with section 4-183. Any complainant may appeal to the Superior Court in accordance with section 4-183 if the complainant is aggrieved by (1) the dismissal of his or her complaint by the commission for failure to attend a mandatory mediation session as provided in subsection [(c)] (m)

of section 46a-83 (2) a finding of no reasonable cause as provided in subsection ~~[(e) of said] (g) of~~ section 46a-83 or (3) a rejection of reconsideration, ~~[of any dismissal]~~ as provided in subsection ~~[(f) of said] (h) of~~ section 46a-83, ~~may appeal therefrom in accordance with section 4-183. The court on appeal shall also have jurisdiction to grant to the commission, respondent or complainant such temporary relief or restraining order as it deems just and suitable, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in whole or in part, the order sought to be reviewed].~~

(b) Notwithstanding the provisions of subsection (a) of this section, a complainant may not appeal the dismissal of his or her complaint if ~~[he]~~ the complainant has been granted a release pursuant to section 46a-101.

(c) The commission on its own motion may, whenever justice so requires, reopen any matter previously closed ~~[by the commission]~~ in accordance with ~~[the provisions of]~~ this subsection, provided such matter has not been appealed to the Superior Court pursuant to ~~[section 4-183] subsection (a) of this section~~. Notice of such reopening shall be given to all parties. A complainant or respondent may, for good cause shown, in the interest of justice, apply in writing for the reopening of a previously closed proceeding provided such application is filed with the executive director of the commission within two years of the commission's final decision and the complainant has (1) not been issued a release of jurisdiction pursuant to section 46a-83a and filed a civil action, or (2) requested and received a release of jurisdiction from the commission pursuant to section 46a-101.

(d) The standards for reopening a matter may include, but are not limited to: (1) A material mistake of fact or law has occurred; (2) the finding is arbitrary or capricious; (3) the finding is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; and (4) new evidence has been discovered which materially affects the merits of the case and which, for good reasons, was not presented during the investigation.

Sec. 15. Section 46a-98 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) In lieu of, but not in addition to, filing a complaint with the ~~[Commission on Human Rights and Opportunities] commission~~ pursuant to section 46a-82 any person claiming to be aggrieved by a violation of section 46a-66 or 46a-81f may bring an action under this section against a creditor, as defined in section 46a-65, in the superior court for the judicial district in which such aggrieved person resides or in which the alleged violation took place.

Sec. 16. Section 46a-98a of the general statutes is repealed and the following is substituted in lieu thereof:

Any person claiming to be aggrieved by a violation of section 46a-64c or 46a-81e or by a breach of a conciliation agreement entered into pursuant to this chapter, may bring an action in the Superior Court, or the housing session of said court if appropriate within one year of the date of the alleged discriminatory practice or of a breach of a conciliation agreement entered into pursuant to this chapter. No action pursuant to this section may be brought in the Superior Court regarding the alleged discriminatory practice after the commission has obtained a conciliation agreement pursuant to section 46a-83 or commenced a hearing pursuant to section 46a-84, except for an action to enforce the conciliation agreement. The court shall have the power to grant relief, by injunction or otherwise, as it deems just and suitable. [In addition to the penalties provided for under subsection (g) of section 46a-64c or subsection (f) of section 46a-81e, the] The court may grant any relief which a presiding officer may grant in a proceeding under section 46a-86 or which the court may grant in a proceeding under section 46a-89. The commission, through commission legal counsel or the Attorney General, may intervene as a matter of right in any action brought pursuant to this section without permission of the court or the parties.

Sec. 17. Subsection (b) of section 46a-101 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) The complainant and the respondent, by themselves or their attorneys, may jointly request that the complainant receive a release from the commission at any time from the date of filing the complaint. The complainant or the complainant's attorney may request a release from the commission if the complaint is still pending after the expiration of one hundred eighty days from the date of its filing or after a [merit] case assessment review in accordance with subsection [(b)] (c) of section 46a-83 whichever is earlier. The executive director or the executive director's designee shall conduct an expedited [merit] case assessment review in accordance with subsection [(b)] (c) of section 46a-83 if the commission receives a request for a release of jurisdiction from the complainant [or the complainant's attorney] prior to one hundred eighty days from the date a complaint is filed.

Sec. 18. Section 46a-102 of the general statutes is repealed and the following is substituted in lieu thereof:

Any action brought in accordance with section 46a-100 shall be brought within two years of the date of filing of the complaint with the commission [, except that an action may be brought within six months of October 1, 1991, with respect to an alleged violation provided a complaint concerning such violation has been pending with the commission for more than one year as of October 1, 1991, unless the complaint has been scheduled for a hearing].

AN ACT CONCERNING WHISTLE-BLOWING

Sec. 1. Subdivision (2)(A) of subsection (d) of section 4-61dd of the general statutes is repealed and the following is substituted in lieu thereof:

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, a state or quasi-public agency employee, an employee of a large state contractor or the employee's attorney may file a complaint against the state agency, quasi-public agency, large state contractor or appointing authority concerning such personnel action with the Chief Human Rights Referee designated under section 46a-57. Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall provide a copy of the complaint to the supervising attorney appointed pursuant to subdivision (3) of section 46a-54 upon receipt of the complaint. The supervising attorney may assign a commission legal counsel to represent the commission. The filing of an appearance by commission legal counsel shall make the commission a party to the complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under section 46a-57, who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this section. The human rights referee may order a state agency or quasi-public agency to produce (i) an employee of such agency or quasi-public agency to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such agency or quasi-public agency fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee shall order the state agency, quasi-public agency, large state contractor or appointing authority to cease and desist from the retaliatory conduct and further require the state agency, quasi-public agency, large state contractor or appointing authority to take such action as in the judgment of the human rights referee will effectuate the purpose of this section and make the employee whole. The human rights referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees, and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of section 4-183.

Sec. 2. Subsection (b) of section 46a-55 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) The executive director, through the supervising attorney, may assign a commission legal counsel to represent the commission in any hearing or appeal under subdivision

[(3)] (2)(A) of subsection [(b)] (d) of section 4-61dd. Commission legal counsel may appear on behalf of the commission in any such hearing or appeal without leave of the tribunal or the parties.