



House Bill No. 6638

Public Act No. 23-145

AN ACT REVISING THE STATE'S ANTIDISCRIMINATION STATUTES.

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

Section 1. Section 46a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(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, mental disability, physical disability, age, status as a veteran or status as a victim of domestic violence.

(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

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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 or group of persons, 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, gender identity or expression, sexual orientation, blindness, mental disability, physical disability, age, status as a veteran or status as a victim of domestic violence, shall be in violation of subsection (a) of this section.

(e) (1) Except as provided in subdivision (2) of this subsection, any person who violates any provision of this section shall be guilty of a class A misdemeanor and shall be fined not less than one thousand dollars, 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 and shall be fined not less than one thousand dollars.

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

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

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

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 Section 46a-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

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

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

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

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

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

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

(6) "Discrimination" includes segregation and separation;

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

(8) "Discriminatory practice" means a violation of section 4a-60, 4a-60a, 4a-60g, 31-40y, subsection (b), (d), (e) or (f) of section 31-51i, subparagraph (C) of subdivision (15) of section 46a-54, subdivisions (16) and (17) of section 46a-54, section 46a-58, as amended by this act, 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

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46a-81b to 46a-81o, inclusive, and sections 46a-80b to 46a-80e, inclusive, and sections 46a-80k to 46a-80m, inclusive;

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

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

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

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

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

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

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

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

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

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

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

(20) "Mental disability" refers to an individual who has a record of, or is regarded as 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"; and

(21) "Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-

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related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose;

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

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

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

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

(26) "Sexual orientation" means a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (A) may have previously expressed, or (B) is perceived by another person to hold.

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

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

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or society.

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

The provisions of sections 4a-60a and [46a-81a] 46a-81b to 46a-81o, inclusive, shall not apply to a religious corporation, entity, association, educational institution or society with respect to the employment of individuals to perform work connected with the carrying on by such corporation, entity, association, educational institution or society of its activities, or with respect to matters of discipline, faith, internal organization or ecclesiastical rule, custom or law which are established by such corporation, entity, association, educational institution or society.

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

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

Sec. 6. Section 46a-81a of the general statutes is repealed. (*Effective July 1, 2023*)