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## **OLR Bill Analysis**

### **sHB 7236**

#### ***AN ACT CONCERNING HUMAN TRAFFICKING AND SEXUAL ASSAULT VICTIMS.***

#### **SUMMARY**

This bill makes various changes in laws related to sexual assault and human trafficking victims (see definitions below).

First, the bill changes the composition of the Trafficking in Persons Council by (1) increasing its membership, from 36 to 37, by adding the Department of Transportation commissioner, or his designee and (2) removing the specified qualifications of one of the governor's four appointees (§ 1).

The bill also makes sexual assault victim status and trafficking in persons victim status protected classes under the Commission on Human Rights and Opportunities (CHRO) antidiscrimination laws. It does so by prohibiting various forms of discrimination based on someone's status as a sexual assault or human trafficking victim, such as in employment, public accommodations, housing sales or rentals, granting credit, and several other areas. In several cases, the bill classifies discrimination on this basis as a "discriminatory practice" under the CHRO laws. By doing so, it allows CHRO or individuals aggrieved by these violations to file a complaint with CHRO alleging discrimination (§§ 2-15).

The bill also creates an affirmative defense for certain offenders charged with a misdemeanor (1) who were minors (under age 18) at the time they committed the offense and (2) whose participation in the offense was a result of having been a human trafficking victim (§ 16).

Lastly, it allows the mandatory human trafficking awareness course to be provided in any format, rather than only by video. By law, the Department of Children and Families (DCF) in consultation with the

Department of Emergency Services and Public Protection (DESPP), must develop and provide this training program for specified professionals, such as law enforcement officers, judges, public defenders, and certain professionals who have contact with students (§ 17).

EFFECTIVE DATE: October 1, 2025, except the provisions increasing the council's membership and revising DCF's training program are effective upon passage.

### **§ 1 — TRAFFICKING IN PERSONS COUNCIL**

The bill changes the composition of the Trafficking in Persons Council in two ways. First, it increases the membership, from 36 to 37, by adding the Department of Transportation commissioner, or his designee. Second, it changes one of the governor's four appointees by no longer requiring him to specifically appoint an adult trafficking victim but instead requires him to add a fourth member of the public without specifying any qualifications.

Existing law, unchanged by the bill, specifies that the governor's appointees who are members of the public must represent each of the following groups: (1) victims of commercial exploitation of children, (2) sex trafficking victims who are children, and (3) a coalition of children's advocacy centers and multidisciplinary teams that are dedicated to serving child abuse victims and their families.

By law, among other things, the Trafficking in Persons Council coordinates human trafficking data collection and consults with government and nongovernment organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and help victims, and prosecute traffickers.

### **§§ 2-15 — SEXUAL ASSAULT AND HUMAN TRAFFICKING VICTIMS AS PROTECTED CLASS UNDER ANTI-DISCRIMINATION LAWS**

The bill prohibits various forms of discrimination based on someone's status as a sexual assault or human trafficking victim, such as in employment, public accommodations, housing sales or rentals, granting credit, and several other areas. In several cases, it classifies

discrimination on this basis as a “discriminatory practice” under the CHRO laws. By doing so, the bill allows CHRO or individuals aggrieved by these violations to file a complaint with CHRO alleging discrimination.

***Sexual Assault Victim Defined (§ 2)***

The bill defines the term “victim of sexual assault” under the CHRO laws as a victim of 1st, 2nd, 3rd, and 4th degree sexual assault; 3rd degree sexual assault with a firearm; aggravated sexual assault; aggravated sexual assault of a minor; sexual assault in a spousal or cohabiting relationship; and 1st and 2nd degree rape.

***Human Trafficking Victim Defined (§ 2)***

The bill applies a general definition for the term “victim of trafficking in persons” under the CHRO laws.

Under the bill, a human trafficking victim is a person who is a victim of the crime of “trafficking in persons,” a class A felony, punishable by a fine up to \$20,000, 10 to 25 years in prison, or both. By law, a person commits trafficking in persons when he or she knowingly compels or induces another person to:

1. use fraud, coercion, or force (or threat of force) to compel or induce another person to (a) engage in conduct involving sexual contact with one or more third persons or (b) provide labor or services that the other person has a legal right to refrain from providing;
2. compel or induce a minor (under age 18) to engage in conduct with one or more third persons involving sexual contact for which the third person may be charged with a crime; or
3. otherwise knowingly commit a sex trafficking act (CGS § 53a-192a).

***General Anti-Discriminatory Provision and Deprivation of Rights (§ 4)***

Under existing law, it is a discriminatory practice to deprive someone

of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental or physical disability, age, veteran status, or status as a domestic violence victim. The bill adds sexual assault and human trafficking victims to this list, thus authorizing CHRO to investigate claims of discrimination based on this status.

Under existing law, it is a crime to place a noose or simulation of one on public property, or on private property without the owner's written consent, with the intent to harass someone because of any protected class listed above. The bill adds sexual assault and human trafficking victims to the list of protected classes.

By law, a violation of these provisions is generally a class A misdemeanor; but, if the violation results in more than \$1,000 in property damage, then it is a class D felony. In either case, there is a minimum \$1,000 fine unless the court states on the record its reasons for reducing it. (A class A misdemeanor is punishable by a fine up to \$2,000, up to 364 days in prison, or both; a class D felony is punishable by a fine up to \$5,000, up to five years in prison, or both.)

### ***Employment Discrimination (§ 6)***

Unless there is a bona fide occupational qualification or need, the bill prohibits an employer or its agent from (1) refusing to hire or employ someone; (2) barring or discharging someone from employment; or (3) discriminating against someone in pay or in employment terms, conditions, or privileges because the person is a sexual assault or human trafficking victim. This prohibition applies to all employers, public or private, and all employees except those employed by their parents, spouse, or children.

The bill also prohibits the following kinds of employment discrimination based on sexual assault or human trafficking victim status:

1. employers refusing to give a reasonable leave of absence to an employee whom the employer knows is a sexual assault or human trafficking victim unless the absence would cause an undue hardship (see below);
2. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a bona fide occupational qualification or need;
3. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against a member, employer, or employee unless the action is due to a bona fide occupational qualification;
4. employers, employment agencies, labor organizations, or anyone else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint proceeding;
5. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so; and
6. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and therefore discriminates except when involving a bona fide occupational qualification or need.

***Reasonable Leave of Absence.*** As is the case for an employee who is a domestic violence victim under existing law, under the bill, it is a discriminatory practice for an employer or the employer's agent to deny the employee a reasonable leave of absence to do the following:

1. seek attention for injuries caused by sexual assault or human trafficking, including for a child who is a sexual assault or human trafficking victim, so long as the employee did not commit sexual

- assault or human trafficking against the child;
2. get services, including safety planning, from a sexual assault or human trafficking agency or rape crisis center;
  3. get psychological counseling, including for a child, so long as the employee did not commit sexual assault or human trafficking against the child;
  4. take other actions to increase safety from future incidents, including temporary or permanent relocation; or
  5. get legal services, help with the offense's prosecution, or otherwise participate in related legal proceedings.

As is required for a domestic violence victim under existing law, the bill requires an employee who is a sexual assault or human trafficking victim who misses work under the circumstances described above to give a certification to the employer, if requested, within a reasonable time after the absence. The bill generally requires similar types of certifications for sexual assault and human trafficking victims as existing law requires for domestic violence victims, which must be one of the following:

1. a police report indicating that the employee or the employee's child was a sexual assault or human trafficking victim;
2. a court order protecting or separating the employee or employee's child from the perpetrator;
3. other evidence from the court or prosecutor that the employee appeared in court; or
4. documentation from a medical professional or a sexual assault counselor, or other health care provider, that the employee or employee's child was receiving services, counseling, or treatment for physical or mental injuries or abuse caused by sexual assault or human trafficking.

Under the bill, if an employee has a physical or mental disability resulting from a sexual assault or human trafficking incident, then the employee must be treated the same as employees with other disabilities, as is the case for domestic violence victims under existing law.

The bill also requires employers, to the extent allowed by law, to keep confidential any information about an employee's status as a sexual assault or human trafficking victim as is required by law for domestic violence victims.

### ***Public Accommodations (§ 7)***

The bill prohibits anyone from denying someone, based on his or her status as a sexual assault or human trafficking victim, full and equal accommodations in any public establishment (i.e. one that caters to or offers its services, facilities, or goods to the general public), including any commercial property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people based on their status as a sexual assault or human trafficking victim. A violation is a class D misdemeanor, punishable by a fine up to \$250, up to 30 days in prison, or both.

### ***Housing (§ 3)***

The law provides protection against discriminatory housing practices to the protected classes under the CHRO statutes. The bill extends these protections to sexual assault and human trafficking victims. Specifically, the bill prohibits anyone from doing the following based on a person's status as a sexual assault or human trafficking victim:

1. refusing to sell or rent after the person makes a bona fide offer, refusing to negotiate for the sale or rental of a dwelling, or otherwise denying or making a dwelling unavailable;
2. discriminating against the person in the terms, conditions, or privileges of a dwelling's sale or rental, or in providing connected services or facilities, such as providing appraisals;

3. making, printing, or publishing, or causing such to occur, any notice, statement, or advertisement with a dwelling's sale or rental that indicates any preference, limitation, or discrimination;
4. representing that a dwelling is not available for inspection, sale, or rental when it is;
5. generally restricting or attempting to restrict the choices of any buyer or renter to buy or rent a dwelling;
6. for profit, inducing or attempting to induce the person to sell or rent any dwelling by representations about the entry or prospective entry into the neighborhood;
7. discriminating against the person in making available a residential real estate transaction, or in the terms or conditions of the transaction; or
8. denying the person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to residential real estate business of selling or renting homes, or discriminating in the terms or conditions of them.

Under existing law and the bill, the above provisions do not apply to the rental of (1) a room in an owner-occupied single-family home or (2) part of an owner-occupied two-family home. A violation of any of them is a class D misdemeanor.

***Credit (§ 8)***

The bill prohibits a creditor from discriminating against an adult in a credit transaction based on the person's status as a sexual assault or human trafficking victim.

***Other Areas Subject to CHRO's Jurisdiction (§§ 5 & 9-15)***

The bill authorizes CHRO to investigate discrimination claims based on someone's status as a sexual assault or human trafficking victim under other laws over which CHRO has jurisdiction. Specifically, the



bill does the following:

1. prohibits any professional or trade association, board, or other similar organization whose profession, trade, or occupation requires a state license from denying someone membership because of his or her status as a sexual assault or human trafficking victim (violators are subject to a \$100 to \$500 fine) (§ 5);
2. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel based on merit and qualifications, without regard for their status as a sexual assault or human trafficking victim unless it prevents performance of the work involved (§ 9);
3. requires state agencies to deliver services without discrimination based on a person's status as a sexual assault or human trafficking victim (§ 10);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her status as a sexual assault or human trafficking victim (§ 11);
5. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter because he or she is a sexual assault or human trafficking victim (§ 12);
6. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which they participate, to be open to all qualified people, without regard for a person's status as a sexual assault or human trafficking victim (§ 13);
7. prohibits a person's status as a sexual assault or human trafficking victim from being a limiting factor in state-administered programs involving the distribution of funds to

qualified applicants for benefits authorized by law; and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations that discriminate on this basis (§ 14); and

8. generally requires state agency, municipal public works, and quasi-public agency project contracts to have a provision requiring the contractors to agree, with regard to someone's status as a victim of sexual assault or human trafficking, to (a) not discriminate or permit discrimination and (b) take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to that status. (§ 15).

#### **§ 16 — AFFIRMATIVE DEFENSE FOR MINOR VICTIMS IN MISDEMEANOR CASES**

In misdemeanor cases in Superior or Juvenile courts, the bill makes it an affirmative defense that (1) the defendant was a minor (under age 18) at the time he or she committed the offense and (2) his or her participation in the offense was a result of having been a human trafficking victim (as defined above).

Under existing law, it is already an affirmative defense in any human trafficking prosecution or delinquency proceeding that the defendant was a minor and his or her participation in the offense was a result of having been a victim of another person's human trafficking conduct.

#### **§ 17 — HUMAN TRAFFICKING AWARENESS COURSE**

The law requires the DCF commissioner, in consultation with the DESPP commissioner, to develop an initial and refresher training program to accurately and promptly identify and report suspected human trafficking.

Under current law, the training program must include a video presentation, developed and approved by the commissioners, that offers awareness of human trafficking issues and guidance to specific personnel. The bill allows this presentation to be in any format, not just video.

Existing law, unchanged by the bill, requires the following professionals to complete the training every three years: law enforcement personnel; Superior Court judges; prosecutors; public defenders and other criminal defense attorneys; hospital emergency room, urgent care facility staff, and emergency medical services personnel who have patient contact; and employees of local and regional school boards or public higher education constituent units who have contact with students.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 5 (04/07/2025)