

OFFICE OF FISCAL ANALYSIS

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sSB-5

AN ACT CONCERNING ONLINE DATING OPERATORS, ONLINE CHILD GROOMING AND HARASSMENT, DOMESTIC VIOLENCE TRAINING AND PROTECTIONS FOR VICTIMS OF FAMILY VIOLENCE AND DOMESTIC VIOLENCE.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Social Services, Dept.	GF - Cost	1,440,000	None
Consumer Protection, Dept.	GF - Cost	107,913	143,884
State Comptroller - Fringe Benefits ¹	GF - Cost	43,737	58,316
Department of Emergency Services and Public Protection	GF - Potential Cost	74,336	74,336
State Comptroller - Fringe Benefits ²	GF - Potential Cost	30,128	30,128
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to laws affecting online harassment, domestic violence training, sexual harassment in the workplace, and anti-discrimination protections resulting in various costs and revenue

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

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gains to the state, described below.

Sections 1-4 creates a regulatory framework for online dating services³ and requires the Department of Consumer Protection (DCP) to enforce these provisions resulting in a cost of \$151,650 in FY 23⁴ and \$202,200 in FY 24. To meet the requirements of the bill DCP will have to hire on special investigator and one staff attorney. There is anticipated to be a numerous complaints and non-compliance which will need to be investigated and fines assessed per violation. To the extent violations occur and fines are assessed there is a potential revenue gain to the state.

Section 5 establishes a working group to make recommendations on criminalizing child grooming resulting in no fiscal impact to the state.

Section 6 establishes a grant program to provide educational and training opportunities with the goal of preventing online abuse and results in a potential cost to the Department of Emergency Services and Public Protection (DESPP) of \$104,464 (costs include salary and fringe benefits) in FY 23 and FY 24. To the extent funding is appropriated to the grant program, DESPP will have to hire one Emergency Management Program Specialist to run the program. The new employee is responsible for fielding a request for proposals for eligible entities, reviewing all submissions to see if they meet the required criteria, and awarding grant funding.

Section 7 of the bill reduces the number of employees an employer must have to be subject to the antidiscrimination laws under the Commission on Human Rights and Opportunities (CHRO). It subjects employers to the antidiscrimination and posting requirements in current employment law, including sexual harassment. Existing law already applies the training requirements to employers with one or two employees. This is not anticipated to have a fiscal impact on state

³ Requires operators to gather a significant amount of confidential data, conduct identity checks, encrypt the data, and maintain confidentiality.

⁴ FY 23 reflects 9 months of salary costs due to the October 1, 2022 effective date.

agencies or municipalities as they already meet this requirement.

Sections 8 and 9 of the bill expand the duties of CHRO by requiring all state agencies, within available appropriations, to provide a minimum of one hour of training on domestic violence and make resources available to victims. It requires CHRO, in conjunction with domestic violence victim advocates, to develop a link with certain domestic violence information on its website; and an online training method make them available to each state agency at no cost. It is anticipated that this would result in no cost to CHRO as the training would be developed by the victim advocates.

Section 10 of the bill prohibits an employer from taking certain actions against an employee due to their family violence status. This has no fiscal impact to CHRO as they already protect workers under various situations. Additionally, Sections 10 and 13-23 of the bill add status as a family violence victim to the current list of protected classes, and authorizes CHRO to investigate claims of discrimination against family violence victims. Currently, it is a discriminatory practice to deprive someone of rights protected by laws due to various classifications. Adding this protected class of persons to the purview of CHRO is expected to increase the number of complaints to CHRO's current caseload, but it is anticipated current staff can handle any increased caseload.

Sections 14 and 18-23 of the bill give CHRO authority to investigate claims of discrimination based on a person's status as a family violence victim under other laws currently under CHRO's purview.

Section 16 of the bill extends current housing discrimination protections to those with a designation of family violence victim. This has no fiscal impact to CHRO as they already work to protect persons under similar designations and it is expected the agency has the necessary staff to handle any increase in caseload. Similarly, Section 17 prohibits creditors from discriminating against anyone on the basis of the person's status as a family violence victim. This is also not expected to not have a fiscal impact.

Section 25 results in no fiscal impact to the constituent units as they have sufficient expertise and resources to ensure that campus methods for responding to student mental illness are aligned with the bill's requirements, and to educate campus mental health coalition members about the methods.

Sections 26-27 appropriate \$1,440,000 in FY 23 for domestic violence child and family advocates at domestic violence agencies for the purpose of providing trauma-informed services to children and families experiencing domestic violence. sHB 5037, the revised FY 23 budget bill, as favorably reported by the Appropriations Committee, appropriates \$1,440,000 to support the cost of 18 child and family advocates at domestic violence shelters across the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.