
OLR Bill Analysis

sHB 5422

AN ACT CONCERNING HATE AND BIAS CRIMES.

SUMMARY

This bill requires, rather than allows as under current law, the sentencing court to order anyone convicted of certain hate crimes to participate in (1) an anti-bias or diversity awareness program or (2) a community service program designed to remedy damage caused by, or otherwise related to, the defendant's violation. The court must do so in all sentencings instead of just those, as under current law, involving probation or conditional discharge, and the order must be in addition to any term of imprisonment or fine it may impose for the specific crime.

The bill's requirement applies to the crimes of 1st, 2nd, and 3rd degree intimidation based on bigotry or bias (see BACKGROUND); deprivation of rights, desecration of property, and cross burning (CGS § 46a-58); and deprivation of a person's civil rights by wearing a mask or a hood (CGS § 53-37a).

The bill also expands the State-Wide Hate Crimes Advisory Council's membership by adding the head of UConn's Institute for Municipal and Regional Policy (or his designee) and requires the council to (1) review the 1st, 2nd, and 3rd degree intimidation statutes and (2) report its findings to the Judiciary and Public Safety and Security committees by January 1, 2025.

EFFECTIVE DATE: October 1, 2024

STATE-WIDE HATE CRIMES ADVISORY COUNCIL'S REVIEW

By law, the State-Wide Hate Crimes Advisory Council must annually report recommendations for hate crime legislation to the Judiciary and Public Safety and Security committees on topics such as: (1) restitution for hate crime victims; (2) community service designed to remedy

damage caused by, or related to the commission of, hate crimes; and (3) additional alternative sentencing programs for first-time offenders and juvenile offenders.

The bill additionally requires the advisory council to review the 1st, 2nd, and 3rd degree intimidation statutes and decide if they should be amended to clarify their intent elements. The council must consider whether (1) using terms or phrases such as “maliciously,” “specific intent,” and “motivated in whole or in substantial part” create an unduly high evidentiary threshold to establish intent and (2) the statutes should be amended to align more closely with federal hate and bias crime statutes.

BACKGROUND

Intimidation Based on Bigotry or Bias

The crimes of 1st, 2nd, and 3rd degree intimidation based on bigotry or bias address certain actions that intimidate or harass another person and that are motivated, in whole or in substantial part, by the following attributes: the person’s actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.

First-Degree Intimidation. By law, a person commits the 1st degree crime of intimidation based on bigotry or bias if he or she, maliciously and with specific intent to intimidate or harass someone, motivated in whole or substantial part by any of the actual or perceived attributes listed above, causes physical injury to that person or a third person (CGS § 53a-181j).

Second-Degree Intimidation. By law, a person commits the 2nd degree crime of intimidation based on bigotry or bias if he or she acts maliciously and with specific intent to intimidate or harass another individual or a group of people, motivated in whole or substantial part by any of the actual or perceived attributes listed above, by doing any of the following:

1. making physical contact with the individual or group;
2. damaging, destroying, or defacing their property; or

3. threatening to do either of these things, and there is reasonable cause to believe he or she will carry out the threat (CGS § 53a-181k).

Third-Degree Intimidation. By law a person commits the 3rd degree crime of intimidation if he or she intends to intimidate or harass someone or a group of people, motivated in whole or substantial part by any of the actual or perceived attributes listed above, and he or she (1) damages, destroys, or defaces any property or (2) threatens to do so by word or act or advocates or urges another person to do so and there is reasonable cause to believe the act will occur (CGS § 53a-181l).

Related Bill

sHB 5414, favorably reported by the Judiciary Committee, prohibits various forms of discrimination based on someone’s status as a victim of sexual assault, trafficking in persons, or stalking, and applies to, among others, the state’s deprivation of rights law (CGS § 46a-58).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 33 Nay 4 (03/26/2024)