



# House of Representatives

General Assembly

**File No. 456**

February Session, 2024

Substitute House Bill No. 5422

*House of Representatives, April 11, 2024*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING HATE AND BIAS CRIMES.***

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

1 Section 1. Subsection (a) of section 53a-30 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2024*):

4 (a) When imposing sentence of probation or conditional discharge,  
5 the court may, as a condition of the sentence, order that the defendant:  
6 (1) Work faithfully at a suitable employment or faithfully pursue a  
7 course of study or of vocational training that will equip the defendant  
8 for suitable employment; (2) undergo medical or psychiatric treatment  
9 and remain in a specified institution, when required for that purpose;  
10 (3) support the defendant's dependents and meet other family  
11 obligations; (4) make restitution of the fruits of the defendant's offense  
12 or make restitution, in an amount the defendant can afford to pay or  
13 provide in a suitable manner, for the loss or damage caused thereby. The  
14 court or the Court Support Services Division, if authorized by the court,  
15 may fix the amount thereof and the manner of performance, and the

16 victim shall be advised by the court or the Court Support Services  
17 Division that restitution ordered under this section may be enforced  
18 pursuant to section 53a-28a; (5) if a minor, (A) reside with the minor's  
19 parents or in a suitable foster home, (B) attend school, and (C) contribute  
20 to the minor's own support in any home or foster home; (6) post a bond  
21 or other security for the performance of any or all conditions imposed;  
22 (7) refrain from violating any criminal law of the United States, this state  
23 or any other state; (8) if convicted of a misdemeanor or a felony, other  
24 than a capital felony under the provisions of section 53a-54b in effect  
25 prior to April 25, 2012, a class A felony or a violation of section 53a-70b  
26 of the general statutes, revision of 1958, revised to January 1, 2019, or  
27 section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 or 53a-58 or  
28 any offense for which there is a mandatory minimum sentence which  
29 may not be suspended or reduced by the court, and any sentence of  
30 imprisonment is suspended, participate in an alternate incarceration  
31 program; (9) reside in a residential community center or halfway house  
32 approved by the Commissioner of Correction, and contribute to the cost  
33 incident to such residence; (10) participate in a program of community  
34 service labor in accordance with section 53a-39c; (11) participate in a  
35 program of community service in accordance with section 51-181c; (12)  
36 if convicted of a violation of section 53a-70b of the general statutes,  
37 revision of 1958, revised to January 1, 2019, or subdivision (2) of  
38 subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a  
39 or 53a-72b, undergo specialized sexual offender treatment; (13) if  
40 convicted of a criminal offense against a victim who is a minor, a  
41 nonviolent sexual offense or a sexually violent offense, as defined in  
42 section 54-250, or of a felony that the court finds was committed for a  
43 sexual purpose, as provided in section 54-254, register such person's  
44 identifying factors, as defined in section 54-250, with the Commissioner  
45 of Emergency Services and Public Protection when required pursuant  
46 to section 54-251, 54-252 or 54-253, as the case may be; (14) be subject to  
47 electronic monitoring, which may include the use of a global positioning  
48 system; (15) [if convicted of a violation of section 46a-58, 53-37a, 53a-  
49 181j, 53a-181k or 53a-181l, participate in an anti-bias or diversity  
50 awareness program or participate in a program of community service

51 designed to remedy damage caused by the commission of a bias crime  
52 or otherwise related to the defendant's violation; (16)] if convicted of a  
53 violation of section 53-247, undergo psychiatric or psychological  
54 counseling or participate in an animal cruelty prevention and education  
55 program provided such a program exists and is available to the  
56 defendant; or [(17)] (16) satisfy any other conditions reasonably related  
57 to the defendant's rehabilitation. The court shall cause a copy of any  
58 such order to be delivered to the defendant and to the probation officer,  
59 if any.

60 Sec. 2. Section 46a-58 of the 2024 supplement to the general statutes  
61 is repealed and the following is substituted in lieu thereof (*Effective*  
62 *October 1, 2024*):

63 (a) It shall be a discriminatory practice in violation of this section for  
64 any person to subject, or cause to be subjected, any other person to the  
65 deprivation of any rights, privileges or immunities, secured or protected  
66 by the Constitution or laws of this state or of the United States, on  
67 account of religion, national origin, alienage, color, race, sex, gender  
68 identity or expression, sexual orientation, blindness, mental disability,  
69 physical disability, age, status as a veteran or status as a victim of  
70 domestic violence.

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

77 (c) Any person who places a burning cross or a simulation thereof on  
78 any public property, or on any private property without the written  
79 consent of the owner, and with intent to intimidate or harass any other  
80 person or group of persons, shall be in violation of subsection (a) of this  
81 section.

82 (d) Any person who places a noose or a simulation thereof on any

83 public property, or on any private property without the written consent  
84 of the owner, and with intent to intimidate or harass any other person  
85 on account of religion, national origin, alienage, color, race, sex, gender  
86 identity or expression, sexual orientation, blindness, mental disability,  
87 physical disability, age, status as a veteran or status as a victim of  
88 domestic violence, shall be in violation of subsection (a) of this section.

89 (e) (1) Except as provided in subdivision (2) of this subsection, any  
90 person who violates any provision of this section shall be guilty of a  
91 class A misdemeanor and shall be fined not less than one thousand  
92 dollars, except that if property is damaged as a consequence of such  
93 violation in an amount in excess of one thousand dollars, such person  
94 shall be guilty of a class D felony and shall be fined not less than one  
95 thousand dollars.

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

104 (3) In addition to any term of imprisonment or fine imposed pursuant  
105 to subdivision (1) or (2) of this subsection, the court shall order any  
106 person who violates the provisions of this section to participate in an  
107 anti-bias or diversity awareness program or participate in a program of  
108 community service designed to remedy damage caused by or otherwise  
109 related to the defendant's violation.

110 ~~[(3)]~~ (4) The minimum amount of any fine imposed by the provisions  
111 of this section may not be remitted or reduced by the court unless the  
112 court states on the record its reasons for remitting or reducing such fine.

113 ~~[(4)]~~ (5) The court may order restitution for any victim of a violation  
114 of this section pursuant to subsection (c) of section 53a-28.

115 Sec. 3. Section 53-37a of the general statutes is repealed and the  
116 following is substituted in lieu thereof (*Effective October 1, 2024*):

117 Any person who, with the intent to subject, or cause to be subjected,  
118 any other person to the deprivation of any rights, privileges or  
119 immunities, secured or protected by the Constitution or laws of this  
120 state or of the United States, on account of religion, national origin,  
121 alienage, color, race, sex, gender identity or expression, sexual  
122 orientation, blindness or physical disability, violates the provisions of  
123 section 46a-58, as amended by this act, while wearing a mask, hood or  
124 other device designed to conceal the identity of such person shall be  
125 guilty of a class D felony. In addition to any term of imprisonment or  
126 fine imposed pursuant to this section, the court shall order any person  
127 who violates the provisions of this section to participate in an anti-bias  
128 or diversity awareness program or participate in a program of  
129 community service designed to remedy damage caused by or otherwise  
130 related to the defendant's violation.

131 Sec. 4. Section 53a-181j of the general statutes is repealed and the  
132 following is substituted in lieu thereof (*Effective October 1, 2024*):

133 (a) A person is guilty of intimidation based on bigotry or bias in the  
134 first degree when such person maliciously, and with specific intent to  
135 intimidate or harass another person motivated in whole or in substantial  
136 part by the actual or perceived race, religion, ethnicity, disability, sex,  
137 sexual orientation or gender identity or expression of such other person,  
138 causes physical injury to such other person or to a third person.

139 (b) Intimidation based on bigotry or bias in the first degree is a class  
140 C felony, for which three thousand dollars of the fine imposed may not  
141 be remitted or reduced by the court unless the court states on the record  
142 its reasons for remitting or reducing such fine. In addition to any term  
143 of imprisonment or fine imposed pursuant to this section, the court shall  
144 order any person who violates the provisions of this section to  
145 participate in an anti-bias or diversity awareness program or participate  
146 in a program of community service designed to remedy damage caused  
147 by or otherwise related to the defendant's violation.

148 Sec. 5. Section 53a-181k of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective October 1, 2024*):

150 (a) A person is guilty of intimidation based on bigotry or bias in the  
151 second degree when such person maliciously, and with specific intent  
152 to intimidate or harass another person or group of persons motivated in  
153 whole or in substantial part by the actual or perceived race, religion,  
154 ethnicity, disability, sex, sexual orientation or gender identity or  
155 expression of such other person or group of persons, does any of the  
156 following: (1) Causes physical contact with such other person or group  
157 of persons, (2) damages, destroys or defaces any real or personal  
158 property of such other person or group of persons, or (3) threatens, by  
159 word or act, to do an act described in subdivision (1) or (2) of this  
160 subsection, if there is reasonable cause to believe that an act described  
161 in subdivision (1) or (2) of this subsection will occur.

162 (b) Intimidation based on bigotry or bias in the second degree is a  
163 class D felony, for which one thousand dollars of the fine imposed may  
164 not be remitted or reduced by the court unless the court states on the  
165 record its reasons for remitting or reducing such fine. In addition to any  
166 term of imprisonment or fine imposed pursuant to this section, the court  
167 shall order any person who violates the provisions of this section to  
168 participate in an anti-bias or diversity awareness program or participate  
169 in a program of community service designed to remedy damage caused  
170 by or otherwise related to the defendant's violation.

171 Sec. 6. Section 53a-181l of the general statutes is repealed and the  
172 following is substituted in lieu thereof (*Effective October 1, 2024*):

173 (a) A person is guilty of intimidation based on bigotry or bias in the  
174 third degree when such person, with specific intent to intimidate or  
175 harass another person or group of persons motivated in whole or in  
176 substantial part by the actual or perceived race, religion, ethnicity,  
177 disability, sex, sexual orientation or gender identity or expression of  
178 such other person or persons: (1) Damages, destroys or defaces any real  
179 or personal property, or (2) threatens, by word or act, to do an act  
180 described in subdivision (1) of this subsection or advocates or urges

181 another person to do an act described in subdivision (1) of this  
182 subsection, if there is reasonable cause to believe that an act described  
183 in said subdivision will occur.

184 (b) Intimidation based on bigotry or bias in the third degree is a class  
185 E felony, for which one thousand dollars of the fine imposed may not  
186 be remitted or reduced by the court unless the court states on the record  
187 its reasons for remitting or reducing such fine. In addition to any term  
188 of imprisonment or fine imposed pursuant to this section, the court shall  
189 order any person who violates the provisions of this section to  
190 participate in an anti-bias or diversity awareness program or participate  
191 in a program of community service designed to remedy damage caused  
192 by or otherwise related to the defendant's violation.

193 Sec. 7. Section 51-279f of the general statutes is repealed and the  
194 following is substituted in lieu thereof (*Effective October 1, 2024*):

195 (a) There shall be a State-Wide Hate Crimes Advisory Council within  
196 the Office of the Chief State's Attorney, for administrative purposes  
197 only. Members of the council shall include (1) the following, or their  
198 designees: The Chief State's Attorney; the Chief Public Defender; the  
199 Commissioner of Emergency Services and Public Protection; the  
200 president of the Connecticut Bar Association; the president of the  
201 George W. Crawford Black Bar Association; the president of the South  
202 Asian Bar Association of Connecticut; the president of the Connecticut  
203 Asian Pacific American Bar Association; the president of the  
204 Connecticut Hispanic Bar Association; the head of the Institute for  
205 Municipal and Regional Policy at The University of Connecticut; and the  
206 president of the Connecticut Police Chiefs Association; (2) the head of  
207 the Hate Crimes Investigative Unit, established pursuant to subsection  
208 (d) of section 29-4; and (3) no more than thirty appointed by the  
209 Governor who are representatives of organizations committed to  
210 decreasing hate crimes, improving diversity awareness or representing  
211 the interests of groups within the state protected by sections 53a-181j to  
212 53a-181l, inclusive, as amended by this act.

213 (b) The Governor shall appoint two chairpersons of such council from

214 among the members of the council.

215 (c) The council shall meet at least semiannually to encourage and  
216 coordinate programs to increase community awareness and reporting  
217 of hate crimes and to combat such crimes and make recommendations  
218 for any legislation concerning such crimes, including, but not limited to,  
219 recommendations concerning restitution for victims of such crimes,  
220 community service designed to remedy damage caused by any such  
221 crime or that is related to the commission of any such crime and  
222 additional alternative sentencing programs for first time offenders and  
223 juvenile offenders.

224 (d) Not later than October 1, 2018, and annually thereafter, the council  
225 shall report, in accordance with the provisions of section 11-4a, its  
226 recommendations to the joint standing committees of the General  
227 Assembly having cognizance of matters relating to the judiciary and  
228 public safety.

229 (e) The council shall review sections 53a-181j to 53a-181l, inclusive, as  
230 amended by this act, for the purpose of determining whether  
231 amendments should be made to said statutes to clarify the elements  
232 concerning intent. The council shall consider whether the use of terms  
233 or phrases such as "maliciously", "specific intent" and "motivated in  
234 whole or in substantial part" create an unduly high evidentiary  
235 threshold to establish intent. The council shall also consider whether  
236 said statutes should be amended to more closely align with federal hate  
237 and bias crime statutes. Not later than January 1, 2025, the council shall  
238 report its findings pursuant to this subsection and any legislative  
239 recommendations, in accordance with the provisions of section 11-4a, to  
240 the joint standing committees of the General Assembly having  
241 cognizance of matters relating to the judiciary and public safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	53a-30(a)
Sec. 2	October 1, 2024	46a-58



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Sec. 3	<i>October 1, 2024</i>	53-37a
Sec. 4	<i>October 1, 2024</i>	53a-181j
Sec. 5	<i>October 1, 2024</i>	53a-181k
Sec. 6	<i>October 1, 2024</i>	53a-181l
Sec. 7	<i>October 1, 2024</i>	51-279f

**Statement of Legislative Commissioners:**

Section 5 was deleted as it was redundant with Section 4 and Section 6 was added as a conforming section.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the court to order offenders charged with a hate crime to attend anti-bias training or participate in a community service program, which results in a potential minimal cost to the Judicial Department. The cost per participant for such a training is between \$350 and \$3,500 depending on the number of sessions completed. Few violations are anticipated.<sup>1</sup>

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

<sup>1</sup>Since FY 14, less than 50 charges were recorded for hate crimes.

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**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 of 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)