

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-5422

Title: AN ACT CONCERNING HATE AND BIAS CRIMES.

Vote Date: 3/26/2024

Vote Action: Joint Favorable

PH Date: 3/13/2024

File No.:

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SPONSORS OF BILL:

Judiciary Committee

CO-SPONSORS OF BILL:

Rep. Maryam Khan, 5th Dist.

Rep. Aundre Bumgardner, 41st Dist.

Rep. Susan M. Johnson, 49th Dist.

REASONS FOR BILL:

This bill requires an individual convicted of a hate or bias crime to participate in an anti-bias, diversity awareness, or community service program that would remedy damage caused or related to the violation. Additionally, it makes the head of the UConn Institute for Municipal and Regional Policy a statutory appointee to the State-Wide Hate Crimes Advisory Council and requires the council to examine and recommend legislative changes to elements of the hate crime statutes related to intention.

RESPONSE FROM ADMINISTRATION/AGENCY:

External Affairs Division, State of Connecticut Judicial Branch: The Judicial Branch provided testimony on this bill, stating they take no position on the policies of the bill but that they do have concerns regarding the language. They stated their concern on the current language under the section that provides "the court *shall* order any person who violates a hate or bias crime to participate in an anti-bias or diversity awareness program or a program of community service." They believe the use of "may" rather than "shall" would avoid unintended consequences in what the court requires of a person found to have committed a hate crime. They added that at the very least, in addition to the language regarding the

program or community service condition being mandatory, language should be added that reads "unless the court has good cause to not require it."

Patrick Griffin, Chief States Attorney, Division of Criminal Justice: The Division of Criminal Justice provided testimony in support, stating that hate crimes are underreported and difficult to prove in a courtroom due to current statute language. They stated that under current law, a prosecutor must establish that a defendant had specific intent to intimidate or harass a person or group of persons motivated in part or in whole by the actual or perceived classification and that this element is extremely difficult to establish without direct evidence. The Division of Criminal Justice states they stand ready to support the State-Wide Hate Crimes Advisory Council in its review of sections 53a-181j to 53a181l.

Judge Robin Pavia and Alex Tsarkov, Connecticut Sentencing Commission: The Connecticut Sentencing Commission provided testimony for this bill in which they outlined the background information of its members and the purpose of their work. Their group was formed in 2023 for the purpose of reviewing the criminal statutes on hate crimes. The group is currently conducting their review and plans to release a report on their findings before the 2025 legislative session.

NATURE AND SOURCES OF SUPPORT:

Natasha Pierre, State Victim Advocate, Office of the Victim Advocate: She provided testimony in support of this bill with additional technical clarification. She provided statistics on hate and bias crimes committed in Connecticut in the last few years and noted that the current raised bill requires any person convicted of such crimes to participate in an anti-bias program along with their prison sentence or fine. She offered technical clarifications for sections 4, 5, and 6 of this bill, as they currently propose to amend bigotry and bias statutes of the first, second, and third degrees (C.G.S. § 53a-181j, k and l); however, sections 4 and 5 amend the first degree, leaving the third degree absent, and section 6 amends the second degree.

Michael Bloom, Executive Director, Jewish Federate Association of Connecticut (JFACT): He provided testimony in support of this bill on behalf of JFACT. He stated that this bill would bring everyone another step forward in the fight to end hate and bias crimes, referring to the required participation in an anti-bias or diversity awareness program. He provided a list of organizations located in Connecticut that could potentially offer such rehabilitation services listed in this bill.

Cindy Prizio, Executive Director, One Standard of Justice: She provided testimony in support of this bill, stating that it offers restorative justice for the actual victims of hate crimes. She had some concern with the language in section 7 that she believes sounds like it would allow for easier convictions. She stated she does not believe incarceration is the answer to combatting hate crimes. She supports this bill and the use of restorative justice in place of additional sentencing.

Annie Hornish and Neil Hornish: They provided testimony in support, stating their belief that it would provide healing and closure to victims and to perpetrators of hate crimes, as well as help to end hate crimes.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Cathleen Collins

Date: 3-22-24