



General Assembly

February Session, 2024

Raised Bill No. 5422

LCO No. 2643



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 repealed and the following is substituted in lieu thereof (*Effective October*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-181j 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 first degree when such person maliciously, and with specific intent to
152 intimidate or harass another person motivated in whole or in substantial
153 part by the actual or perceived race, religion, ethnicity, disability, sex,
154 sexual orientation or gender identity or expression of such other person,
155 causes physical injury to such other person or to a third person.

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

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 Section 53a-181k of the general statutes is repealed and the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

167 (a) A person is guilty of intimidation based on bigotry or bias in the
168 second degree when such person maliciously, and with specific intent
169 to intimidate or harass another person or group of persons motivated in
170 whole or in substantial part by the actual or perceived race, religion,
171 ethnicity, disability, sex, sexual orientation or gender identity or
172 expression of such other person or group of persons, does any of the
173 following: (1) Causes physical contact with such other person or group
174 of persons, (2) damages, destroys or defaces any real or personal
175 property of such other person or group of persons, or (3) threatens, by
176 word or act, to do an act described in subdivision (1) or (2) of this
177 subsection, if there is reasonable cause to believe that an act described
178 in subdivision (1) or (2) of this subsection will occur.

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

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

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

208 (b) The Governor shall appoint two chairpersons of such council from
209 among the members of the council.

210 (c) The council shall meet at least semiannually to encourage and

211 coordinate programs to increase community awareness and reporting
212 of hate crimes and to combat such crimes and make recommendations
213 for any legislation concerning such crimes, including, but not limited to,
214 recommendations concerning restitution for victims of such crimes,
215 community service designed to remedy damage caused by any such
216 crime or that is related to the commission of any such crime and
217 additional alternative sentencing programs for first time offenders and
218 juvenile offenders.

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

224 (e) The council shall review sections 53a-181j to 53a-181l, inclusive, as
225 amended by this act, for the purpose of determining whether
226 amendments should be made to said statutes to clarify the elements
227 concerning intent. The council shall consider whether the use of terms
228 or phrases such as "maliciously", "specific intent" and "motivated in
229 whole or in substantial part" create an unduly high evidentiary
230 threshold to establish intent. The council shall also consider whether
231 said statutes should be amended to more closely align with federal hate
232 and bias crime statutes. Not later than January 1, 2025, the council shall
233 report its findings pursuant to this subsection and any legislative
234 recommendations, in accordance with the provisions of section 11-4a, to
235 the joint standing committees of the General Assembly having
236 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
Sec. 3	October 1, 2024	53-37a
Sec. 4	October 1, 2024	53a-181j
Sec. 5	October 1, 2024	53a-181j

Sec. 6	<i>October 1, 2024</i>	53a-181k
Sec. 7	<i>October 1, 2024</i>	51-279f

Statement of Purpose:

To mandate for any person convicted of a hate or bias crime, participation in an anti-bias or diversity awareness program or in a program of community service designed to remedy damage caused by the commission of a bias crime or otherwise related to the defendant's violation, adjust the membership of the State-Wide Hate Crimes Advisory Council and require the council to examine and recommend legislative changes to the intent elements of hate crime statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]