
OLR Bill Analysis

sHB 6872

AN ACT REVISING AND CONSOLIDATING THE HATE CRIMES STATUTES.

TABLE OF CONTENTS:

SUMMARY

§ 1 — PROTECTED SOCIAL CATEGORY

Generally combines the various classes protected against crimes motivated by bias under current law into one protected social category for hate crimes under the bill; establishes definitions for some of the protected categories

§§ 1-21 & 26-38 — HATE CRIMES

Labels as specific hate crimes (1) certain crimes under current law that are penalized as a hate crime if based on bigotry or bias, (2) crimes with enhanced penalties if motivated by bias, and (3) certain discriminatory practices under current law

§ 22 — PERSISTENT OFFENDER

Extends persistent offender status to certain offenders who commit a hate crime under the bill or whose crime was designated a hate crime by a sentencing judge

§§ 23 & 46 — DESIGNATING CRIME AS HATE CRIME AND ENHANCED PENALTY FOR MURDER

Allows the judge to designate certain crimes as a hate crime; requires the judge to indicate on the official record when a crime is sentenced as a hate crime; enhances the penalty for murder if designated a hate crime

§ 24 — ACCELERATED PRETRIAL REHABILITATION

Allows all hate crime offenders under the bill to participate in the existing accelerated rehabilitation program

§ 25 — CHRO'S JURISDICTION AND COURT'S AUTHORITY

Specifies that its provisions do not limit (1) a person's rights to file a discrimination complaint with CHRO, (2) CHRO's jurisdiction and power, or (3) the court's authority

§ 39 — ATTORNEY GENERAL'S AUTHORITY

The bill extends the attorney general's authority to investigate hate crimes, initiate legal action, and seek relief to apply to all hate crimes under the bill

§ 40 — HATE CRIMES INVESTIGATIVE UNIT

Expands the Hate Crimes Investigative Unit's duties to prevent and detect criminal activity involving hate crimes to apply to all hate crimes under the bill

§ 41 — STATE-WIDE HATE CRIMES ADVISORY COUNCIL

Expands the Statewide Hate Crimes Advisory Council membership by adding the director of the Institute for Municipal and Regional Policy at UConn; requires the governor's appointees to also be representative of the people protected by the bill's hate crimes

§ 45 — PROBATION OR CONDITIONAL DISCHARGE

Allows the court to require offenders of any of the hate crimes under the bill participate in certain anti-bias programs as a condition of probation or conditional discharge

§§ 42-44 — MISCELLANEOUS PROVISIONS

Makes minor, technical, and conforming changes

SUMMARY

This bill makes several changes to the various hate crimes under current law. Among other things, the bill does the following:

1. combines current law's various classes protected against crimes motivated by bias into one protected social category for hate crimes under the bill;
2. labels as specific hate crimes, (1) certain crimes under current law that are penalized as a hate crime if based on bigotry or bias, (2) crimes with enhanced penalties if motivated by bias, and (3) certain discriminatory practices under current law;
3. replaces "acting maliciously" with "acting intentionally" as an element of certain of the crimes, where applicable;
4. requires the judge to indicate on the record when a crime was sentenced as a hate crime;
5. enhances the penalty for murder to a term of life imprisonment without the possibility of release if designated a hate crime;
6. allows all hate crime offenders to participate in the accelerated rehabilitation program; and
7. extends the (a) attorney general's authority to bring action in any hate crime, (b) scope of the Hate Crimes Investigative Unit's duties, and (c) State-wide Hate Crimes Advisory Council's membership.

EFFECTIVE DATE: October 1, 2025

§ 1 — PROTECTED SOCIAL CATEGORY

Generally combines the various classes protected against crimes motivated by bias under current law into one protected social category for hate crimes under the bill; establishes definitions for some of the protected categories

Existing law protects various classes of individuals against certain crimes motivated by bias based on the victim's protected class. The bill generally combines the various protected classes under current law into one protected social category under the bill's various hate crime laws. Under the bill, a "protected social category" is a person's actual or perceived race, color, religion, ethnicity, disability, alienage, national origin, sex, sexual orientation, gender identity or expression, age, (if under 60), or any combination of these attributes.

In doing so, in some instances the bill adds color, alienage, national origin, and age as protected categories for some hate crimes, as specified below.

Defined Terms

The bill defines the protected social categories as shown below.

"Disability" means any intellectual, mental, or physical disability or blindness. (Under the bill, someone is blind if their central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if their visual acuity is greater than 20/200 but has a limitation in the fields of vision so that the widest diameter of the visual field subtends an angle that is twenty degrees or less.)

"Gender identity or expression" means a person's gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth. The gender-related identity can be shown by providing evidence such as medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held, part of a person's core identity, or not being asserted for an improper purpose.

“Race” includes ethnic traits historically associated with race, including, but not limited to, hair texture and protective hairstyles (e.g., wigs or headwraps).

“Religion” includes denomination, creed, and any aspect of religious observance and practice as well as belief.

“Sex” includes pregnancy, child-bearing capacity, sterilization, fertility, or related medical conditions.

“Sexual orientation” means a person’s identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person (1) may have previously expressed, or (2) is perceived by another person to hold.

§§ 1-21 & 26-38 — HATE CRIMES

Labels as specific hate crimes (1) certain crimes under current law that are penalized as a hate crime if based on bigotry or bias, (2) crimes with enhanced penalties if motivated by bias, and (3) certain discriminatory practices under current law

The bill specifically labels as a hate crime, certain crimes under current law that, when motivated by bias against the victim’s protected social category, are penalized as a hate crime depending on the offender’s actions and the harm that resulted.

Physical Injury, Physical Contact, Affecting Property, Advocacy or Urging (§§ 2-4, 6, 7, 10 & 38)

The bill labels current law’s intimidation crimes that are based on bigotry or bias as specific hate crimes as shown in the table below. Also, under the bill, for some of these crimes the offender must have acted intentionally rather than maliciously, where applicable.

Table: Intimidation Crimes Based on Bigotry or Bias

<i>Crime Label Under Current Law</i>	<i>Crime Label Under the Bill</i>	<i>Penalties (Under the bill)</i>
1st degree intimidation based on bigotry or bias	Hate crime causing physical injury (§ 2)	Class C Felony (Minimum fine of \$3,000)

<i>Crime Label Under Current Law</i>	<i>Crime Label Under the Bill</i>	<i>Penalties (Under the bill)</i>
2nd degree intimidation based on bigotry or bias	Hate crime causing physical contact (§ 3)	Class D felony (Minimum fine of \$1,000)
2nd degree intimidation based on bigotry or bias	Hate crime by threat of physical contact (§ 6)	Class D felony (Minimum fine of \$1,000)
3rd degree intimidation based on bigotry or bias	Hate crime affecting property (§ 4)	Class D felony or Class E felony (Minimum fine of \$1,000)
3rd degree intimidation based on bigotry or bias	Hate crime by threat to property (§ 7)	Class D felony or Class E felony (Minimum fine of \$1,000)
3rd degree intimidation based on bigotry or bias	Hate crime by advocacy or urging (§ 10)	Class E felony (Minimum fine of \$1,000)

As under current law, for the bill's newly labeled crimes, the judge must state on the record any reason to remit or reduce the fine shown in the table above.

(By law, a class C felony is punishable by a fine up to \$10,000, 1 to 10 years in prison, or both. A class D felony is punishable by a fine up to \$5,000, up to five years in prison, or both. A class E felony is punishable by a fine up to \$3,500, up to three years in prison, or both.)

Under current law, these crimes address certain actions that intimidate or harass another person and are motivated, in whole or in substantial part by the person's actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression. The bill's new protected social category expands these hate crimes to include those actions that are motivated in whole or in substantial part by the person's actual or perceived age, (if under 60), color, alienage, and national origin.

Hate Crime Causing Physical Injury. Under the bill, a person is guilty of “hate crime causing physical injury” when he or she acts with specific intent to intimidate or harass another person, motivated in whole or in substantial part by the other person’s protected social category, and intentionally causes that person or another person physical injury.

Under current law, this is punishable as 1st degree intimidation based on bigotry or bias if the person acted maliciously. Under the bill and current law, this is a class C felony, with a \$3,000 mandatory minimum fine.

Hate Crime Causing Physical Contact. Under the bill, a person is guilty of “hate crime causing physical contact” when he or she acts with specific intent to intimidate or harass another person, motivated in whole or in substantial part by the other person’s protected social category, and intentionally causes physical contact with him or her.

Current law penalizes this behavior as 2nd degree intimidation based on bigotry or bias if done maliciously. Under the bill, and current law, this is a class D felony, with a \$1,000 mandatory minimum fine.

Hate Crime by Threat of Physical Contact. Under the bill, a person is guilty of “hate crime by threat of physical contact” when he or she, with specific intent to intimidate or harass another person, motivated in whole or in substantial part by the other person’s protected social category, threatens, by word or act, to cause physical contact with the other person, if there is reasonable cause to believe that the act will occur.

Under current law, this is another form of 2nd degree intimidation based on bigotry or bias if done maliciously. Under the bill and current law, this is a class D felony, with a \$1,000 mandatory minimum fine.

Hate Crime Affecting Property. Under the bill, a person is guilty of “hate crime affecting property” when he or she acts with specific intent to intimidate or harass another person, motivated in whole or in substantial part by the other person’s protected social category, and (1)

intentionally damages, destroys, or defaces the other person's real or personal property or (2) damages, destroys, or defaces a third person's real or personal property.

Under current law, this is punishable as 3rd degree intimidation based on bigotry or bias, a class E felony with a \$1,000 mandatory minimum fine. The bill increases the penalty to a class D felony with the mandatory minimum fine when the offender intentionally damages the victim's property. It maintains the E felony penalty, with the mandatory minimum fine, when the offender's actions damage a third person's property.

Hate Crime by Threat to Property. Under the bill, a person is guilty of "hate crime by threat to property" when he or she, with specific intent to intimidate or harass another person, motivated in whole or in substantial part by the other person's protected social category, threatens, by word or act, to damage, destroy or deface any real or personal property of (1) the other person, if there is reasonable cause to believe that it will happen, or (2) a third person, if there is reasonable cause to believe that it will happen.

Under current law, this is punishable as 3rd degree intimidation based on bigotry or bias, a class E felony with a \$1,000 mandatory minimum fine. The bill increases the penalty to a class D felony, with the mandatory minimum fine, when the victim's property is threatened. It maintains the E felony penalty, with the mandatory minimum fine, when the threat involves a third person's property.

Hate Crime by Advocacy or Urging. Under the bill, a person is guilty of hate crime by advocacy or urging if he or she, with specific intent to intimidate or harass another person, motivated in whole or in substantial part by the other person's protected social category, advocates or urges another person to damage, destroy, or deface any real or personal property of a third person, if there is reasonable cause to believe that it will happen.

Under current law, this is punishable as 3rd degree intimidation based on bigotry or bias. Under the bill and current law, this is a class E

felony with a \$1,000 mandatory minimum fine.

Civil Action for Damages. By law, a person alleging injury (“the injured party”) due to the crimes listed above can sue for damages for his or her injury. The court must award triple damages if the injured party prevails and may award equitable relief and reasonable attorney’s fees. The injured party must file the lawsuit within three years of the alleged acts. The bill makes conforming changes to apply this provision to the newly labeled hate crimes under this category of crimes.

Hate Crime Affecting Religious Property (§§ 5 & 26)

Under the bill, it is a “hate crime affecting religious property” for a person, having no reasonable ground to believe that he or she has a right to do so, intentionally damages, destroys, or defaces any (1) religious object or symbol or (2) house of religious worship.

Under the bill, acts affecting a religious object or symbol are class A misdemeanors, but it is a class E felony if the act results in more than \$1,000 of property damage. Under current law it is a class D felony for damages over \$1,000. The bill and existing law impose a minimum fine of \$1,000 whether the crime is a misdemeanor or a felony. (A class A misdemeanor is punishable by a fine up to \$2,000, up to 364 days in prison or both.)

As under current law for desecrating a house of religious worship, the penalty for a hate crime affecting religious property where the property is a house of worship is a:

1. class D felony, with a \$1,000 minimum fine if the property damage is \$10,000 or less, or
2. class C felony, with a \$3,000 minimum fine if the property damage is more than \$10,000.

Threatening a House of Religious Worship or Religiously-Affiliated Community Center (§§ 8, 9, 31 & 32)

Under current law, the penalties for the crimes of 1st and 2nd degree threatening are enhanced to a class C and class D felony, respectively, if

the elements of the underlying crime are met and the threat has certain intended effects during certain times of the day (e.g., to cause the evacuation of a house of religious worship) or involves certain buildings (e.g., a religiously-affiliated community center).

The bill classifies these enhanced penalties as two hate crime-specific threatening crimes but maintains current law's elements and penalties. The bill specifically labels these crimes as:

1. hate crime by threatening of a house of religious worship or religiously-affiliated community center in the first degree, a class C felony, and
2. hate crime by threatening of a house of religious worship or religiously-affiliated community center in the second degree, a class D felony.

Under the bill, a “religiously-affiliated community center” is real property (1) used for recreational, social, or educational services and (2) owned or leased by a nonprofit organization that holds the property out as being affiliated with a religion. Current law specifies that the affiliation is with an organized religion.

1st Degree. Under the bill a person is guilty of “hate crime by threatening of a house of religious worship or religiously-affiliated community center in the first degree” if the person commits 1st degree threatening (see below) with the intent to cause an evacuation of a building or the grounds of a house of religious worship or religiously-affiliated community center, during operational hours or when the building or grounds are being used for religious or community services, or used for activities sponsored by the house of worship or community center. Under current law and the bill, this is a class C felony.

By law, 1st degree threatening includes threatening to commit a violent crime or a crime using a hazardous substance with intent to cause, or with reckless disregard of the risk of causing (1) evacuation of a building, place of assembly, or public transportation facility; (2) serious public inconvenience; or (3) for hazardous substance crimes, a

person to be terrorized (CGS § 53a-61aa).

2nd Degree. Under the bill a person is guilty of “hate crime by threatening of a house of religious worship or religiously-affiliated community center in the second degree” if the person commits 2nd degree threatening (see below) and the person threatened is in a building or on the grounds during operational hours or when they are being used for religious or community services, or for activities sponsored by the house of worship or community center. Under current law and the bill, this is a class D felony.

By law, 2nd degree threatening consists of (1) intentionally causing, or attempting to cause, someone to fear imminent serious physical injury by physical threat or (2) threatening to commit a violent crime with intent to terrorize someone or with reckless disregard for the risk of doing so (CGS § 53a-62).

Deprivation of Rights and Placing Burning Cross or Noose on Property (§§ 11-13 & 26)

The bill specifically labels as hate crimes, certain violations of the human rights statutes that are punished as crimes under current law. In some instances, certain protected classes under existing law are not considered a protected social category for the bill’s hate crimes. The bill also makes a slight change to some of the penalties, as summarized below.

Hate Crime by Deprivation of Civil Rights. Under the bill, a person is guilty of “hate crime by deprivation of civil rights” when he or she subjects, or causes to be subjected, any other person to the deprivation of any legally guaranteed rights, privileges, or immunities, secured or protected by state or U.S. laws or Constitution, motivated in whole or in substantial part by any protected social category of the other person or another person.

This is already a crime under existing law; the bill specifically labels it as a hate crime. Current law also includes veteran -status and domestic-violence-victim status as protected classes for this crime; however, the bill does not include them as a protected social category.

Similarly, current law has age as a protected class but the bill limits age as a protected social category to persons aged 60 or older. Thus, under the bill, acts motivated by the victim's status as a veteran, domestic violence victim, or age (if under 60) are not hate crimes and do not have a specific penalty, though these remain discriminatory practices under existing law.

Hate Crime by Burning a Cross. Under existing law and the bill, it is a crime to place a burning cross or simulation of one on public property, or on private property without the owner's written consent, with the intent to intimidate or harass another person. The bill labels this crime "hate crime by burning a cross."

Hate Crime by Noose. Under the bill, a person is guilty of "hate crime by noose" if he or she places a noose or simulation of one on public property, or on private property without the owner's written consent, with the intent to harass someone motivated in whole or in substantial part by any protected social category of the other person or another person.

This is already a crime under existing law; the bill specifically labels it as a hate crime. Current law also includes veteran-status and domestic-violence-victims status as protected classes for this crime; however, the bill does not include them as a protected social category. Similarly, current law has age as a protected class but the bill limits age as a protected social category to persons aged 60 or older. Thus, under the bill, acts motivated by the victim's status as a veteran, domestic violence victim, or age (if under 60) are not hate crimes and do not have a specific penalty, though these remain discriminatory practices under existing law.

Penalties. Under the bill, the offenses described above are class A misdemeanors, but it is a class E felony if the act results in more than \$1,000 of property damage. Under current law this crime is also a class A misdemeanor, however, if the damages are more than \$1,000, it is a class D felony. Both the bill and existing law impose a minimum fine of \$1,000 whether the crime is a misdemeanor or a felony.

Commercial Advertisement (§ 14)

It is a class D misdemeanor under current law for anyone by advertisement to ridicule or hold up to contempt anyone or class of people based on their creed, religion, color, denomination, nationality, or race.

The bill labels this crime “hate crime by commercial advertisement” if motivated in whole or in substantial part by any protected social category. By doing so, the bill includes disability, sex, sexual orientation, gender identity or expression, alienage, and age(if under 60), s additional protected categories. As under current law, under the bill this is a class D misdemeanor.

The bill specifies that for this provision, “advertisement” only includes commercial speech.

Housing and Public Accommodations (§§ 15, 16 & 27-30)

The bill labels as specific hate crimes, certain discriminatory housing and public accommodations practices that are illegal under current law. As under current law, under the bill these crimes are class D misdemeanors punishable by a fine up to \$250, up to 30 days in prison, or both.

The bill also specifies that it must not be construed to limit the meaning of any discriminatory practice as described in the Commission on Human Rights and Opportunities (CHRO) antidiscrimination statutes.

The protected classes under the antidiscrimination statutes generally include race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, physical disability, including, blindness or deafness, status as a veteran, or status as a domestic violence victim.

Hate Crime by Discriminatory Public Accommodations Practice.

Under the bill, a person is guilty of “hate crime by discriminatory public accommodations practice” if he or she commits any discriminatory public accommodation practice.

Hate Crime by Discriminatory Housing Practice. Under the bill, a person is guilty of “hate crime by discriminatory housing practice” if he or she engages in any discriminatory housing practice.

False Reporting (§§ 17-19 & 33-35)

Current law enhances the penalties for (1) falsely reporting an incident in the 1st degree; (2) falsely reporting an incident resulting in serious physical injury or death; and (3) falsely reporting an incident in the 2nd degree under circumstances when the false report is done with specific intent to falsely report another person or group of persons because of their actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.

The bill specifically labels the crimes subject to enhanced penalties as hate crimes as described below, and adds alienage, national origin, color, and age, (if under 60), as protected social categories.

Hate Crime by False Report. Under the bill, a person is guilty of “hate crime by false report” if he or she commits certain elements of falsely reporting an incident in the 1st degree (see below), with specific intent to falsely report another person motivated in whole or in substantial part by the other person’s protected social category. Under the bill, as under existing law, this is a class C felony.

By law, and the bill, a person commits falsely reporting an incident in the 1st degree when, knowing the information reported, conveyed, or circulated to be false or baseless, he or she:

1. initiates or circulates a false report or warning about an alleged or impending fire, explosion, catastrophe, or emergency under circumstances in which it is likely that public alarm or inconvenience will result;
2. reports, by word or action, to any official or quasi-official agency or organization that deals with emergencies involving danger to life or property, an alleged or impending fire, explosion, or other catastrophe or emergency that did not in fact occur or does not in fact exist; or

3. violates (1) or (2) above with intent to cause a large scale emergency response (CGS § 53a-180).

Hate Crime by False Report to Law Enforcement. Under the bill, a person is guilty of “hate crime by false report to law enforcement” if he or she falsely reports an incident to a law enforcement officer or agency by committing falsely reporting an incident in the 2nd degree, with specific intent to falsely report another person motivated in whole or in substantial part by the other person’s protected social category of the other person. As under existing law, under the bill this is a class E felony.

By law, and under the bill, a person can commit falsely reporting an incident in the 2nd degree when, knowing the information reported, conveyed, or circulated to be false or baseless, he or she gratuitously reports to a law enforcement officer or agency (1) an alleged offense or incident that did not in fact occur, (2) an allegedly impending offense or incident that in fact is not about to occur, or (3) false information about an actual offense or incident or the alleged implication of the person in the report (CGS § 53a-180c).

Hate Crime by False Report Resulting in Serious Physical Injury or Death. Under the bill, a person is guilty of “hate crime by false report resulting in serious physical injury or death” if either of the crimes above and the false report results in another person’s serious physical injury or death. Under the bill, as under existing law, this is a class B felony.

Hate Crime by Stalking (§§ 20 & 37)

Under the bill, a person is guilty of “hate crime by stalking” if he or she commits 2nd degree stalking (see below) and intentionally directs the conduct at the other person motivated in whole or in part by the other person’s protected social category.

Under current law, this is punishable as 1st degree stalking when the conduct is intentionally directed at the other person, in whole or in part, because of the that person’s actual or perceived race, religion, ethnicity,

disability, sex, sexual orientation, or gender identity or expression.

The bill labels this crime “hate crime by stalking” and adds alienage, national origin, color, and age, if age 60 or older, as protected social categories. As under existing law, this is a class D felony.

2nd Degree Stalking. By law, someone commits 2nd degree stalking when he or she:

1. knowingly engages in conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her, or a third person’s, physical safety; (b) suffer emotional distress; or (c) fear injury to or the death of an animal owned by or in possession and control of the specific person;
2. has already been asked to stop and intentionally, and for no legitimate purpose, with intent to harass, terrorize, or alarm, engages in conduct directed at a specific person that would cause a reasonable person to fear that his or her employment, business, or career is threatened; or
3. for no legitimate purpose and with intent to harass, terrorize, or alarm, by means of electronic communication, discloses a specific person’s personally identifiable information without the person’s consent, knowing, that under the circumstances, the disclosure would cause a reasonable person to suffer emotional stress or fear for their physical safety or that of a third person (CGS § 53a-181d).

Misuse of the Emergency 9-1-1 System (§§ 21 & 36)

Under current law, a person is guilty of misuse of the emergency 9-1-1 system when he or she (1) dials or otherwise causes E 9-1-1 to be called to make a false alarm or complaint; (2) purposely reports false information that could result in dispatching emergency services; or (3) does either of these actions with specific intent to make a false alarm or complaint or report false information about another person or group of persons because of their actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression.

The bill instead relabels the crime's bias-motivated component ((3) above) as "hate crime by misuse of emergency 9-1-1 system" and makes a person guilty of it if he or she misuses the system as described above, with specific intent to make a false alarm or complaint or report false information about another person motivated in whole or in substantial part by the other person's protected social category.

Under the bill, as under existing law, this is a class A misdemeanor.

§ 22 — PERSISTENT OFFENDER

Extends persistent offender status to certain offenders who commit a hate crime under the bill or whose crime was designated a hate crime by a sentencing judge

Under current law, when a court finds that a person is a persistent offender of a crime involving bigotry or bias, it must (1) for a felony, impose the prison sentence authorized for the next more serious degree of felony or (2) for a misdemeanor, impose the prison sentence authorized for the next more serious misdemeanor, except if the persistent offense is a class A misdemeanor the court must impose the prison sentence for a class D felony. Under the bill, for a persistent offender of a hate crime that is a class A misdemeanor, the court must impose the prison sentence for a class E felony instead.

Under current law, a persistent offender of crimes involving bigotry or bias is a person convicted of any of the following crimes after having been previously convicted of one of them: (1) intimidation based on bigotry or bias; (2) deprivation of rights, desecration of property, cross burning, or placing a noose; or (3) deprivation of rights by a person wearing a mask or hood.

Under the bill a person is a persistent offender of a hate crime if he or she:

1. is convicted of any of the hate crimes under the bill or a violation for which the penalty was increased as a hate crime (see below) and
2. was previously convicted of any of the bill's hate crimes in effect before October 1, 2025, or a crime designated as a hate crime

below.

§§ 23 & 46 — DESIGNATING CRIME AS HATE CRIME AND ENHANCED PENALTY FOR MURDER

Allows the judge to designate certain crimes as a hate crime; requires the judge to indicate on the official record when a crime is sentenced as a hate crime; enhances the penalty for murder if designated a hate crime

Designation of Crime as Hate Crime

The bill generally requires that for the crimes listed below, any official record of the crime must indicate that the crime was sentenced as a hate crime under this provision if a finder of fact determines beyond a reasonable doubt that the defendant intentionally selected any person against whom the crime was committed and was motivated in whole or in substantial part by any protected social category of the person or another person.

For this provision, a “hate crime” is any crime in which the defendant intentionally selected a person or any real or personal property against whom the crime was committed and was motivated in whole or in substantial part by the person’s protected social category.

Applicable Crimes. This applies to any defendant guilty of murder; 1st and 2nd degree manslaughter; 1st and 2nd degree manslaughter with a firearm; 1st and 2nd degree assault; 1st degree assault of a Department of Correction employee; assault of a pregnant woman resulting in termination of the pregnancy; 2nd degree assault with a firearm; 2nd degree assault with a motor vehicle; 1st, 2nd, 3rd, and 4th degree sexual assault; 1st degree aggravated sexual assault; aggravated sexual assault of a minor; 3rd sexual assault with a firearm; assault of public safety, emergency medical, public transit, or healthcare personnel; assault of a prosecutor; aggravated assault of a public transit employee; 1st degree robbery causing serious physical injury to a nonparticipant in the crime; or a conspiracy or attempt to commit any of these crimes

Enhanced Penalty for Murder. Under the bill, for murder, if a finder of fact determines beyond a reasonable doubt that the defendant intentionally selected any person against whom the crime was

committed and was motivated in whole or in substantial part by the person's protected social category, the court must impose a term of life imprisonment without the possibility of release.

Applicable Cases. Under the bill, this section must only apply in cases where the documents charging a defendant with offenses include a provision that the (1) defendant's offense may be recorded as a hate crime in accordance with this section or (2) defendant is subject to an enhanced penalty (see above), as applicable.

Prosecution. Under the bill, no one may be found guilty of a hate crime under this section and for any other offense having all its elements contained in the hate crime upon the same transaction. However, that person may be charged and prosecuted for both the hate crime and the other offense upon the same information.

§ 24 — ACCELERATED PRETRIAL REHABILITATION

Allows all hate crime offenders under the bill to participate in the existing accelerated rehabilitation program

By law, a court can require an offender to participate in a hate crimes diversion program as a condition of probation under accelerated rehabilitation (AR).

Under current law, this applies to people charged with (1) deprivation of rights, desecration of property, cross burning, and placing a noose; (2) deprivation of a person's civil rights by a person wearing a mask or hood; or (3) intimidation based on bigotry or bias. The bill expands this to include all the hate crimes under the bill and any violation designated as a hate crime for which the penalty was increased (see above).

§ 25 — CHRO'S JURISDICTION AND COURT'S AUTHORITY

Specifies that its provisions do not limit (1) a person's rights to file a discrimination complaint with CHRO, (2) CHRO's jurisdiction and power, or (3) the court's authority

The bill specifies that its hate crimes provisions should not be construed to:

1. limit the rights of a person claiming to be aggrieved by a

- discriminatory practice to file a complaint with CHRO or to bring a civil action in Superior Court,
2. limit CHRO's and the attorney general's jurisdiction and powers, or
 3. affect the court's authority to order financial restitution.

§ 39 — ATTORNEY GENERAL'S AUTHORITY

The bill extends the attorney general's authority to investigate hate crimes, initiate legal action, and seek relief to apply to all hate crimes under the bill

By law, the attorney general's powers include (1) investigating allegations of certain hate crimes and civil rights violations; (2) initiating related legal proceedings, with certain exceptions; and (3) seeking relief for the affected person. Under the law, when conducting investigations, the attorney general may issue subpoenas and interrogatories consistent with how he investigates Connecticut Antitrust Act violations. But the law prohibits information obtained from these investigations from being used in a criminal proceeding. The attorney general is generally prohibited from asserting a claim against a state agency, officer, or employee acting in an official capacity.

Under current law, the above authorities and prohibitions apply to allegations of certain hate crimes (e.g., 1st, 2nd, and 3rd degree intimidation based on bigotry or bias) and civil rights violations. The bill extends the attorney general's authority to all hate crimes under the bill and makes conforming changes.

Existing law, unchanged by the bill, imposes a civil penalty of up to \$2,500 for each hate crime or civil rights violation established by clear and convincing evidence (CGS §§ 3-129f & -129g).

§ 40 — HATE CRIMES INVESTIGATIVE UNIT

Expands the Hate Crimes Investigative Unit's duties to prevent and detect criminal activity involving hate crimes to apply to all hate crimes under the bill

By law, there is a Hate Crimes Investigative Unit within the State Police to seek to prevent and detect actual or suspected criminal activity involving (1) deprivation of rights or desecration of property; (2) certain

ridiculing, threatening, and stalking actions; and (3) intimidation based on bigotry or bias. The bill expands the unit's duties to cover all the hate crimes under the bill and makes conforming changes.

Under existing law, unchanged by the bill, the unit must compile, monitor, and analyze data about these criminal activities. It must also share data and information with other law enforcement units to help with their investigations of the criminal activities listed above, and it may provide additional help with those investigations (CGS § 29-7d(a)).

§ 41 — STATE-WIDE HATE CRIMES ADVISORY COUNCIL

Expands the Statewide Hate Crimes Advisory Council membership by adding the director of the Institute for Municipal and Regional Policy at UConn; requires the governor's appointees to also be representative of the people protected by the bill's hate crimes

By law, the Statewide Hate Crimes Advisory Council was created to encourage and coordinate programs to increase community awareness, reporting, and combating of hate crimes. The council is within the Office of the Chief State's Attorney for administrative purposes only.

The bill expands the council's membership by adding the director of the Institute for Municipal and Regional Policy at UConn. Current law allows the governor to appoint 30 representatives of organizations committed to decreasing hate crimes, improving diversity, or representing the interest of groups within the state protected by the laws on 1st, 2nd, and 3rd degree intimidation based on bigotry or bias. The bill also requires the governor's appointees to be committed to representing the interest of groups within the state protected by all the crimes the bill labels as hate crimes.

§ 45 — PROBATION OR CONDITIONAL DISCHARGE

Allows the court to require offenders of any of the hate crimes under the bill participate in certain anti-bias programs as a condition of probation or conditional discharge

Under current law, a court, as a condition of probation or conditional discharge, may require an offender to participate in certain programs if he or she is convicted of (1) intimidation based on bigotry or bias, (2) deprivation of rights or property (including through cross burning or placing a noose on property), or (3) deprivation of a person's civil rights by a person wearing a mask or hood. The bill expands this to conviction

for all the hate crimes under the bill.

Under existing law, unchanged by the bill, the court may require the offender to participate in (1) an anti-bias or diversity awareness program or (2) a community service program designed to remedy the damage caused by committing a bias crime or otherwise related to the defendant's violation.

§§ 42-44 — MISCELLANEOUS PROVISIONS

Makes minor, technical, and conforming changes

The bill also makes technical and conforming changes for consistency in references to the terms "intellectual disability" and "gender identity or expression."

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 2 (04/04/2025)