

# OFFICE OF FISCAL ANALYSIS

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sHB-6872

AN ACT REVISING AND CONSOLIDATING THE HATE CRIMES  
STATUTES.

## AMENDMENT

LCO No.: 10703

File Copy No.: 763

House Calendar No.: 476

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### ***OFA Fiscal Note***

### ***See Fiscal Note Details***

The amendment strikes the underlying bill and its associated fiscal impact, resulting in the impact described below.

**Sections 1-21 and 25-37** label certain crimes, ranging from class D misdemeanors to class B felonies, as hate crimes when motivated by a victim's protected social category, which results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300<sup>1</sup> while the average marginal cost for supervision in the community is less than \$600<sup>2</sup> each year for adults and \$450 each year for juveniles.

**Section 22** extends persistent offender status to certain offenders who commit a hate crime under the amendment or whose crime was

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<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

designated a hate crime by a sentencing judge. The section also decreases the penalty for the persistent offender's crime of a class A misdemeanor to correspond with a class E felony instead of a class D felony. This section results in a net potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines.

**Section 38** expands the Office of Attorney General's (OAG) authority to investigate hate crimes resulting in a potential revenue gain to the state depending on the number of hate crimes committed. The OAG can issue a civil penalty of up to \$2,500 per hate crime.

**Sections 23 and 44** expand eligibility for the existing Hate Crimes Diversion program to include all hate crimes which results in a cost to the Judicial Department. The average cost per participant is approximately \$3,300. Since FY 20, a total of 35 participants were ordered to complete the program. This amendment substantially increases the number of individuals who may be required to complete the program, and the actual annual cost depends upon the number of crimes committed and judicial discretion to refer to the program.

**Section 45** allows certain municipalities with a population of 16,000 or less to petition for a town referendum on the Department of Energy and Environmental Protection's decisions regarding certain permits. This results in a potential cost to municipalities to the extent a referendum is held.

*The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does 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.*