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## OLR Bill Analysis

### sSB 90 (File 558, as amended by Senate "A")\*

## **AN ACT REVISING AND CONSOLIDATING THE HATE CRIMES STATUTES.**

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**SUMMARY**

This bill makes several changes consolidating all the various hate crimes under current law. A section-by-section analysis appears below.

\*Senate Amendment “A” adds a specific element of intent to “hate crime by discriminatory public accommodations practice.” It does so by making it a hate crime if someone commits any discriminatory public accommodation practice with the intent to intimidate or harass anyone motivated in whole or in substantial part by any protected social category of the victim or another person.

EFFECTIVE DATE: October 1, 2026, except the provision on the Sentencing Commission’s hate crime and penalties review is effective on passage.

**§ 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 people 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 60 or over), 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 (for example, 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.

**Background — Related Bill**

HB 5557 (File 441), favorably reported by the Appropriations and

Human Services committees, changes the statutory definition of “intellectual disability” from an IQ-based definition to one from the Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

### **§§ 1-21 & 25-37 — 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 hate crimes 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 & 37)***

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. Al so, 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**

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

***Hate Crime Causing Physical Injury.*** Under the bill, a person is guilty of a "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 a "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 a "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 a "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 a "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 a 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 a House of Religious Worship (§§ 5 & 25)***

Under the bill, it is a "hate crime affecting a house of religious worship" 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 house of religious worship.

The bill applies to this crime the same penalties as current law's penalties for desecrating a house of religious worship. Under the bill, a hate crime affecting a house of religious 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.

Under the bill, “desecrating a house of worship” remains a discriminatory practice, but without a specific penalty.

***Threatening a House of Religious Worship or Religiously-Affiliated Community Center (§§ 8, 9, 30 & 31)***

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 (for example, to cause the evacuation of a house of religious worship) or involves certain buildings (for example, 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. Unlike current law, the bill does not specify that the affiliation is with an organized religion.

***1st Degree.*** Under the bill a person is guilty of a “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 a “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 & 25)***

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 a “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 federal laws or by the Connecticut or U.S. constitutions, 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 as protected classes for this crime, a person's status as a veteran, or a victim of domestic violence, domestic sexual assault, or human trafficking; 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 people aged 60 or older. So, under the bill, acts motivated by the victim's status as a veteran, domestic violence victim, sexual assault victim, human trafficking victim, or age 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 a "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 as protected classes for this crime a person's status as a veteran, or a victim of domestic violence, domestic sexual assault, or human trafficking; 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 people aged 60 or older. So, under the bill, acts motivated by

the victim's status as a veteran, domestic violence victim, sexual assault victim, human trafficking victim, or age 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 as additional protected categories. As under current law and 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 & 26-29)***

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, sexual assault victim, or human trafficking victim.

***Hate Crime by Discriminatory Public Accommodations Practice.***

Under the bill, a person is guilty of a “hate crime by discriminatory public accommodations practice” if he or she commits any discriminatory public accommodation practice with the intent to intimidate or harass anyone motivated in whole or in substantial part by any protected social category of the victim or another person.

***Hate Crime by Discriminatory Housing Practice.*** Under the bill, a person is guilty of a “hate crime by discriminatory housing practice” if he or she engages in any discriminatory housing practice, such as refusing to sell or rent a dwelling to someone based on a protected class status.

***False Reporting (§§ 17-19 & 32-34)***

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 people 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, as protected social categories.

***Hate Crime by False Report.*** Under the bill, a person is guilty of a “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. starts 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 happen or does not 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 a "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 happen, (2) an allegedly impending offense or incident that is not about to happen, 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 a “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 & 36)***

Under the bill, a person is guilty of a “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 & 35)***

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 people 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 someone 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 and
2. was previously convicted of any of the bill's hate crimes in effect before October 1, 2026.

### **§ 23 — ACCELERATED PRETRIAL REHABILITATION**

*Allows a court to require a hate crime offender for any hate crime under the bill to participate in a hate crimes diversion program as a condition of probation under 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.

### **§ 24 — CHRO'S JURISDICTION AND COURT'S AUTHORITY**

*Specifies that its provisions do not limit (1) someone'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 someone 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.

### **§ 38 — 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 (for example, 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).

### **§ 39 — 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)).

#### **§ 40 — 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.

#### **§§ 41-43 — 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."

**§ 44 — 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 someone'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.

**§ 45 — SENTENCING COMMISSION'S REVIEW OF HATE CRIME PENALTIES**

*Requires the Connecticut Sentencing Commission, in consultation with the State-Wide Hate Crimes Advisory Council, to review Connecticut's hate crime laws to determine appropriateness of the penalties and to report the findings and recommendations to the legislature by January 1, 2027*

***Review of Penalty Structure and Comparison to Other Laws***

The bill requires the Connecticut Sentencing Commission, in consultation with the State-Wide Hate Crimes Advisory Council, to review Connecticut's hate crime laws and the associated penalties.

The commission and council must determine whether the penalties for Connecticut's hate crimes are appropriate by considering at least the following:

1. penalty structure, including the gradation of penalties and degrees of the offenses,
2. penalties of hate crimes offenses compared to penalties of other offenses in Connecticut that are not hate crimes but have substantially similar elements, and
3. penalties in Connecticut compared with those for similar hate

crimes offenses in other jurisdictions.

***Report to the Legislature***

By January 1, 2027, the commission must report, findings and any recommendations for adjustments to Connecticut's hate crimes penalties to the Judiciary Committee.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 2 (03/23/2026)