



General Assembly

February Session, 2000

***Raised Bill No. 5710***

LCO No. 1796

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***An Act Concerning Intimidation Based On Bigotry Or Bias.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) A person is guilty of intimidation based on  
2 bigotry or bias in the first degree when such person maliciously, and  
3 with specific intent to intimidate or harass another person because of  
4 the actual or perceived race, religion, ethnicity or sexual orientation of  
5 such other person, causes serious physical injury to such other person  
6 or to a third person.

7 (b) Intimidation based on bigotry or bias in the first degree is a class  
8 C felony.

9 Sec. 2. (NEW) (a) A person is guilty of intimidation based on bigotry  
10 or bias in the second degree when such person maliciously, and with  
11 specific intent to intimidate or harass another person because of the  
12 actual or perceived race, religion, ethnicity or sexual orientation of  
13 such other person, does any of the following: (1) Causes physical  
14 contact with such other person, (2) damages, destroys or defaces any  
15 real or personal property of such other person, or (3) threatens, by  
16 word or act, to do an act described in subdivision (1) or (2) of this

17 subsection, if there is reasonable cause to believe that an act described  
18 in subdivision (1) or (2) of this subsection will occur.

19 (b) Intimidation based on bigotry or bias in the second degree is a  
20 class D felony.

21 Sec. 3. (NEW) (a) A person is guilty of intimidation based on bigotry  
22 or bias in the third degree when such person, with specific intent to  
23 intimidate or harass another person or group of persons because of the  
24 actual or perceived race, religion, ethnicity or sexual orientation of  
25 such other person or persons: (1) Damages, destroys or defaces any  
26 real or personal property, or (2) threatens, by word or act, to do an act  
27 described in subdivision (1) of this subsection or advocates or urges  
28 another person to do an act described in subdivision (1) of this  
29 subsection, if there is reasonable cause to believe that an act described  
30 in said subdivision will occur.

31 (b) Intimidation based on bigotry or bias in the third degree is a  
32 class A misdemeanor.

33 Sec. 4. (NEW) (a) There shall be a hate crimes diversion program for  
34 persons charged with a violation of section 2 or 3 of this act or section  
35 46a-58 or 53-37a of the general statutes. Upon application by any such  
36 person for participation in such program and payment to the court of  
37 an application fee of fifty dollars, the court shall, but only as to the  
38 public, order the court file sealed, provided such person states under  
39 oath, in open court or before any person designated by the clerk and  
40 duly authorized to administer oaths, under penalties of perjury that  
41 such person has never had such system invoked in such person's  
42 behalf and that such person has not been convicted of a violation of  
43 section 1, 2 or 3 of this act, section 46a-58 or 53-37a of the general  
44 statutes or section 53a-181b of the general statutes in effect prior to the  
45 effective date of this act, and that such person has not been convicted  
46 in any other state at any time of an offense the essential elements of  
47 which are substantially the same as section 1, 2 or 3 of this act or  
48 section 46a-58 or 53-37a of the general statutes. Unless good cause is

49 shown, a person shall be ineligible for participation in the hate crimes  
50 diversion program if the alleged violation of section 2 or 3 of this act  
51 or section 46a-58 or 53-37a of the general statutes caused the serious  
52 physical injury, as defined in section 53a-3 of the general statutes, of  
53 another person. The fee imposed by this subsection shall be credited to  
54 the Criminal Injuries Compensation Fund established by section 54-215  
55 of the general statutes.

56 (b) The court, after consideration of the recommendation of the  
57 state's attorney, assistant state's attorney or deputy assistant state's  
58 attorney in charge of the case, may, in its discretion, grant such  
59 application. If the court grants such application, it shall refer such  
60 person to the Bail Commission for assessment and confirmation of the  
61 eligibility of the applicant. The Bail Commission, in making its  
62 assessment and confirmation, may rely on the representations made by  
63 the applicant under oath in open court with respect to convictions in  
64 other states of offenses specified in subsection (a) of this section. Upon  
65 confirmation of eligibility, the defendant shall be referred to the Office  
66 of Adult Probation for evaluation and placement in an appropriate  
67 hate crimes diversion program for one year. Any person who enters  
68 the program shall agree: (1) To the tolling of the statute of limitations  
69 with respect to such crime, (2) to a waiver of the right to a speedy trial,  
70 (3) to participate in a hate crimes diversion program offered by a  
71 provider under contract with the Office of Adult Probation pursuant to  
72 subsection (d) of this section, and (4) to successfully complete the  
73 assigned program. If the Bail Commission informs the court that the  
74 defendant is ineligible for the program and the court makes a  
75 determination of ineligibility or if the program provider certifies to the  
76 court that the defendant did not successfully complete the assigned  
77 program, the court shall order the court file to be unsealed, enter a plea  
78 of not guilty for such defendant and immediately place the case on the  
79 trial list. If such defendant satisfactorily completes the assigned  
80 program, such defendant may apply for dismissal of the charges  
81 against such defendant and the court, on reviewing the record of such  
82 defendant's participation in such program submitted by the Office of

83 Adult Probation and on finding such satisfactory completion, shall  
84 dismiss the charges. If the defendant does not apply for dismissal of  
85 the charges against the defendant after satisfactorily completing the  
86 assigned program the court, upon receipt of the record of the  
87 defendant's participation in such program submitted by the Office of  
88 Adult Probation, may on its own motion make a finding of such  
89 satisfactory completion and dismiss the charges. Upon motion of the  
90 defendant and a showing of good cause, the court may extend the one-  
91 year placement period for a reasonable period for the defendant to  
92 complete the assigned program. A record of participation in such  
93 program shall be retained by the Bail Commission for a period of  
94 seven years from the date of application.

95 (c) At the time the court grants the application for participation in  
96 the hate crimes diversion program, such person shall also pay to the  
97 court a nonrefundable program fee of four hundred twenty-five  
98 dollars, except that no person may be excluded from such program for  
99 inability to pay such fee, provided (1) such person files with the court  
100 an affidavit of indigency or inability to pay, (2) such indigency or  
101 inability to pay is confirmed by the Bail Commission, and (3) the court  
102 enters a finding thereof. If the court denies the application, such person  
103 shall not be required to pay the program fee. If the court grants the  
104 application, and such person is later determined to be ineligible for  
105 participation in such hate crimes diversion program or fails to  
106 complete the assigned program, the four-hundred-twenty-five-dollar  
107 program fee shall not be refunded. All such program fees shall be  
108 credited to the General Fund.

109 (d) The Office of Adult Probation shall contract with service  
110 providers, develop standards and oversee appropriate hate crimes  
111 diversion programs to meet the requirements of this section. Any  
112 defendant whose employment or residence makes it unreasonable to  
113 attend a hate crimes diversion program in this state may attend a  
114 program in another state which has standards substantially similar to,  
115 or higher than, those of this state, subject to the approval of the court

116 and payment of the application and program fees as provided in this  
117 section.

118 (e) The hate crimes diversion program shall consist of a  
119 psychosocial assessment, an educational program, supervised  
120 community service and follow-up contact designed to change both the  
121 attitude and behavior of persons charged with crimes motivated by  
122 bigotry or bias.

123 Sec. 5. Section 53a-30 of the general statutes, as amended by section  
124 12 of public act 99-183, is repealed and the following is substituted in  
125 lieu thereof:

126 (a) When imposing sentence of probation or conditional discharge,  
127 the court may, as a condition of the sentence, order that the defendant:  
128 (1) Work faithfully at a suitable employment or faithfully pursue a  
129 course of study or of vocational training that will equip him for  
130 suitable employment; (2) undergo medical or psychiatric treatment  
131 and remain in a specified institution, when required for that purpose;  
132 (3) support his dependents and meet other family obligations; (4) make  
133 restitution of the fruits of his offense or make restitution, in an amount  
134 he can afford to pay or provide in a suitable manner, for the loss or  
135 damage caused thereby and the court may fix the amount thereof and  
136 the manner of performance; (5) if a minor, (A) reside with his parents  
137 or in a suitable foster home, (B) attend school, and (C) contribute to his  
138 own support in any home or foster home; (6) post a bond or other  
139 security for the performance of any or all conditions imposed; (7)  
140 refrain from violating any criminal law of the United States, this state  
141 or any other state; (8) if convicted of a misdemeanor or a felony, other  
142 than a capital felony, a class A felony or a violation of section 21a-278,  
143 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any  
144 offense for which there is a mandatory minimum sentence which may  
145 not be suspended or reduced by the court, and any sentence of  
146 imprisonment is suspended, participate in an alternate incarceration  
147 program; (9) reside in a residential community center or halfway

148 house approved by the Commissioner of Correction, and contribute to  
149 the cost incident to such residence; (10) participate in a program of  
150 community service labor in accordance with section 53a-39c, as  
151 amended; (11) participate in a program of community service in  
152 accordance with section 51-181c; (12) if convicted of a violation of  
153 subdivision (2) of section 53-21, section 53a-70, as amended, 53a-70a, as  
154 amended, 53a-70b, 53a-71, 53a-72a or 53a-72b, as amended, undergo  
155 specialized sexual offender treatment; (13) if convicted of a criminal  
156 offense against a victim who is a minor, a nonviolent sexual offense or  
157 a sexually violent offense, as defined in section 54-250, as amended, or  
158 of a felony that the court finds was committed for a sexual purpose, as  
159 provided in section 54-254, as amended, register such person's  
160 identifying factors, as defined in section 54-250, as amended, with the  
161 Commissioner of Public Safety when required pursuant to section 54-  
162 251, as amended, 54-252, as amended, or 54-253, as amended, as the  
163 case may be; (14) if convicted of a violation of section 1, 2 or 3 of this  
164 act or section 46a-38 or 53-37a, participate in an anti-bias crime  
165 education program; (15) satisfy any other conditions reasonably  
166 related to his rehabilitation. The court shall cause a copy of any such  
167 order to be delivered to the defendant and to the probation officer, if  
168 any.

169 Sec. 6. (NEW) Each police basic or review training program  
170 conducted or administered by the Division of State Police within the  
171 Department of Public Safety, the Police Officer Standards and Training  
172 Council established under section 7-294b of the general statutes or a  
173 municipal police department in the state shall provide a minimum of  
174 two hours of training relative to crimes motivated by bigotry or bias.

175 Sec. 7. (NEW) There is established within the Division of State Police  
176 within the Department of Public Safety a Hate Crimes Unit for the  
177 purpose of assisting local police departments in developing and  
178 implementing programs to increase community awareness and  
179 reporting of crimes motivated by bigotry or bias and to combat such  
180 crimes.

181 Sec. 8. (NEW) The Chief State's Attorney shall establish within the  
182 Office of the Chief State's Attorney a Hate Crimes Advisory  
183 Committee to coordinate federal, state and local efforts concerning the  
184 enforcement of laws prohibiting the intimidation of persons on the  
185 basis of bigotry or bias and programs to increase community  
186 awareness and reporting of crimes motivated by bigotry or bias and to  
187 combat such crimes, and to make recommendations concerning the  
188 training of police officers relative to such crimes.

189 Sec. 9. (NEW) There is established a hate crimes training and  
190 awareness grant program which shall be administered by the Office of  
191 Policy and Management. Grants may be made on a competitive basis  
192 to municipalities for the purpose of improving the enforcement of laws  
193 prohibiting the intimidation of persons on the basis of bigotry or bias,  
194 improving the training of police officers in the enforcement of such  
195 laws and increasing community awareness and reporting of crimes  
196 motivated by bigotry or bias. Funds appropriated for the purposes of  
197 this section shall be used only for grants to eligible municipalities and  
198 may not be used for administrative purposes by the Office of Policy  
199 and Management.

200 Sec. 10. Subsection (d) of section 10-16b of the general statutes is  
201 repealed and the following is substituted in lieu thereof:

202 (d) The State Board of Education shall make available curriculum  
203 materials and such other materials as may assist local and regional  
204 boards of education in developing instructional programs pursuant to  
205 this section. The State Board of Education, within available  
206 appropriations and utilizing available resource materials, shall assist  
207 and encourage local and regional boards of education to include: (1)  
208 Holocaust education and awareness; (2) the historical events  
209 surrounding the Great Famine in Ireland; (3) African-American  
210 history; (4) Puerto Rican history; (5) Native American history; (6)  
211 personal financial management; [and] (7) hate crimes education and  
212 awareness; and (8) topics approved by the state board upon the

213 request of local or regional boards of education as part of the program  
214 of instruction offered pursuant to subsection (a) of this section.

215 Sec. 11. Section 29-7m of the general statutes is repealed and the  
216 following is substituted in lieu thereof:

217 (a) On and after July 1, 1988, the Division of State Police within the  
218 Department of Public Safety shall monitor, record and classify all  
219 crimes committed in the state which are motivated by bigotry or bias.

220 (b) The police department, resident state trooper or constable who  
221 performs law enforcement duties for each town shall monitor, record  
222 and classify all crimes committed within such town which are  
223 violations of section [53a-181b] 1, 2 or 3 of this act and report such  
224 information to the Division of State Police within the Department of  
225 Public Safety.

226 Sec. 12. Subsection (a) of section 52-571c of the general statutes is  
227 repealed and the following is substituted in lieu thereof:

228 (a) Any person injured in person or property as a result of an act  
229 that constitutes a violation of section [53a-181b] 1, 2 or 3 of this act may  
230 bring a civil action against the person who committed such act to  
231 recover damages for such injury.

232 Sec. 13. Section 53a-40a of the general statutes is repealed and the  
233 following is substituted in lieu thereof:

234 (a) A persistent offender of crimes involving bigotry or bias is a  
235 person who (1) stands convicted of a violation of section 46a-58 or 53-  
236 37a or [subsection (a) or (c) of section 53a-181b] section 1, 2 or 3 of this  
237 act and (2) has been, prior to the commission of the present crime,  
238 convicted of a violation of section 46a-58 or 53-37a, [or subsection (a) or  
239 (c) of section 53a-181b] section 1, 2 or 3 of this act or section 53a-181b of  
240 the general statutes in effect prior to the effective date of this act .

241 (b) When any person has been found to be a persistent offender of

242 crimes involving bigotry or bias, and the court is of the opinion that his  
243 history and character and the nature and circumstances of his criminal  
244 conduct indicate that an increased penalty will best serve the public  
245 interest, the court shall: (1) In lieu of imposing the sentence authorized  
246 for the crime under section 53a-35a if the crime is a felony, impose the  
247 sentence of imprisonment authorized by said section for the next more  
248 serious degree of felony, or (2) in lieu of imposing the sentence  
249 authorized for the crime under section 53a-36 if the crime is a  
250 misdemeanor, impose the sentence of imprisonment authorized by  
251 said section for the next more serious degree of misdemeanor, except  
252 that if the crime is a class A misdemeanor the court shall impose the  
253 sentence of imprisonment for a class D felony as authorized by section  
254 53a-35a.

255 Sec. 14. Section 53a-181b of the general statutes is repealed.

256 Sec. 15. This act shall take effect October 1, 2000, except that sections  
257 4 to 10, inclusive, shall take effect July 1, 2001.

***Statement of Purpose:***

To increase the penalties for crimes involving intimidation based on bigotry or bias, establish a diversion program for persons charged with the commission of a hate crime, require training of police officers concerning hate crime laws, and increase enforcement and public awareness of hate crime laws.

*[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.]*