



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. Section 54-56e of the general statutes, as amended by section
34 3 of public act 99-148 and section 5 of public act 99-187, is repealed and
35 the following is substituted in lieu thereof:

36 (a) There shall be a pretrial program for accelerated rehabilitation of
37 persons accused of a crime or crimes or a motor vehicle violation or
38 violations for which a sentence to a term of imprisonment may be
39 imposed, which crimes or violations are not of a serious nature.

40 (b) The court may, in its discretion, invoke such program on motion
41 of the defendant or on motion of a state's attorney or prosecuting
42 attorney with respect to a defendant (1) who, the court believes, will
43 probably not offend in the future, (2) who has no previous record of
44 conviction of a crime or of a violation of section 14-196, subsection (c)
45 of section 14-215, section 14-222a, subsection (a) of section 14-224 or
46 section 14-227a, (3) who has not previously been adjudged a youthful
47 offender on or after October 1, 1995, under the provisions of sections
48 54-76b to 54-76n, inclusive, and (4) who states under oath, in open
49 court or before any person designated by the clerk and duly
50 authorized to administer oaths, under the penalties of perjury that the
51 defendant has never had such program invoked in the defendant's

52 behalf, provided the defendant shall agree thereto and provided notice
53 has been given by the defendant, on a form approved by rule of court,
54 to the victim or victims of such crime or motor vehicle violation, if any,
55 by registered or certified mail and such victim or victims have an
56 opportunity to be heard thereon. Any defendant who makes
57 application for participation in such program shall pay to the court an
58 application fee of thirty-five dollars.

59 (c) This section shall not be applicable: (1) To any person charged
60 with a class A or class B felony or a violation of section 14-227a, as
61 amended, subdivision (2) of section 53-21, section 53a-56b, 53a-60d,
62 53a-70, as amended, 53a-70a, as amended, 53a-70b, 53a-71, 53a-72a or
63 53a-72b, as amended, (2) to any person charged with a crime or motor
64 vehicle violation who, as a result of the commission of such crime or
65 motor vehicle violation, causes the death of another person, (3) to any
66 person accused of a family violence crime as defined in section 46b-38a
67 who (A) is eligible for the pretrial family violence education program
68 established under section 46b-38c, or (B) has previously had the
69 pretrial family violence education program invoked in such person's
70 behalf, (4) to any person charged with a violation of section 21a-267 or
71 21a-279 who (A) is eligible for the pretrial drug education program
72 established under section 54-56i, as amended, or (B) has previously
73 had the pretrial drug education program invoked in such person's
74 behalf, or (5) unless good cause is shown, to any person charged with a
75 class C felony.

76 (d) [Any] Except as provided in subsection (e) of this section, any
77 defendant who enters such program shall pay to the court a
78 participation fee of one hundred dollars. Any defendant who enters
79 such program shall agree to the tolling of any statute of limitations
80 with respect to such crime and to a waiver of the right to a speedy trial.
81 Any such defendant shall appear in court and shall, under such
82 conditions as the court shall order, be released to the custody of the
83 Office of Adult Probation, except that, if a criminal docket for
84 drug-dependent persons has been established pursuant to section
85 51-181b in the judicial district, such defendant may be transferred,

86 under such conditions as the court shall order, to the court handling
87 such docket for supervision by such court. If the defendant refuses to
88 accept, or, having accepted, violates such conditions, the defendant's
89 case shall be brought to trial. The period of such probation or
90 supervision, or both, shall not exceed two years. The court may order
91 that as a condition of such probation the defendant participate in the
92 zero-tolerance drug supervision program established pursuant to
93 section 53a-39d, as amended. If the defendant has reached the age of
94 sixteen years but has not reached the age of eighteen years, the court
95 may order that as a condition of such probation the defendant be
96 referred for services to a youth service bureau established pursuant to
97 section 17a-39, provided the court finds, through an assessment by a
98 youth service bureau or its designee, that the defendant is in need of
99 and likely to benefit from such services. If the defendant is charged
100 with a violation of section 1, 2 or 3 of this act or section 46a-58 or 53-
101 37a, the court may order that as a condition of such probation the
102 defendant participate in a hate crimes diversion program as provided
103 in subsection (e) of this section.

104 (e) If the court orders the defendant to participate in a hate crimes
105 diversion program as a condition of probation, the defendant shall pay
106 to the court a participation fee of four hundred twenty-five dollars. No
107 person may be excluded from such program for inability to pay such
108 fee, provided (1) such person files with the court an affidavit of
109 indigency or inability to pay, (2) such indigency or inability to pay is
110 confirmed by the Office of Adult Probation, and (3) the court enters a
111 finding thereof. The Office of Adult Probation shall contract with
112 service providers, develop standards and oversee appropriate hate
113 crimes diversion programs to meet the requirements of this section.
114 Any defendant whose employment or residence makes it unreasonable
115 to attend a hate crimes diversion program in this state may attend a
116 program in another state which has standards substantially similar to,
117 or higher than, those of this state, subject to the approval of the court
118 and payment of the application and program fees as provided in this
119 section. The hate crimes diversion program shall consist of a

120 psychosocial assessment, an educational program, supervised
121 community service and follow-up contact designed to change both the
122 attitude and behavior of persons charged with crimes motivated by
123 bigotry or bias.

124 [(e)] (f) If a defendant released to the custody of the Office of Adult
125 Probation satisfactorily completes such defendant's period of
126 probation, such defendant may apply for dismissal of the charges
127 against such defendant and the court, on finding such satisfactory
128 completion, shall dismiss such charges. If the defendant does not apply
129 for dismissal of the charges against such defendant after satisfactorily
130 completing such defendant's period of probation, the court, upon
131 receipt of a report submitted by the Office of Adult Probation that the
132 defendant satisfactorily completed such defendant's period of
133 probation, may on its own motion make a finding of such satisfactory
134 completion and dismiss such charges. If a defendant transferred to the
135 court handling the criminal docket for drug-dependent persons
136 satisfactorily completes such defendant's period of supervision, the
137 court shall release the defendant to the custody of the Office of Adult
138 Probation under such conditions as the court shall order or shall
139 dismiss such charges. Upon dismissal, all records of such charges shall
140 be erased pursuant to section 54-142a, as amended. An order of the
141 court denying a motion to dismiss the charges against a defendant
142 who has completed such defendant's period of probation or
143 supervision or terminating the participation of a defendant in such
144 program shall be a final judgment for purposes of appeal.

145 Sec. 5. Subsection (a) of section 53a-30 of the general statutes, as
146 amended by section 12 of public act 99-183, is repealed and the
147 following is substituted in lieu thereof:

148 (a) When imposing sentence of probation or conditional discharge,
149 the court may, as a condition of the sentence, order that the defendant:
150 (1) Work faithfully at a suitable employment or faithfully pursue a
151 course of study or of vocational training that will equip [him] the
152 defendant for suitable employment; (2) undergo medical or psychiatric

153 treatment and remain in a specified institution, when required for that
154 purpose; (3) support [his] the defendant's dependents and meet other
155 family obligations; (4) make restitution of the fruits of [his] the
156 defendant's offense or make restitution, in an amount [he] the
157 defendant can afford to pay or provide in a suitable manner, for the
158 loss or damage caused thereby and the court may fix the amount
159 thereof and the manner of performance; (5) if a minor, (A) reside with
160 [his] the minor's parents or in a suitable foster home, (B) attend school,
161 and (C) contribute to [his] the minor's own support in any home or
162 foster home; (6) post a bond or other security for the performance of
163 any or all conditions imposed; (7) refrain from violating any criminal
164 law of the United States, this state or any other state; (8) if convicted of
165 a misdemeanor or a felony, other than a capital felony, a class A felony
166 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
167 57, 53a-58 or 53a-70b or any offense for which there is a mandatory
168 minimum sentence which may not be suspended or reduced by the
169 court, and any sentence of imprisonment is suspended, participate in
170 an alternate incarceration program; (9) reside in a residential
171 community center or halfway house approved by the Commissioner of
172 Correction, and contribute to the cost incident to such residence; (10)
173 participate in a program of community service labor in accordance
174 with section 53a-39c, as amended; (11) participate in a program of
175 community service in accordance with section 51-181c; (12) if convicted
176 of a violation of subdivision (2) of section 53-21, section 53a-70, as
177 amended, 53a-70a, as amended, 53a-70b, 53a-71, 53a-72a or 53a-72b, as
178 amended, undergo specialized sexual offender treatment; (13) if
179 convicted of a criminal offense against a victim who is a minor, a
180 nonviolent sexual offense or a sexually violent offense, as defined in
181 section 54-250, as amended, or of a felony that the court finds was
182 committed for a sexual purpose, as provided in section 54-254, as
183 amended, register such person's identifying factors, as defined in
184 section 54-250, as amended, with the Commissioner of Public Safety
185 when required pursuant to section 54-251, as amended, 54-252, as
186 amended, or 54-253, as amended, as the case may be; (14) if convicted
187 of a violation of section 1, 2 or 3 of this act or section 46a-58 or 53-37a,

188 participate in an anti-bias crime education program; (15) satisfy any
189 other conditions reasonably related to his rehabilitation. The court
190 shall cause a copy of any such order to be delivered to the defendant
191 and to the probation officer, if any.

192 Sec. 6. (NEW) Each police basic or review training program
193 conducted or administered by the Division of State Police within the
194 Department of Public Safety, the Police Officer Standards and Training
195 Council established under section 7-294b of the general statutes or a
196 municipal police department in the state shall provide training relative
197 to crimes motivated by bigotry or bias.

198 Sec. 7. (NEW) There is established within the Division of State Police
199 within the Department of Public Safety a Hate Crimes Unit for the
200 purpose of assisting local police departments in developing and
201 implementing programs to increase community awareness and
202 reporting of crimes motivated by bigotry or bias and to combat such
203 crimes.

204 Sec. 8. (NEW) The Chief State's Attorney shall establish within the
205 Office of the Chief State's Attorney a Hate Crimes Advisory
206 Committee to coordinate federal, state and local efforts concerning the
207 enforcement of laws prohibiting the intimidation of persons on the
208 basis of bigotry or bias and programs to increase community
209 awareness and reporting of crimes motivated by bigotry or bias and to
210 combat such crimes, and to make recommendations concerning the
211 training of police officers relative to such crimes.

212 Sec. 9. (NEW) There is established a hate crimes training and
213 awareness grant program which shall be administered by the Office of
214 Policy and Management. Grants may be made on a competitive basis
215 to municipalities for the purpose of improving the enforcement of laws
216 prohibiting the intimidation of persons on the basis of bigotry or bias,
217 improving the training of police officers in the enforcement of such
218 laws and increasing community awareness and reporting of crimes
219 motivated by bigotry or bias. Funds appropriated for the purposes of

220 this section shall be used only for grants to eligible municipalities and
221 may not be used for administrative purposes by the Office of Policy
222 and Management.

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

225 (d) The State Board of Education shall make available curriculum
226 materials and such other materials as may assist local and regional
227 boards of education in developing instructional programs pursuant to
228 this section. The State Board of Education, within available
229 appropriations and utilizing available resource materials, shall assist
230 and encourage local and regional boards of education to include: (1)
231 Holocaust education and awareness; (2) the historical events
232 surrounding the Great Famine in Ireland; (3) African-American
233 history; (4) Puerto Rican history; (5) Native American history; (6)
234 personal financial management; [and] (7) hate crimes education and
235 awareness; and (8) topics approved by the state board upon the
236 request of local or regional boards of education as part of the program
237 of instruction offered pursuant to subsection (a) of this section.

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

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

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

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

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

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

257 (a) A persistent offender of crimes involving bigotry or bias is a
258 person who (1) stands convicted of a violation of section 46a-58 or 53-
259 37a or [subsection (a) or (c) of section 53a-181b] section 1, 2 or 3 of this
260 act and (2) has been, prior to the commission of the present crime,
261 convicted of a violation of section 46a-58 or 53-37a, [or subsection (a) or
262 (c) of section 53a-181b] section 1, 2 or 3 of this act or section 53a-181b of
263 the general statutes in effect prior to the effective date of this act.

264 (b) When any person has been found to be a persistent offender of
265 crimes involving bigotry or bias, and the court is of the opinion that
266 [his] such person's history and character and the nature and
267 circumstances of [his] such person's criminal conduct indicate that an
268 increased penalty will best serve the public interest, the court shall: (1)
269 In lieu of imposing the sentence authorized for the crime under section
270 53a-35a if the crime is a felony, impose the sentence of imprisonment
271 authorized by said section for the next more serious degree of felony,
272 or (2) in lieu of imposing the sentence authorized for the crime under
273 section 53a-36 if the crime is a misdemeanor, impose the sentence of
274 imprisonment authorized by said section for the next more serious
275 degree of misdemeanor, except that if the crime is a class A
276 misdemeanor the court shall impose the sentence of imprisonment for
277 a class D felony as authorized by section 53a-35a.

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

279 Sec. 15. This act shall take effect October 1, 2000, except that sections
280 4 to 10, inclusive, shall take effect July 1, 2001.

JUD	Committee Vote:	Yea	39	Nay	0	JFS
APP	Committee Vote:	Yea	41	Nay	4	JF