



# Senate

General Assembly

**File No. 519**

February Session, 2012

Substitute Senate Bill No. 198

*Senate, April 18, 2012*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING DESECRATION OF WAR OR VETERANS' MEMORIALS.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) A person is guilty of  
2 interference with a war or veterans' memorial or monument when  
3 such person, without authorization of the government body or  
4 veterans' organization responsible for the placement, control or  
5 maintenance of a war or veterans' memorial or monument,  
6 intentionally defaces, mutilates or destroys such memorial or  
7 monument, or removes such memorial or monument, or any part  
8 thereof, from its official location.

9 (b) Interference with a war or veterans' memorial or monument is a  
10 class D felony and any person found guilty under subsection (a) of this  
11 section shall be fined five thousand dollars.

12 Sec. 2. (NEW) (*Effective from passage*) (a) A person is guilty of the  
13 unlawful possession, purchase or sale of a war or veterans' memorial



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do 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.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than \$50,000	Less than \$50,000
Judicial Dept (Probation)/Dept of Correction	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill creates two crimes regarding desecration and unlawful possession of a war or veterans' memorial, which would result in an annual net revenue gain of less than \$50,000 to the General Fund. It is anticipated that relatively few fines would be imposed on an annual basis.

To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties than currently provided for, potential cost for incarceration and/or probation supervision in the community would result. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender. However, violations of similar statute rarely result in incarceration. Therefore impact to the Department of Corrections is anticipated to be minimal.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenders who violated this statute.

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**OLR Bill Analysis****sSB 198*****AN ACT CONCERNING DESECRATION OF WAR OR VETERANS' MEMORIALS.*****SUMMARY:**

This bill defines two crimes concerning war or veterans' memorials or monuments and sets the corresponding penalty for them.

Under the bill, a person is guilty of interference with a war or veterans' memorial or monument if he or she, without authorization of the government body or veterans' organization responsible for the placement, control, or maintenance of the memorial or monument, (1) intentionally defaces, mutilates, or destroys it or (2) removes it, or any part of it, from its official location.

A person is guilty of unlawfully possessing, purchasing, or selling a war or veterans' memorial or monument if he or she (1) possesses, purchases, or attempts to purchase a memorial or monument; (2) sells, offers for sale, or attempts to sell one; or (3) transfers or disposes of a war or veterans' memorial or monument, or any part of one, knowing that it has been unlawfully removed from its official location.

The bill makes both crimes a class D felony. A class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both. The bill requires anyone guilty of either crime to be fined \$5,000.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference

Yea 9 Nay 0 (03/08/2012)

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/02/2012)