



House of Representatives

General Assembly

File No. 722

January Session, 2013

Substitute House Bill No. 6572

House of Representatives, May 6, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING INTIMIDATION BASED ON BIGOTRY OR BIAS AGAINST A HOMELESS PERSON.

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

1 Section 1. Section 53a-181i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 For the purposes of sections 53a-181j to 53a-181l, inclusive, as
4 amended by this act:

5 (1) "Disability" means physical disability, mental disability or
6 intellectual disability;

7 (2) "Gender identity or expression" means a person's gender-related
8 identity, appearance or behavior, whether or not that gender-related
9 identity, appearance or behavior is different from that traditionally
10 associated with the person's assigned sex at birth;

11 (3) "Homeless" or "homelessness" means lacking a fixed, regular and
12 adequate nighttime residence. "Homeless" or "homelessness" does not

13 include (A) participating in a recreational activity such as camping, (B)
14 physically residing in a homeless shelter or halfway house, or (C)
15 participating in a protest;

16 [(3)] (4) "Mental disability" means one or more mental disorders, as
17 defined in the most recent edition of the American Psychiatric
18 Association's "Diagnostic and Statistical Manual of Mental Disorders";

19 [(4)] (5) "Intellectual disability" has the same meaning as provided in
20 section 1-1g; and

21 [(5)] (6) "Physical disability" means any chronic physical handicap,
22 infirmity or impairment, whether congenital or resulting from bodily
23 injury, organic processes or changes or from illness, including, but not
24 limited to, blindness, epilepsy, deafness or hearing impairment or
25 reliance on a wheelchair or other remedial appliance or device.

26 Sec. 2. Section 53a-181j of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2013*):

28 (a) A person is guilty of intimidation based on bigotry or bias in the
29 first degree when such person maliciously, and with specific intent to
30 intimidate or harass another person because of the actual or perceived
31 race, religion, ethnicity, disability, sexual orientation or gender identity
32 or expression of such other person or because of such person's actual
33 knowledge that such other person is homeless, causes serious physical
34 injury to such other person or to a third person.

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

37 Sec. 3. Section 53a-181k of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2013*):

39 (a) A person is guilty of intimidation based on bigotry or bias in the
40 second degree when such person maliciously, and with specific intent
41 to intimidate or harass another person because of the actual or
42 perceived race, religion, ethnicity, disability, sexual orientation, [or]

43 gender identity or expression or homelessness of such other person,
 44 does any of the following: (1) Causes physical contact with such other
 45 person, (2) damages, destroys or defaces any real or personal property
 46 of such other person, or (3) threatens, by word or act, to do an act
 47 described in subdivision (1) or (2) of this subsection, if there is
 48 reasonable cause to believe that an act described in subdivision (1) or
 49 (2) of this subsection will occur.

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

52 Sec. 4. Section 53a-181l of the general statutes is repealed and the
 53 following is substituted in lieu thereof (*Effective October 1, 2013*):

54 (a) A person is guilty of intimidation based on bigotry or bias in the
 55 third degree when such person, with specific intent to intimidate or
 56 harass another person or group of persons because of the actual or
 57 perceived race, religion, ethnicity, disability, sexual orientation, [or]
 58 gender identity or expression or homelessness of such other person or
 59 persons: (1) Damages, destroys or defaces any real or personal
 60 property, or (2) threatens, by word or act, to do an act described in
 61 subdivision (1) of this subsection or advocates or urges another person
 62 to do an act described in subdivision (1) of this subsection, if there is
 63 reasonable cause to believe that an act described in [said] subdivision
 64 (1) of this subsection will occur.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53a-181i
Sec. 2	<i>October 1, 2013</i>	53a-181j
Sec. 3	<i>October 1, 2013</i>	53a-181k
Sec. 4	<i>October 1, 2013</i>	53a-181l

JUD *Joint Favorable Subst.*

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 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below

Municipal Impact: None

Explanation

The bill adds to the crime of intimidation based on bigotry or bias crimes specific acts against homeless people, making certain acts a class C or D felony or class A misdemeanor. There has been no convicted offense for this crime for the past three years and no revenue associated with these penalties.

To the extent that offenders are prosecuted for the expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender. However it is anticipated that offenders will likely be ordered to participate in the hate crimes diversion or anti-bias crime education program rather than incarceration.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis

sHB 6572

AN ACT CONCERNING INTIMIDATION BASED ON BIGOTRY OR BIAS AGAINST A HOMELESS PERSON.

SUMMARY:

This bill adds crimes committed maliciously and with intent to intimidate or harass a person because of the person's homelessness to the three degrees of intimidation based on bigotry or bias crimes. For the 1st degree crime, the bill requires the offender to know that the victim is homeless. For the 2nd and 3rd degree crimes, the offender must act based on the victim's actual or perceived homelessness. The bigotry or bias crimes currently apply to conduct based on a person's actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression.

By adding crimes against homeless individuals to the bigotry or bias crimes, the bill, among other things, requires recording these crimes as hate crimes, enhances penalties for repeat offenders, allows courts to order offenders to participate in anti-bias programs, and gives victims a civil action for triple damages.

EFFECTIVE DATE: October 1, 2013

BIGOTRY OR BIAS CRIMES AGAINST HOMELESS INDIVIDUALS

The bill adds crimes committed maliciously and with intent to intimidate or harass a person because of the person's homelessness to the three degrees of intimidation based on bigotry or bias crimes. It defines "homeless" as lacking a fixed, regular, and adequate nighttime residence. It does not include recreational activities such as camping, physically residing in a homeless shelter or halfway house, or participating in a protest.

For the 1st degree crime, the bill requires the person to commit the crime because he or she actually knows that the victim is homeless. By law, a person commits the 1st degree crime if he or she causes serious physical injury to that person or a third person. This crime is a class C felony punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

To commit the 2nd or 3rd degree crime, the bill requires the person to act based on the victim's actual or perceived homelessness. By law, a person commits the 2nd degree crime if he or she (1) makes physical contact with the victim; (2) damages, destroys, or defaces property; or (3) threatens to do either of these things and the victim reasonably believes the actor will carry out the threat. This crime is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

By law, a person commits the 3rd degree crime if he or she (1) damages, destroys, or defaces property or (2) threatens to do so or advocates or urges another to do so and the victim reasonably believes the act will occur. This crime also applies if the person intends to intimidate or harass a group of people. This crime is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

OTHER PROVISIONS

By adding crimes against homeless individuals to the bigotry or bias crimes, the bill also:

1. subjects them to a persistent offender statute that allows a court to sentence a person convicted for a second time of certain bias crimes to the next highest sentence;
2. allows courts to order offenders to participate in the hate crimes diversion program as a condition of accelerated rehabilitation;
3. allows a court, as a condition of probation or conditional discharge, to require an offender to participate in an anti-bias

- crime education program;
4. requires police to monitor, record, and classify these crimes;
 5. adds them to the charge of the Hate Crimes Advisory Committee established by the chief state's attorney, which (a) coordinates federal, state, and local efforts to enforce bigotry and bias criminal laws and increase community awareness, reporting, and combating of these crimes and (b) makes recommendations on training police officers about these crimes;
 6. adds them to the training on bigotry and bias crimes that must be part of basic or review training programs conducted or administered by the State Police, Police Officer Standards and Training Council, or municipal police departments; and
 7. gives a person injured by conduct that results from these crimes a civil action for triple damages for injuries. (The court can also award other relief and reasonable attorney's fees.)

BACKGROUND

Related Bill

sSB 896 (File 418) reported favorably by the Public Health and Planning and Development committees, establishes a bill of rights for the state's homeless residents.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 5 (04/19/2013)