



House of Representatives

General Assembly

File No. 586

February Session, 2014

House Bill No. 5367

House of Representatives, April 16, 2014

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 bill ought to pass.

AN ACT CONCERNING THE IMPLEMENTATION OF ENHANCED PROTECTIONS AGAINST DISCRIMINATION.

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

1 Section 1. Section 46a-58 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) It shall be a discriminatory practice in violation of this section for
4 any person to subject, or cause to be subjected, any other person to the
5 deprivation of any rights, privileges or immunities, secured or
6 protected by the Constitution or laws of this state or of the United
7 States, on account of religion, national origin, alienage, color, race, sex,
8 gender identity or expression, sexual orientation, blindness, [or]
9 physical disability or mental disability.

10 (b) Any person who intentionally desecrates any public property,
11 monument or structure, or any religious object, symbol or house of
12 religious worship, or any cemetery, or any private structure not owned
13 by such person, shall be in violation of subsection (a) of this section.

14 For the purposes of this subsection, "desecrate" means to mar, deface
15 or damage as a demonstration of irreverence or contempt.

16 (c) Any person who places a burning cross or a simulation thereof
17 on any public property, or on any private property without the written
18 consent of the owner, shall be in violation of subsection (a) of this
19 section.

20 (d) Any person who places a noose or a simulation thereof on any
21 public property, or on any private property without the written
22 consent of the owner, and with intent to intimidate or harass any other
23 person on account of religion, national origin, alienage, color, race, sex,
24 gender identity or expression, sexual orientation, blindness, [or]
25 physical disability or mental disability, shall be in violation of
26 subsection (a) of this section.

27 (e) Any person who violates any provision of this section shall be
28 guilty of a class A misdemeanor, except that if property is damaged as
29 a consequence of such violation in an amount in excess of one
30 thousand dollars, such person shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	46a-58

JUD *Joint Favorable*

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 15 \$	FY 16 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Municipal Impact: None

Explanation

The bill expands the definition of discriminatory practice and results in a potential revenue gain for fines and a potential cost to the Department of Correction and Judicial Department for incarceration, parole, or probation. To the extent that offenders are prosecuted for new 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. In FY 13 there was no fine revenue collected and no convictions under current law.

The Out Years

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

OLR Bill Analysis**HB 5367*****AN ACT CONCERNING THE IMPLEMENTATION OF ENHANCED PROTECTIONS AGAINST DISCRIMINATION.*****SUMMARY:**

This bill makes it a discriminatory practice to deprive someone of any legally guaranteed right because of his or her mental disability. By law, "mental disability" refers to a person who has a record of, or is regarded as having, one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. The law already bans discrimination based on mental disability in certain contexts (e.g., employment, housing, and public accommodations).

The bill also makes it a discriminatory practice to place a noose or simulation of one (1) on public property or on private property without the owner's written consent and (2) with the intent to intimidate or harass someone based on gender identity or expression or mental disability. By law, "gender identity or expression" means a person's gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior differs from that traditionally associated with the person's physiology or assigned sex at birth.

Committing a discriminatory practice is a class A misdemeanor, but it is a class D felony if property damage over \$1,000 results. A class A misdemeanor is punishable by a fine of up to \$2,000, imprisonment for up to one year, or both. A class D felony is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

EFFECTIVE DATE: October 1, 2014

BACKGROUND***Discriminatory Practices***

By law, it is a discriminatory practice to:

1. deprive someone of any legally guaranteed right because of his or her religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, or physical disability;
2. intentionally desecrate any public property, monument, or structure, religious object, symbol, or house of worship, cemetery, or private structure;
3. place a burning cross or simulation of one on public property or on private property without the owner's written consent; or
4. place a noose or simulation of one (a) on public property or on private property without the owner's written consent and (b) with the intent to intimidate or harass someone based on religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability.

Related Law

By law, it is a class D felony if a person commits a discriminatory practice while (1) wearing a mask, hood, or other device designed to conceal his or her identity and (2) intending to deprive another person of any legally guaranteed right because of his or her religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, or physical disability (CGS § 53-37a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/02/2014)