



House of Representatives

General Assembly

File No. 170

January Session, 2017

House Bill No. 6258

House of Representatives, March 23, 2017

The Committee on Public Safety and Security reported through REP. VERRENGIA of the 20th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING INTIMIDATION ON ACCOUNT OF
OCCUPATION AS A PUBLIC SAFETY EMPLOYEE.***

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 Section 53a-181i of the general statutes is repealed and the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, 2017*):

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) "Mental disability" means one or more mental disorders, as

12 defined in the most recent edition of the American Psychiatric
13 Association's "Diagnostic and Statistical Manual of Mental Disorders";

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

16 (5) "Physical disability" means any chronic physical handicap,
17 infirmity or impairment, whether congenital or resulting from bodily
18 injury, organic processes or changes or from illness, including, but not
19 limited to, blindness, epilepsy, deafness or hearing impairment or
20 reliance on a wheelchair or other remedial appliance or device; and

21 (6) "Public safety employee" means a reasonably identifiable police
22 officer, as defined in section 7-294a, firefighter, as defined in section 7-
23 313g, or emergency medical technician, as defined in section 19a-175.

24 Sec. 2. Section 53a-181j of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2017*):

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

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

35 Sec. 3. Section 53a-181k of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2017*):

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

42 other person's duties as a public safety employee, does any of the
 43 following: (1) Causes physical contact with such other person, (2)
 44 damages, destroys or defaces any real or personal property of such
 45 other person, or (3) threatens, by word or act, to do an act described in
 46 subdivision (1) or (2) of this subsection, if there is reasonable cause to
 47 believe that an act described in subdivision (1) or (2) of this subsection
 48 will occur.

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

51 Sec. 4. Section 53a-181l of the general statutes is repealed and the
 52 following is substituted in lieu thereof (*Effective October 1, 2017*):

53 (a) A person is guilty of intimidation based on bigotry or bias in the
 54 third degree when such person, with specific intent to intimidate or
 55 harass another person or group of persons because of the actual or
 56 perceived race, religion, ethnicity, disability, sexual orientation or
 57 gender identity or expression of such other person or persons or
 58 because of such other person's or persons' duties as public safety
 59 employees: (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 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, 2017</i>	53a-181i
Sec. 2	<i>October 1, 2017</i>	53a-181j
Sec. 3	<i>October 1, 2017</i>	53a-181k
Sec. 4	<i>October 1, 2017</i>	53a-181l

PS *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 18 \$	FY 19 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Cost	Potential	Potential
Resources of the General Fund	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the crime of intimidation based on bigotry or bias to include public safety employees and results in a potential cost for incarceration or probation and a potential revenue gain from fines. To the extent that offenders are prosecuted for 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 state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

There are no persons currently incarcerated under the existing statute and no fines were paid in FY 16. However expanding this crime to include public safety employees may increase the number of chargers or convictions.

The Out Years

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

OLR Bill Analysis**HB 6258*****AN ACT CONCERNING INTIMIDATION ON ACCOUNT OF OCCUPATION AS A PUBLIC SAFETY EMPLOYEE.*****SUMMARY**

This bill makes crimes committed with intent to intimidate or harass a public safety employee because of the employee's duties, crimes of intimidation based on bigotry or bias (otherwise commonly called hate crimes). The bigotry or bias crimes already apply to conduct based on a person's actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression. These crimes generally carry enhanced penalties.

By adding these crimes to the bigotry or bias crimes, the bill also:

1. makes them subject to the persistent offender statute, which requires the court to sentence a person convicted for a second time of certain bias crimes to the next highest sentence class (CGS § 53a-40q);
2. allows a court to order offenders to participate in the hate crimes diversion program as a condition of accelerated rehabilitation (CGS § 54-56e);
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 (CGS § 53a-30);
4. requires police to monitor, record, and classify these crimes (CGS § 29-7m);
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 (CGS § 51-279d);

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 (CGS § 7-294n); and
7. gives a person injured by conduct that results from these crimes a civil action for triple damages for injuries. The court may also award other relief and reasonable attorney's fees (CGS § 52-571c).

Under the bill, a public safety employee means a reasonably identifiable police officer, firefighter, or emergency medical technician.

EFFECTIVE DATE: October 1, 2017

PUBLIC SAFETY EMPLOYEES

Under the bill, a "public safety employee" means a reasonably identifiable firefighter, emergency medical technical, or police officer. A police officer means any sworn member of an organized local police department; an appointed constable who performs criminal law enforcement duties; special police officers appointed under law; and members of a law enforcement unit who perform police duties, including the State Police and tribal police (CGS § 7-294a).

BIGOTRY AND BIAS CRIMES

The bill adds crimes committed maliciously and with intent to intimidate or harass a public safety employee because of the employee's duties, to the three bigotry or bias crimes.

1. A person commits the 1st degree crime if he or she causes serious physical injury to the employee person or a third person. This is a class C felony, punishable by up to 10 years in prison, a fine of up

to \$10,000, or both.

2. A person commits the 2nd degree crime if he or she (a) makes physical contact with the victim; (b) damages, destroys, or defaces the victim's property; or (c) threatens to do either of these things and the victim has reasonable cause to believe he or she will carry out the threat. This is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

3. A person commits the 3rd degree crime if he or she (1) damages, destroys, or defaces any property or (2) threatens to do so or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur. This crime also applies if the person intends to intimidate or harass a group of people. This is a class A misdemeanor punishable by a prison term of up to one year, a fine of up to \$2,000, or both. Malice is not an element of this crime.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 19 Nay 5 (03/07/2017)