



General Assembly

January Session, 2017

Committee Bill No. 5743

LCO No. 5705



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING HATE CRIMES.

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 Section 46a-58 of the general statutes is repealed and the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, 2017*):

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, mental
9 disability or physical 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 sexual orientation, blindness or physical disability, shall be in violation
25 of subsection (a) of this section.

26 (e) [Any] (1) Except as provided in subdivision (2) of this subsection,
27 any person who violates any provision of this section shall be guilty of
28 a class A misdemeanor and shall be fined not less than one thousand
29 dollars, except that if property is damaged as a consequence of such
30 violation in an amount in excess of one thousand dollars, such person
31 shall be guilty of a class D felony and shall be fined not less than one
32 thousand dollars.

33 (2) Any person who violates the provisions of this section by
34 intentionally desecrating a house of religious worship (A) shall be
35 guilty of a class D felony and shall be fined not less than one thousand
36 dollars if the property damaged as a consequence of such violation is
37 in an amount up to and including ten thousand dollars, and (B) shall
38 be guilty of a class C felony and shall be fined not less than three
39 thousand dollars if the property damaged as a consequence of such
40 violation is in an amount in excess of ten thousand dollars.

41 (3) The minimum amount of any fine imposed by the provisions of
42 this section may not be remitted or reduced by the court unless the
43 court states on the record its reasons for remitting or reducing such
44 fine.

45 (4) The court may order restitution for any victim of a violation of
46 this section in accordance with the provisions of section 53a-28.

47 Sec. 2. Subsection (a) of section 53a-30 of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective*
49 *October 1, 2017*):

50 (a) When imposing sentence of probation or conditional discharge,
51 the court may, as a condition of the sentence, order that the defendant:
52 (1) Work faithfully at a suitable employment or faithfully pursue a
53 course of study or of vocational training that will equip the defendant
54 for suitable employment; (2) undergo medical or psychiatric treatment
55 and remain in a specified institution, when required for that purpose;
56 (3) support the defendant's dependents and meet other family
57 obligations; (4) make restitution of the fruits of the defendant's offense
58 or make restitution, in an amount the defendant can afford to pay or
59 provide in a suitable manner, for the loss or damage caused thereby
60 and the court may fix the amount thereof and the manner of
61 performance; (5) if a minor, (A) reside with the minor's parents or in a
62 suitable foster home, (B) attend school, and (C) contribute to the
63 minor's own support in any home or foster home; (6) post a bond or
64 other security for the performance of any or all conditions imposed; (7)
65 refrain from violating any criminal law of the United States, this state
66 or any other state; (8) if convicted of a misdemeanor or a felony, other
67 than a capital felony under the provisions of section 53a-54b in effect
68 prior to April 25, 2012, a class A felony or a violation of section 21a-
69 278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any
70 offense for which there is a mandatory minimum sentence which may
71 not be suspended or reduced by the court, and any sentence of
72 imprisonment is suspended, participate in an alternate incarceration
73 program; (9) reside in a residential community center or halfway
74 house approved by the Commissioner of Correction, and contribute to
75 the cost incident to such residence; (10) participate in a program of
76 community service labor in accordance with section 53a-39c; (11)
77 participate in a program of community service in accordance with
78 section 51-181c; (12) if convicted of a violation of subdivision (2) of
79 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
80 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)

81 if convicted of a criminal offense against a victim who is a minor, a
82 nonviolent sexual offense or a sexually violent offense, as defined in
83 section 54-250, or of a felony that the court finds was committed for a
84 sexual purpose, as provided in section 54-254, register such person's
85 identifying factors, as defined in section 54-250, with the
86 Commissioner of Emergency Services and Public Protection when
87 required pursuant to section 54-251, 54-252 or 54-253, as the case may
88 be; (14) be subject to electronic monitoring, which may include the use
89 of a global positioning system; (15) if convicted of a violation of section
90 46a-58, 53-37a, 53a-181j, 53a-181k, as amended by this act, or 53a-181l,
91 as amended by this act, participate in an anti-bias crime education
92 program or participate in a program of community service designed to
93 remedy damage caused by the commission of an anti-bias crime or
94 otherwise related to the participant's violation; (16) if convicted of a
95 violation of section 53-247, undergo psychiatric or psychological
96 counseling or participate in an animal cruelty prevention and
97 education program provided such a program exists and is available to
98 the defendant; or (17) satisfy any other conditions reasonably related to
99 the defendant's rehabilitation. The court shall cause a copy of any such
100 order to be delivered to the defendant and to the probation officer, if
101 any.

102 Sec. 3. Section 53a-61aa of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective October 1, 2017*):

104 (a) A person is guilty of threatening in the first degree when such
105 person (1) (A) threatens to commit any crime involving the use of a
106 hazardous substance with the intent to terrorize another person, to
107 cause evacuation of a building, place of assembly or facility of public
108 transportation or otherwise to cause serious public inconvenience, or
109 (B) threatens to commit such crime in reckless disregard of the risk of
110 causing such terror, evacuation or inconvenience; (2) (A) threatens to
111 commit any crime of violence with the intent to cause evacuation of a
112 building, place of assembly or facility of public transportation or
113 otherwise to cause serious public inconvenience, or (B) threatens to

114 commit such crime in reckless disregard of the risk of causing such
115 evacuation or inconvenience; (3) commits threatening in the second
116 degree as provided in section 53a-62, as amended by this act, and in
117 the commission of such offense such person uses or is armed with and
118 threatens the use of or displays or represents by such person's words
119 or conduct that such person possesses a pistol, revolver, shotgun, rifle,
120 machine gun or other firearm; or (4) violates subdivision (1) or (2) of
121 this subsection with the intent to cause an evacuation of a building or
122 the grounds of a (A) house of religious worship, (B) community center
123 affiliated with a religion, (C) public or nonpublic preschool, school or
124 institution of higher education, or (D) day care center, as defined in
125 section 19a-87g, during operational, preschool, school or instructional
126 hours or when a building or the grounds of such house of worship,
127 community center, preschool, school, [or] institution or day care center
128 are being used for the provision of religious or community services, or
129 house of worship, community center, preschool, school, [or institution-
130 sponsored] institution or day care center-sponsored activities. No
131 person shall be found guilty of threatening in the first degree under
132 subdivision (3) of this subsection and threatening in the second degree
133 upon the same transaction but such person may be charged and
134 prosecuted for both such offenses upon the same information.

135 (b) For the purposes of this section, "hazardous substance" means
136 any physical, chemical, biological or radiological substance or matter
137 which, because of its quantity, concentration or physical, chemical or
138 infectious characteristics, may cause or significantly contribute to an
139 increase in mortality or an increase in serious irreversible or
140 incapacitating reversible illness, or pose a substantial present or
141 potential hazard to human health.

142 (c) Threatening in the first degree is a class D felony, except that a
143 violation of subdivision (4) of subsection (a) of this section is a class C
144 felony.

145 Sec. 4. Section 53a-62 of the general statutes is repealed and the

146 following is substituted in lieu thereof (*Effective October 1, 2017*):

147 (a) A person is guilty of threatening in the second degree when: (1)
148 By physical threat, such person intentionally places or attempts to
149 place another person in fear of imminent serious physical injury, (2)
150 (A) such person threatens to commit any crime of violence with the
151 intent to terrorize another person, or (B) such person threatens to
152 commit such crime of violence in reckless disregard of the risk of
153 causing such terror, or (3) violates subdivision (1) or (2) of this
154 subsection and the person threatened is in a building or on the
155 grounds of a (A) house of religious worship, (B) community center
156 affiliated with a religion, (C) public or nonpublic preschool, school or
157 institution of higher education, or (D) day care center, as defined in
158 section 19a-87g, during operational, preschool, school or instructional
159 hours or when a building or the grounds of such house of worship,
160 community center, preschool, school, [or] institution or day care center
161 are being used for the provision of religious or community services, or
162 house of worship, community center, preschool, school, [or institution-
163 sponsored] institution or day care center-sponsored activities.

164 (b) Threatening in the second degree is a class A misdemeanor,
165 except that a violation of subdivision (3) of subsection (a) of this
166 section is a class D felony.

167 Sec. 5. Section 53a-181j of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective October 1, 2017*):

169 (a) A person is guilty of intimidation based on bigotry or bias in the
170 first degree when such person maliciously, and with specific intent to
171 intimidate or harass another person because of the actual or perceived
172 race, religion, ethnicity, disability, sex, sexual orientation or gender
173 identity or expression of such other person, causes [serious] physical
174 injury to such other person or to a third person.

175 (b) Intimidation based on bigotry or bias in the first degree is a class
176 C felony, for which three thousand dollars of the fine imposed may not

177 be remitted or reduced by the court unless the court states on the
178 record its reasons for remitting or reducing such fine.

179 Sec. 6. Section 53a-181k of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective October 1, 2017*):

181 (a) A person is guilty of intimidation based on bigotry or bias in the
182 second degree when such person maliciously, and with specific intent
183 to intimidate or harass another person or group of persons because of
184 the actual or perceived race, religion, ethnicity, disability, sex, sexual
185 orientation or gender identity or expression of such other person or
186 group of persons, does any of the following: (1) Causes physical
187 contact with such other person or group persons, (2) damages,
188 destroys or defaces any real or personal property of such other person
189 or group of persons, or (3) threatens, by word or act, to do an act
190 described in subdivision (1) or (2) of this subsection, if there is
191 reasonable cause to believe that an act described in subdivision (1) or
192 (2) of this subsection will occur.

193 (b) Intimidation based on bigotry or bias in the second degree is a
194 class D felony, for which one thousand dollars of the fine imposed may
195 not be remitted or reduced by the court unless the court states on the
196 record its reasons for remitting or reducing such fine.

197 Sec. 7. Section 53a-181l of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective October 1, 2017*):

199 (a) A person is guilty of intimidation based on bigotry or bias in the
200 third degree when such person, with specific intent to intimidate or
201 harass another person or group of persons because of the actual or
202 perceived race, religion, ethnicity, disability, sex, sexual orientation or
203 gender identity or expression of such other person or persons: (1)
204 Damages, destroys or defaces any real or personal property, or (2)
205 threatens, by word or act, to do an act described in subdivision (1) of
206 this subsection or advocates or urges another person to do an act
207 described in subdivision (1) of this subsection, if there is reasonable

208 cause to believe that an act described in said subdivision will occur.

209 (b) Intimidation based on bigotry or bias in the third degree is a
210 class [A misdemeanor] E felony, for which one thousand dollars of the
211 fine imposed may not be remitted or reduced by the court unless the
212 court states on the record its reasons for remitting or reducing such
213 fine.

214 Sec. 8. (NEW) (*Effective October 1, 2017*) There shall be a State-Wide
215 Hate Crimes Advisory Council within the Office of the Chief State's
216 Attorney, for administrative purposes only. Members of the council
217 shall include (1) the following, or their designees: The Chief State's
218 Attorney; the Chief Public Defender; the Commissioner of Emergency
219 Services and Public Protection; the president of the Connecticut Bar
220 Association; the president of the George W. Crawford Black Bar
221 Association; the president of the South Asian Bar Association of
222 Connecticut; the president of the Connecticut Asian Pacific American
223 Bar Association; the president of the Connecticut Hispanic Bar
224 Association; and the president of the Connecticut Police Chiefs
225 Association; and (2) no more than thirty appointed by the Governor
226 who are representatives of organizations committed to decreasing hate
227 crimes, improving diversity awareness or representing the interests of
228 groups within the state protected by sections 53a-181j to 53a-181l,
229 inclusive, of the general statutes, as amended by this act. The Governor
230 shall appoint two chairpersons of such council from among the
231 members of the council. The council shall meet at least semiannually to
232 encourage and coordinate programs to increase community awareness
233 and reporting of crimes motivated by bigotry or bias and to combat
234 such crimes and make recommendations for any legislation concerning
235 such crimes, including, but not limited to, recommendations
236 concerning restitution for victims of such crimes and community
237 service designed to remedy damage caused by any such crime or that
238 is related to the commission of any such crime. The committee shall
239 report annually, in accordance with the provisions of section 11-4a of
240 the general statutes, any such recommendations to the joint standing

241 committees of the General Assembly having cognizance of matters
242 relating to the judiciary and public safety.

243 Sec. 9. (NEW) (*Effective October 1, 2017*) (a) The Commissioner of
244 Emergency Services shall publicize and provide for the operation of
245 toll-free hotlines that are able to receive and respond to text messages
246 and telephonic calls, within the Division of State Police. Such hotlines
247 shall provide and respond to requests for information and resources
248 from persons concerned about crimes involving incidents of
249 harassment or intimidation of a person or persons because of the
250 actual or perceived race, religion, ethnicity, disability, sex, sexual
251 orientation or gender identity or expression of such other person or
252 persons. The hotline may direct a person to contact the appropriate
253 municipal police department in the case of any such crime.

254 (b) Any fine collected pursuant to section 46a-58 of the general
255 statutes, as amended by this act, and sections 53a-181j to 53a-181l,
256 inclusive, of the general statutes, as amended by this act, shall be used
257 for the purposes of publicizing and operating the hotlines established
258 pursuant to subsection (a) of this section.

259 Sec. 10. Section 54-85b of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective October 1, 2017*):

261 (a) An employer shall not deprive an employee of employment,
262 penalize or threaten or otherwise coerce an employee with respect to
263 employment, because (1) the employee obeys a legal subpoena to
264 appear before any court of this state as a witness in any criminal
265 proceeding, (2) the employee attends a court proceeding or
266 participates in a police investigation related to a criminal case in which
267 the employee is a crime victim, or attends or participates in a court
268 proceeding related to a civil case in which the employee is a victim of
269 family violence, as defined in section 46b-38a, (3) a restraining order
270 has been issued on the employee's behalf pursuant to section 46b-15,
271 (4) a protective order has been issued on the employee's behalf by a
272 court of this state or by a court of another state, provided if issued by a

273 court of another state, the protective order shall be registered in this
 274 state pursuant to section 46b-15a, [or] (5) the employee is a victim of
 275 family violence, as defined in section 46b-38a, or (6) the employee is
 276 absent for up to sixteen hours in any calendar year because the day
 277 care, as defined in section 19a-87g, or school of such employee's minor
 278 child is closed or evacuated due to a threat of violence against the
 279 building or premises of such day care or school or the staff of or
 280 children who attend such day care or school. For the purposes of this
 281 section, "crime victim" means an employee who suffers direct or
 282 threatened physical, emotional or financial harm as a result of a crime
 283 or an employee who is an immediate family member or guardian of
 284 (A) a person who suffers such harm and is a minor, physically
 285 disabled, as defined in section 46a-51, or incompetent, or (B) a
 286 homicide victim.

287 (b) Any employer who violates subdivision (1) of subsection (a) of
 288 this section shall be guilty of criminal contempt and shall be fined not
 289 more than five hundred dollars or imprisoned not more than thirty
 290 days, or both.

291 (c) If an employer discharges, penalizes or threatens or otherwise
 292 coerces an employee in violation of subsection (a) of this section, the
 293 employee, not later than one hundred eighty days from the occurrence
 294 of such action, may bring a civil action for damages and for an order
 295 requiring the employee's reinstatement or otherwise rescinding such
 296 action. If the employee prevails, the employee shall be allowed a
 297 reasonable attorney's fee to be fixed by the court.

298 Sec. 11. Section 51-279d of the general statutes is repealed. (*Effective*
 299 *October 1, 2017*)

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|---|------------------------|-----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2017</i> | 46a-58 |
| Sec. 2 | <i>October 1, 2017</i> | 53a-30(a) |

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|---------|------------------------|------------------|
| Sec. 3 | <i>October 1, 2017</i> | 53a-61aa |
| Sec. 4 | <i>October 1, 2017</i> | 53a-62 |
| Sec. 5 | <i>October 1, 2017</i> | 53a-181j |
| Sec. 6 | <i>October 1, 2017</i> | 53a-181k |
| Sec. 7 | <i>October 1, 2017</i> | 53a-181l |
| Sec. 8 | <i>October 1, 2017</i> | New section |
| Sec. 9 | <i>October 1, 2017</i> | New section |
| Sec. 10 | <i>October 1, 2017</i> | 54-85b |
| Sec. 11 | <i>October 1, 2017</i> | Repealer section |

Statement of Purpose:

To increase penalties for hate crimes, provide that probation for hate crimes may include related community service, broaden threatening statutes to include threats directed against houses of worship, religious community centers and day care centers, broaden hate crimes to include bias against the gender of a person, establish a State-Wide Hate Crimes Advisory Council, establish text and telephone hotlines to provide assistance for persons inquiring about or reporting hate crimes with funding provided through a minimum fine structure for hate crimes and provide employees protections if they need limited time from work to care for a child whose school or day care center is evacuated or closed due to a threat of violence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. TONG, 147th Dist.; REP. ELLIOTT, 88th Dist.
REP. LESSER, 100th Dist.

H.B. 5743