



General Assembly

**Substitute Bill No. 5743**

January Session, 2017



**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 Section 46a-58 of the general statutes is repealed and the  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, and with intent to intimidate any person or

19 group of persons, shall be in violation of subsection (a) of this 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, mental  
25 disability or physical disability, shall be in violation of subsection (a) of  
26 this section.

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

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

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

46 (4) The court may order restitution for any victim of a violation of  
47 this section pursuant to subsection (c) of section 53a-28.

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49 repealed and the following is substituted in lieu thereof (*Effective*

50 *October 1, 2017*):

51 (a) When imposing sentence of probation or conditional discharge,  
52 the court may, as a condition of the sentence, order that the defendant:  
53 (1) Work faithfully at a suitable employment or faithfully pursue a  
54 course of study or of vocational training that will equip the defendant  
55 for suitable employment; (2) undergo medical or psychiatric treatment  
56 and remain in a specified institution, when required for that purpose;  
57 (3) support the defendant's dependents and meet other family  
58 obligations; (4) make restitution of the fruits of the defendant's offense  
59 or make restitution, in an amount the defendant can afford to pay or  
60 provide in a suitable manner, for the loss or damage caused thereby  
61 and the court may fix the amount thereof and the manner of  
62 performance; (5) if a minor, (A) reside with the minor's parents or in a  
63 suitable foster home, (B) attend school, and (C) contribute to the  
64 minor's own support in any home or foster home; (6) post a bond or  
65 other security for the performance of any or all conditions imposed; (7)  
66 refrain from violating any criminal law of the United States, this state  
67 or any other state; (8) if convicted of a misdemeanor or a felony, other  
68 than a capital felony under the provisions of section 53a-54b in effect  
69 prior to April 25, 2012, a class A felony or a violation of section 21a-  
70 278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any  
71 offense for which there is a mandatory minimum sentence which may  
72 not be suspended or reduced by the court, and any sentence of  
73 imprisonment is suspended, participate in an alternate incarceration  
74 program; (9) reside in a residential community center or halfway  
75 house approved by the Commissioner of Correction, and contribute to  
76 the cost incident to such residence; (10) participate in a program of  
77 community service labor in accordance with section 53a-39c; (11)  
78 participate in a program of community service in accordance with  
79 section 51-181c; (12) if convicted of a violation of subdivision (2) of  
80 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,  
81 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)  
82 if convicted of a criminal offense against a victim who is a minor, a  
83 nonviolent sexual offense or a sexually violent offense, as defined in

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

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

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

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

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

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

147 Sec. 4. Section 53a-62 of the general statutes is repealed and the  
148 following is substituted in lieu thereof (*Effective October 1, 2017*):

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

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

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

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

177 (b) Intimidation based on bigotry or bias in the first degree is a class  
178 C felony, for which three thousand dollars of the fine imposed may not  
179 be remitted or reduced by the court unless the court states on the  
180 record its reasons for remitting or reducing such fine.

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

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

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

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

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

211 (b) Intimidation based on bigotry or bias in the third degree is a

212 class [A misdemeanor] E felony, for which one thousand dollars of the  
213 fine imposed may not be remitted or reduced by the court unless the  
214 court states on the record its reasons for remitting or reducing such  
215 fine.

216 Sec. 8. (NEW) (*Effective October 1, 2017*) (a) There shall be a State-  
217 Wide Hate Crimes Advisory Council within the Office of the Chief  
218 State's Attorney, for administrative purposes only. Members of the  
219 council shall include (1) the following, or their designees: The Chief  
220 State's Attorney; the Chief Public Defender; the Commissioner of  
221 Emergency Services and Public Protection; the president of the  
222 Connecticut Bar Association; the president of the George W. Crawford  
223 Black Bar Association; the president of the South Asian Bar Association  
224 of Connecticut; the president of the Connecticut Asian Pacific  
225 American Bar Association; the president of the Connecticut Hispanic  
226 Bar Association; and the president of the Connecticut Police Chiefs  
227 Association; and (2) no more than thirty appointed by the Governor  
228 who are representatives of organizations committed to decreasing hate  
229 crimes, improving diversity awareness or representing the interests of  
230 groups within the state protected by sections 53a-181j to 53a-181l,  
231 inclusive, of the general statutes, as amended by this act.

232 (b) The Governor shall appoint two chairpersons of such council  
233 from among the members of the council.

234 (c) The council shall meet at least semiannually to encourage and  
235 coordinate programs to increase community awareness and reporting  
236 of hate crimes and to combat such crimes and make recommendations  
237 for any legislation concerning such crimes, including, but not limited  
238 to, recommendations concerning restitution for victims of such crimes,  
239 community service designed to remedy damage caused by any such  
240 crime or that is related to the commission of any such crime and  
241 additional alternative sentencing programs for first time offenders and  
242 juvenile offenders.

243 (d) Not later than October 1, 2018, and annually thereafter, the



244 council shall report, in accordance with the provisions of section 11-4a  
245 of the general statutes, its recommendations to the joint standing  
246 committees of the General Assembly having cognizance of matters  
247 relating to the judiciary and public safety.

248       Sec. 9. (NEW) (*Effective October 1, 2017*) (a) The Commissioner of  
249 Emergency Services and Public Protection shall publicize and provide  
250 for the operation of a toll-free hotline that is able to receive and  
251 respond to text messages and telephonic calls. The hotline staff shall  
252 provide and respond to requests for information and resources from  
253 persons reporting crimes involving incidents of harassment or  
254 intimidation of a person or persons because of the actual or perceived  
255 race, religion, ethnicity, disability, sex, sexual orientation or gender  
256 identity or expression of such other person or persons. The hotline  
257 staff shall direct a person to the proper law enforcement agency, if  
258 appropriate, and support services available locally to such person in  
259 the case of any such crime or incident. The commissioner shall ensure  
260 that staff who operate the hotline are trained to be knowledgeable  
261 about federal, state and municipal hate crimes laws and law  
262 enforcement resources and support services applicable to the needs of  
263 such person reporting or impacted by any such crime or incident and  
264 available locally to address such needs. The commissioner shall ensure  
265 that the hotline is accessible to persons with limited English  
266 proficiency and persons with disabilities and that any personally  
267 identifiable information that a person provides to hotline staff is not  
268 disclosed to any other person, agency or entity, without such person's  
269 consent.

270       (b) Any fine collected pursuant to section 46a-58 of the general  
271 statutes, as amended by this act, and sections 53a-181j to 53a-181l,  
272 inclusive, of the general statutes, as amended by this act, shall be used  
273 for the purposes of publicizing and operating the hotline established  
274 pursuant to subsection (a) of this section.

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

277 (a) An employer shall not deprive an employee of employment,  
278 penalize or threaten or otherwise coerce an employee with respect to  
279 employment, because (1) the employee obeys a legal subpoena to  
280 appear before any court of this state as a witness in any criminal  
281 proceeding, (2) the employee attends a court proceeding or  
282 participates in a police investigation related to a criminal case in which  
283 the employee is a crime victim, or attends or participates in a court  
284 proceeding related to a civil case in which the employee is a victim of  
285 family violence, as defined in section 46b-38a, (3) a restraining order  
286 has been issued on the employee's behalf pursuant to section 46b-15,  
287 (4) a protective order has been issued on the employee's behalf by a  
288 court of this state or by a court of another state, provided if issued by a  
289 court of another state, the protective order shall be registered in this  
290 state pursuant to section 46b-15a, [or] (5) the employee is a victim of  
291 family violence, as defined in section 46b-38a, or (6) the employee is  
292 absent for up to sixteen hours in any calendar year because the day  
293 care, as defined in section 19a-87g, or school of such employee's minor  
294 child is closed or evacuated due to a threat of violence against the  
295 building or premises of such day care or school or the staff of or  
296 children who attend such day care or school. For the purposes of this  
297 section, "crime victim" means an employee who suffers direct or  
298 threatened physical, emotional or financial harm as a result of a crime  
299 or an employee who is an immediate family member or guardian of  
300 (A) a person who suffers such harm and is a minor, physically  
301 disabled, as defined in section 46a-51, or incompetent, or (B) a  
302 homicide victim.

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

307 (c) If an employer discharges, penalizes or threatens or otherwise  
308 coerces an employee in violation of subsection (a) of this section, the  
309 employee, not later than one hundred eighty days from the occurrence

310 of such action, may bring a civil action for damages and for an order  
311 requiring the employee's reinstatement or otherwise rescinding such  
312 action. If the employee prevails, the employee shall be allowed a  
313 reasonable attorney's fee to be fixed by the court.

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

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)
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 Legislative Commissioners:**

In Section 8, the date for the first annual report was added for clarity.

**JUD**      *Joint Favorable Subst.*