

## Connecticut Hate Crimes Laws

By: Michelle Kirby, Senior Legislative Attorney  
December 14, 2017 | 2017-R-0196

### Issue

Summarize Connecticut's hate crimes laws, including changes made by [PA 17-111](#). (This report updates OLR Report [2008-R-0276](#).)

### Summary

Connecticut has several statutes that deal with hate crimes. The statutes protect a range of people, enhance penalties for bias crimes, and allow injured parties to sue for money damages.

The primary criminal statutes are the “intimidation based on bigotry or bias” crimes. These statutes provide three degrees of penalties. They address certain actions that intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression. The other criminal statutes that address hate crimes include:

1. deprivation of rights, desecration of property, and cross burning;
2. deprivation of a person's civil rights by someone wearing a mask or hood;
3. ridicule on account of race, creed, or color;
4. deprivation of a person's equal rights and privileges by force or threat; and
5. certain threatening crimes.

#### ***PA 17-111, An Act Concerning Hate Crimes***

*This act, which became effective October 1, 2017, made several changes to the state's hate crime laws, including modifying the elements of some of these crimes, broadening the protected classes, and enhancing certain penalties.*

This report also describes other provisions on hate crimes, including persistent offender status; anti-bias or diversity awareness programs as conditions of accelerated rehabilitation, probation, and conditional discharge; the state-wide hate crimes advisory council; and police training.

## **Intimidation Based on Bigotry or Bias Crimes**

The crimes of 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree intimidation based on bigotry or bias address certain actions that intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression. [PA 17-111](#) §§ 5-7, added “sex” to this list. It also (1) expanded the conduct covered by the 1<sup>st</sup> and 2<sup>nd</sup> degree crimes and (2) increased certain penalties for the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree crimes.

“Gender identity or expression” is defined as a person’s gender-related identity, appearance, or behavior, whether or not it is different from what is traditionally associated with the person’s assigned sex at birth ([CGS § 53a-181i\(2\)](#)).

“Disability” is defined as:

1. a mental disability—one or more mental disorders as defined in the American Psychiatric Association’s “Diagnostic and Statistical Manual of Mental Disorders”;
2. a physical disability—a chronic physical handicap, infirmity, or impairment, whether congenital or from bodily injury, organic process or change, or illness, including blindness, epilepsy, deafness, hearing impairment, or reliance on a wheelchair or other remedial appliance or device; or
3. mental retardation—significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period ([CGS § 53a-181i\(1\)](#)).

### ***First-Degree Intimidation***

A person commits the 1<sup>st</sup> degree crime of intimidation based on bigotry or bias if he or she, maliciously and with specific intent to intimidate or harass someone because of any of the attributes listed above, whether actual or perceived, caused physical injury (serious or non-serious) to that person or a third person ([CGS § 53a-181j](#), as amended by [PA 17-111](#) § 5).

## ***Second-Degree Intimidation***

A person commits the 2<sup>nd</sup> degree crime of intimidation if he or she acts maliciously and with specific intent to intimidate or harass another individual or a group of people because of any of the attributes listed above, whether actual or perceived, by:

1. making physical contact with the victim;
2. damaging, destroying, or defacing property; or
3. threatening to do either of these things, and the victim has reasonable cause to believe he or she will carry out the threat ([CGS § 53a-181k](#), as amended by [PA 17-111](#) § 5).

## ***Third-Degree Intimidation***

A person commits the 3<sup>rd</sup> degree crime if he or she intends to intimidate or harass someone or a group of people because of any of the attributes listed above, whether actual or perceived, and he or she (1) damages, destroys, or defaces any property or (2) threatens to do so by word or act or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur ([CGS § 53a-181l](#)).

## ***Increased Penalties***

[PA 17-111](#), §§ 5-7, enhanced the penalty for 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree intimidation based on bigotry or bias by imposing a minimum fine depending on the degree of the crime, as shown in Table 1. It also increased, from a class A misdemeanor to a class E felony, the penalty for the 3<sup>rd</sup> degree crime.

**Table 1: Intimidation Based on Bigotry or Bias**

<b><i>Crime</i></b>	<b><i>Classification under Prior Law</i></b>	<b><i>Classification under PA 17-111</i></b>	<b><i>Minimum Fine under PA 17-111*</i></b>
1 <sup>st</sup> degree	Class C felony (one to 10 years in prison, a fine of up to \$10,000, or both)	Unchanged	\$3,000
2 <sup>nd</sup> degree	Class D felony (up to five years in prison, a fine of up to \$5,000, or both)	Unchanged	\$1,000
3 <sup>rd</sup> degree	Class A misdemeanor (up to one year in prison, a fine of up to \$2,000, or both)	Class E felony (up to three years in prison, a fine of up to \$3,500, or both)	\$1,000

\*Unless the court states on the record its reasons for canceling or reducing the minimum fine.

## ***Record and Classification of Crimes Motivated by Bigotry or Bias***

Town police departments, resident state troopers, and constables who perform law enforcement duties must monitor, record, and classify these crimes. They must report the data to the State Police which must also monitor, record, and classify them ([CGS § 29-7m](#)).

### ***Action for Damages***

A person injured by conduct that falls under these crimes can sue for damages for his or her injury. The court must award triple damages if the injured person prevails and may award other relief and reasonable attorney's fees. The injured party must file the lawsuit within three years of the acts complained of ([CGS § 52-571c](#)).

## **Deprivation of Rights, Desecration of Property, and Cross Burning**

It is a crime to:

1. deprive someone of any legally guaranteed right because of his religion, national origin, alienage, color, race, sex, sexual orientation, blindness, physical disability, or veteran-status ([CGS § 46a-58](#), as amended by [PA 17-127](#) § 2);
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 ([PA 17-111](#) § 1, makes this a crime only if the person acted with the intent to intimidate or harass someone or a group of people); or
4. placing a noose or simulation of one on public property, or on private property without the owner's written consent, and with the intent to harass someone because of his or her religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability ([PA 17-111](#) § 1, adds "gender identity or expression" and "mental disability" to the list of protected classes).

### ***Penalty***

The offenses described above are class A misdemeanors, but it is a class D felony if there is more than \$1,000 of property damage ([CGS § 46a-58](#)). [PA 17-111](#) § 1, enhanced this penalty by imposing a minimum fine of \$1,000 whether the crime is a misdemeanor or a felony.

[PA 17-111](#) further enhanced the penalty for intentional desecration of a house of religious worship, as shown in Table 2.

**Table 2: Intentional Desecration of a House of Religious Worship**

<i>Property Damage Resulting from the Crime</i>	<i>Classification</i>	<i>Minimum Fine under the Act</i>
\$10,000 or less	Class D felony (up to five years in prison, a fine of up to \$5,000, or both)	\$1,000
More than \$10,000	Class C felony (one to 10 years in prison, a fine of up to \$10,000, or both)	\$3,000

The act prohibits the court from canceling or reducing the minimum fines unless it states on the record its reasons for doing so. The act also specifically allows the court to order the offender to pay financial restitution to the victim.

### ***Conditions of Probation and Conditional Discharge***

By law, a court, as a condition of probation or conditional discharge, may require an offender to participate in certain programs if he or she is convicted of (1) intimidation based on bigotry or bias, (2) deprivation of rights or property (including through cross burning or placing a noose on property), or (3) deprivation of a person’s civil rights by a person wearing a mask or hood ([CGS § 53a-30](#)).

[PA 17-111](#) § 2, allows the court to require the offender to participate in (1) an anti-bias or diversity awareness program or (2) a community service program designed to remedy the damage caused by the commission of a bias crime or otherwise related to the defendant’s violation.

### **Deprivation of a Person’s Civil Rights By Person Wearing a Mask or a Hood**

For crimes involving depriving someone of his constitutional rights, desecrating property, or burning a cross under certain circumstances, it is a class D felony if the person (1) commits the crime while wearing a mask, hood, or other device designed to conceal his identity and (2) intends to deprive another person of any legally guaranteed right because of his religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, physical disability, or veteran-status ([CGS § 53-37a](#) & [CGS § 46a-58](#)).

## **Ridicule on Account of Race, Creed, or Color**

A person commits this crime if he or she ridicules or holds up to contempt any person or class of people on account of creed, religion, color, denomination, nationality, or race. This is a class D misdemeanor ([CGS § 53-37](#)).

## **Deprivation of a Person's Equal Rights and Privileges by Force or Threat**

A person commits this crime if he or she uses force or threats with the intent to deprive a person or class of people of the equal protection or privileges and immunities of the laws of this state or the United States. The prohibition applies to people acting alone or in conspiracy with others.

This applies when a person:

1. intentionally places or attempts to place another person in fear of imminent serious physical injury, through physical threat;
2. threatens to commit a violent crime with the intent to terrorize another;
3. threatens to commit a violent crime in reckless disregard of the risk of causing terror; or
4. does any of the above and the person threatened is in a building or on the grounds of a public or nonpublic preschool, school, or higher education institution during school or instructional hours or when the building or grounds are being used for school- or institution sponsored activities ([CGS § 53a-62](#)).

This is a class A misdemeanor but it is a class C felony if bodily injury occurs. The crime is a class B felony if death results, punishable by one to 20 years in prison, a fine of up to \$15,000, or both ([CGS § 53-37b](#)).

## **Threatening Crimes**

### ***First-Degree Threatening***

By law, 1<sup>st</sup> degree threatening includes threats to commit a violent crime or a crime using a hazardous substance with intent to cause, or with reckless disregard of the risk of (1) causing evacuation of a building, place of assembly, or public transportation facility; (2) causing serious public inconvenience; or (3) for hazardous substance crimes, terrifying a person ([CGS § 53a-61aa](#)).

[PA 17-111](#) § 3, increases, from a class D felony to a class C felony, the penalty for such 1<sup>st</sup> degree threatening if the threat was made with intent to cause the evacuation of the building or grounds of a house of religious worship, religiously-affiliated community center, or day care center during operating hours or when the buildings or grounds are being used to (1) provide religious or community services or (2) conduct activities sponsored by the house of worship, community center, or day care. (Under the law, 1<sup>st</sup> degree threatening is a class C felony if the threat was made with the intent to cause the evacuation of a preschool, school, or higher education institution.)

A “religiously-affiliated community center” is real property (1) used for providing recreational, social, or educational services and (2) owned or leased by a nonprofit organization that holds the property out as being affiliated with an organized religion ([PA 17-111](#) § 3).

### ***Second-Degree Threatening***

By law, 2<sup>nd</sup> degree threatening consists of (1) intentionally causing, or attempting to cause, someone to fear imminent serious physical injury by physical threat or (2) threatening to commit a violent crime with intent to terrorize someone or in reckless disregard of the risk of doing so ([CGS § 53a-62](#)).

[PA 17-111](#) § 4, increases, from a class A misdemeanor to a class D felony, the penalty for this crime if the threatened person was in the building or on the grounds of a house of religious worship, religiously-affiliated community center, or day care center during operating hours or when the buildings or grounds are being used to (1) provide religious or community services or (2) conduct activities sponsored by the house of worship, community center, or day care center. (Under the law, 2<sup>nd</sup> degree threatening is already a class D felony if the threatened person was in the building or on the grounds of a preschool, school, or higher education institution.)

## **Persistent Offenders of Crimes Involving Bigotry or Bias**

A persistent offender is a person convicted of any of the following crimes after having been previously convicted of one of them:

1. intimidation based on bigotry or bias;
2. deprivation of rights, desecration of property, or cross burning; or
3. deprivation of rights by a person wearing a mask or hood.

The court must sentence a persistent offender to the next highest class of sentence (e.g., if he or she is convicted of a class A misdemeanor he can be sentenced as though he or she committed a class D felony)([CGS § 53a-40a](#)).

## **Other Hate Crimes Provisions**

### ***Accelerated Rehabilitation and Hate Crimes Diversion Program***

A court can require an offender to participate in a hate crimes diversion program as a condition of probation under accelerated rehabilitation (AR). This applies to people charged with (1) deprivation of rights, desecration of property, and cross burning; (2) deprivation of a person's civil rights by a person wearing a mask or hood; and (3) intimidation based on bigotry or bias ([CGS § 54-56e](#)).

### ***Anti-bias or Diversity Awareness Program as Condition of Probation or Conditional Discharge***

A court, as a condition of probation or conditional discharge, may require an offender convicted of the following crimes to participate in an anti-bias or diversity awareness program: (1) bigotry or bias crimes; (2) deprivation of rights, desecration of property, or cross burning; or (3) deprivation of a person's civil rights by a person wearing a mask or hood ([CGS § 53a-30\(a\)\(15\)](#)), as amended by [PA 17-111 § 2](#)).

### ***State-Wide Hate Crimes Advisory Council***

[PA 17-111](#) §§ 8 & 9, eliminated the Hate Crimes Advisory Committee and replaces it with a new State-Wide Hate Crimes Advisory Council. It puts the council within the Office of the Chief State's Attorney for administrative purposes only.

The council, like the committee it replaced, must meet at least semiannually to encourage and coordinate programs to increase community awareness, reporting, and combating of hate crimes.



*Members and Appointments.* The council members include the following individuals, or their designees, the:

1. chief state's attorney and chief public defender;
2. emergency services and public protection commissioner;
3. Connecticut Bar Association, George W. Crawford Black Bar Association, South Asian Bar Association of Connecticut, Connecticut Asian Pacific American Bar Association, and Connecticut Hispanic Bar Association presidents; and
4. Connecticut Police Chiefs Association president.

Additionally, the governor must appoint up to 30 representatives of organizations committed to decreasing hate crimes, improving diversity awareness, or representing the interests of groups within the state protected by Connecticut's intimidation statutes. He must also appoint two council members as chairpersons.

*Recommendations and Reporting.* The act requires the council to make recommendations for legislation concerning hate crimes, such as:

1. restitution for victims of such crimes;
2. community service designed to remedy damage caused by, or related to the commission of such crimes; and
3. additional alternative sentencing programs for first-time offenders and juvenile offenders.

The council must report its recommendations to the Judiciary and Public Safety committees annually starting by October 1, 2018 ([CGS § 51-279d](#), as amended by [PA 17-111](#) §§ 8 & 9).

### ***Police Training***

Basic or review training programs conducted or administered by the State Police, Police Officer Standards and Training Council, or municipal police departments must include training on crimes motivated by bigotry and bias ([CGS § 7-294n](#)).

MK:cmg