



# House of Representatives

General Assembly

**File No. 594**

February Session, 2018

House Bill No. 5549

*House of Representatives, April 19, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING CRIMINAL DEFAMATION.***

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

1 Section 1. (NEW) (*Effective October 1, 2018*) (a) As used in this  
2 section:

3 (1) "Employee" means any person employed by an employer, but  
4 does not include a person employed by such person's parents, spouse  
5 or child; and

6 (2) "Employer" means any person with one or more employees in  
7 such person's employ and includes the state and all political  
8 subdivisions thereof.

9 (b) A person is guilty of falsely reporting an incident involving an  
10 employee when, knowing the information reported, conveyed or  
11 circulated to be false or baseless, such person gratuitously reports to an  
12 employer (1) the alleged occurrence of an offense or incident involving  
13 an employee which did not in fact occur, (2) an allegedly impending

14 occurrence of an offense or incident involving an employee which in  
15 fact is not about to occur, or (3) false information relating to an actual  
16 offense or incident involving an employee or the alleged implication of  
17 the employee.

18 (c) Falsely reporting an incident involving an employee is a class A  
19 misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section

**JUD**      *Joint Favorable*

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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.

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 19 \$</b>	<b>FY 20 \$</b>
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill creates a category of defamation and, to the extent that violators are prosecuted, results in a potential cost for probation and potential revenue gain from fines. On average, the average marginal cost for supervision in the community is less than \$700<sup>1</sup> each year.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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<sup>1</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****HB 5549*****AN ACT CONCERNING CRIMINAL DEFAMATION.*****SUMMARY**

This bill makes it a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both, to falsely report to an employer an incident involving one of the employer's employees. A person commits this offense if he or she gratuitously reports to the employer information that he or she knows is false or baseless about:

1. an alleged offense or incident involving the employee that did not, in fact, occur;
2. an allegedly impending offense or incident involving an employee that, in fact, is not about to occur; or
3. an actual offense or incident involving an employee or the alleged implication of the employee.

For the bill's purposes:

1. an "employer" is any person with one or more employees, including the state and all of its political subdivisions and
2. an "employee" is any person employed by an employer, other than someone employed by his or her parents, spouse, or child.

EFFECTIVE DATE: October 1, 2018

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/03/2018)