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## **OLR Bill Analysis**

**sHB 7146**

### ***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 certain public safety employees because of their 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, sex, 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, among other things, adds them to certain police training and reporting requirements, allows the injured public safety employee to recover enhanced civil damages, and allows the court to order additional penalties.

Under the bill, a "public safety employee" is a reasonably identifiable police officer, firefighter, certain emergency medical personnel, or Department of Correction (DOC) employee.

EFFECTIVE DATE: October 1, 2019

#### **PUBLIC SAFETY EMPLOYEE DEFINITIONS**

Under the bill, 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 (e.g., those appointed to investigate public assistance fraud); and members of a law enforcement unit who perform police duties, including the State Police and tribal police (CGS § 7-294a).

Firefighter means any local fire marshal, deputy fire marshal, fire investigator, fire inspector, and uniformed municipal, state, or volunteer firefighter (CGS § 7-313g).

Emergency medical personnel means an advanced emergency medical technician, emergency medical responder, emergency medical technician, or paramedic (CGS § 20-206jj).

## **BIGOTRY AND BIAS CRIMES**

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

1. A person commits the 1<sup>st</sup> degree crime if he or she maliciously causes physical injury to the employee 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, for which \$3,000 may not be remitted or reduced by the court unless it provides, on the record, its reasons.
2. A person commits the 2<sup>nd</sup> degree crime if he or she maliciously (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 crime also applies if the person commits such actions intending to intimidate or harass a group of people. This is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both, for which \$1,000 may not be remitted or reduced by the court unless it provides on the record its reasons.
3. A person commits the 3<sup>rd</sup> 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 commits such actions intending to intimidate or harass a group of people. This is a class E felony

punishable by up to three years in prison, a fine of up to \$3,500, or both, for which \$1,000 may not be remitted or reduced by the court unless it provides, on the record, its reasons. Malice is not an element of this crime.

#### **OTHER STATUTES AFFECTED**

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

1. 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);
2. requires police to monitor, record, and classify these crimes and report the information to the State Police (CGS § 29-7m);
3. adds them to the charge of the Hate Crimes Advisory Council established by the chief state's attorney which (a) coordinates efforts to enforce bigotry and bias criminal laws and increase community awareness, reporting, and combating of these crimes and (b) makes recommendations on restitution for victims of these crimes (CGS § 51-279f);
4. allows a person injured by conduct that results from these crimes to bring a civil action for, among other things, triple damages for injuries (CGS § 52-571c);
5. allows a court, as a condition of probation or conditional discharge, to require an offender to participate in an anti-bias crime education program or a community service program (CGS § 53a-30);
6. brings them under the persistent bigotry or bias crime offender statute, which requires the court to sentence a person convicted for a second time of certain such crimes to the next highest sentence class (CGS § 53a-40a); and

7. allows a court to order offenders to participate in the hate crimes diversion program as a condition of accelerated rehabilitation (CGS § 54-56e).

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 17 Nay 7 (03/19/2019)