



House of Representatives

General Assembly

File No. 420

January Session, 2019

Substitute House Bill No. 7146

House of Representatives, April 4, 2019

The Committee on Public Safety and Security reported through REP. VERRENGIA of the 20th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING INTIMIDATION ON ACCOUNT OF OCCUPATION AS A PUBLIC SAFETY EMPLOYEE.

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

1 Section 1. Section 53a-181i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 For the purposes of sections 53a-181j to 53a-181l, inclusive, as
4 amended by this act:

5 (1) "Disability" means physical disability, mental disability or
6 intellectual disability;

7 (2) "Gender identity or expression" means a person's gender-related
8 identity, appearance or behavior, whether or not that gender-related
9 identity, appearance or behavior is different from that traditionally
10 associated with the person's assigned sex at birth;

11 (3) "Mental disability" means one or more mental disorders, as

12 defined in the most recent edition of the American Psychiatric
13 Association's "Diagnostic and Statistical Manual of Mental Disorders";

14 (4) "Intellectual disability" has the same meaning as provided in
15 section 1-1g; [and]

16 (5) "Physical disability" means any chronic physical handicap,
17 infirmity or impairment, whether congenital or resulting from bodily
18 injury, organic processes or changes or from illness, including, but not
19 limited to, blindness, epilepsy, deafness or being hard of hearing or
20 reliance on a wheelchair or other remedial appliance or device; [and

21 (6) "Public safety employee" means a reasonably identifiable police
22 officer, as defined in section 7-294a, firefighter, as defined in section 7-
23 313g, advanced emergency medical technician, as defined in section
24 20-206jj, emergency medical responder, as defined in section 20-206jj,
25 emergency medical technician, as defined in section 20-206jj,
26 paramedic, as defined in section 20-206jj or correction officer employed
27 by the Department of Correction.

28 Sec. 2. Section 53a-181j of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2019*):

30 (a) A person is guilty of intimidation based on bigotry or bias in the
31 first degree when such person maliciously, and with specific intent to
32 intimidate or harass another person because of the actual or perceived
33 race, religion, ethnicity, disability, sex, sexual orientation or gender
34 identity or expression of such other person or because of the public
35 safety employee duties of such other person, causes physical injury to
36 such other person or to a third person.

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

41 Sec. 3. Section 53a-181k of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2019*):

43 (a) A person is guilty of intimidation based on bigotry or bias in the
44 second degree when such person maliciously, and with specific intent
45 to intimidate or harass another person or group of persons because of
46 the actual or perceived race, religion, ethnicity, disability, sex, sexual
47 orientation or gender identity or expression of such other person or
48 group of persons or because of the public safety employee duties of
49 such other person or group of persons, does any of the following: (1)
50 Causes physical contact with such other person or group of persons,
51 (2) damages, destroys or defaces any real or personal property of such
52 other person or group of persons, or (3) threatens, by word or act, to
53 do an act described in subdivision (1) or (2) of this subsection, if there
54 is reasonable cause to believe that an act described in subdivision (1) or
55 (2) of this subsection will occur.

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

60 Sec. 4. Section 53a-181l of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2019*):

62 (a) A person is guilty of intimidation based on bigotry or bias in the
63 third degree when such person, with specific intent to intimidate or
64 harass another person or group of persons because of the actual or
65 perceived race, religion, ethnicity, disability, sex, sexual orientation or
66 gender identity or expression of such other person or persons or
67 because of the public safety employee duties of such other person or
68 group of persons: (1) Damages, destroys or defaces any real or
69 personal property, or (2) threatens, by word or act, to do an act
70 described in subdivision (1) of this subsection or advocates or urges
71 another person to do an act described in subdivision (1) of this
72 subsection, if there is reasonable cause to believe that an act described
73 in said subdivision will occur.

74 (b) Intimidation based on bigotry or bias in the third degree is a
75 class E felony, for which one thousand dollars of the fine imposed may

76 not be remitted or reduced by the court unless the court states on the
77 record its reasons for remitting or reducing such fine.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	53a-181i
Sec. 2	October 1, 2019	53a-181j
Sec. 3	October 1, 2019	53a-181k
Sec. 4	October 1, 2019	53a-181l

Statement of Legislative Commissioners:

In Section 2, "such other person's duties as a public safety employee" was changed to "the public safety employee duties of such other person" for consistency with other provisions of the bill.

PS *Joint Favorable Subst.*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the crime of intimidation based on bigotry or bias to include public safety employees and results in a potential cost for incarceration or probation.

To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue will result. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800¹ while the average marginal cost for supervision in the community is less than \$700² each year.

There is currently one inmate incarcerated under the existing statutes, 11 probationers, and 34 violations in FY 18. However, expanding this crime to include public safety employees may increase

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² 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.

the number of chargers or convictions.

The Out Years

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

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 1st 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 2nd 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 3rd 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)