
OLR Bill Analysis

sSB 122 (File 276, as amended by Senate "A")*

AN ACT ESTABLISHING A UNIT WITHIN THE DIVISION OF STATE POLICE TO INVESTIGATE HATE CRIMES AND CRIMINAL ACTS COMMITTED BY EXTREMIST GROUPS.

SUMMARY

This bill requires the Department of Emergency Services and Public Protection (DESPP) commissioner to establish, within the State Police, a Hate Crimes and Extremist Group Investigative Unit (hereinafter, "Hate Crimes and Extremist Unit"). Under the bill, the head of this unit must (1) have the rank of sergeant or above and (2) serve, or appoint a designee to serve, as a liaison to the State-Wide Hate Crimes Advisory Council (see BACKGROUND).

The bill transfers the responsibility for monitoring, recording, and classifying all crimes committed in the state that are motivated by bigotry or bias from the State Police to the Hate Crimes and Extremist Unit. The bill also modifies related reporting requirements by other law enforcement.

Under current law, town police departments, resident state troopers, and constables performing law enforcement duties must monitor, record, and classify certain specific crimes involving intimidation based on bigotry or bias (see BACKGROUND) that are committed in their towns and report them to the State Police. The bill eliminates these requirements and instead requires all law enforcement units (see BACKGROUND) to submit a report to the Hate Crimes and Extremist Unit within 14 days after receiving notification, information, or a complaint of any:

1. alleged crime that is a violation of the specific crimes involving intimidation based on bigotry or bias;
2. other alleged crime that may be motivated by bigotry or bias

because of someone's actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression; and

3. suspected criminal activity by an extremist or extremist group (see below).

Relatedly, the Hate Crimes and Extremist Unit (1) must seek to prevent and detect those crimes and criminal activities listed above; (2) may assist law enforcement units with these investigations; (3) must compile, maintain, and analyze data on these crimes and criminal activities; and (4) must share data and information with any local enforcement unit that may assist in these investigations. Starting by October 1, 2021, the unit must annually publish a report on DESPP's website regarding the data it compiles on the alleged crimes relating to bigotry or bias. The bill requires the DESPP commissioner to assign enough personnel to the unit to fulfill these duties.

Lastly, the bill requires the Police Officer Standards and Training Council, in consultation with the DESPP commissioner, to:

1. develop and promulgate a standardized form for law enforcement units for reporting on the notifications, information, and complaints they receive on the above crimes and criminal activities;
2. develop best practices to facilitate information sharing between the Hate Crimes and Extremist Unit and law enforcement units; and
3. take actions they deem appropriate to inform the public on how to make reports of those crimes and criminal activities.

Under the bill, these actions must be done by January 1, 2022, and biannually after that.

*Senate Amendment "A" (1) allows, rather than requires, the Hate Crimes and Extremist Unit to assist other units with investigations; (2) requires the Hate Crimes and Extremist Unit to share data and

information with local units; and (3) narrows the definitions of “extremist” and “extremist group.”

EFFECTIVE DATE: July 1, 2021

EXTREMIST AND EXTREMIST GROUP DEFINITIONS

Under the bill, an “extremist” is any person who commits, or attempts or conspires to commit, certain crimes to achieve a political, ideological, religious, social, or economic goal. Specifically, this applies to violent crimes or crimes intended to cause (1) another person physical harm or (2) property damage. Additionally, an “extremist group” is a group of extremists associated in fact.

BACKGROUND

State-Wide Hate Crimes Advisory Council

By law, this council is responsible for making annual recommendations for legislation concerning hate crimes to the Judiciary and Public Safety committees. Additionally, the council must meet at least semiannually to encourage and coordinate programs to increase community awareness, reporting, and combating of hate crimes. The council is within the Office of the Chief State’s Attorney for administrative purposes only (CGS § 51-279f).

Intimidation Based on Bigotry or Bias Crimes

By law, it is a crime to commit certain actions or make certain threats with the intent to intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression. The law provides three degrees of penalties for this crime that vary depending on the actions of the intimidator or harasser (CGS §§ 53a-181j, -181k & -181l).

Law Enforcement Units

By law, “law enforcement unit” is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS

§ 7-294a).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 22 Nay 3 (03/18/2021)