



Senate

General Assembly

File No. 276

January Session, 2021

Substitute Senate Bill No. 122

Senate, April 6, 2021

The Committee on Public Safety and Security reported through SEN. BRADLEY of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Subsection (d) of section 29-4 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (d) The commissioner shall establish such divisions as the
5 commissioner deems necessary for effective operation of the state police
6 force and consistent with budgetary allotments, a Criminal Intelligence
7 Division, a Hate Crimes and Extremist Group Investigative Unit and a
8 state-wide organized crime investigative task force to be engaged
9 throughout the state for the purpose of preventing and detecting any
10 violation of the criminal law. The head of the Criminal Intelligence
11 Division shall be of the rank of sergeant or above. The head of the Hate
12 Crimes and Extremist Group Investigative Unit shall be the rank of

13 sergeant or above and shall serve, or appoint a designee to serve, as a
14 liaison to the State-Wide Hate Crimes Advisory Council, established
15 under section 51-279f. The head of the state-wide organized crime
16 investigative task force shall be a police officer.

17 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) For the purposes of this
18 section, (1) "extremist" means an individual encouraging, condoning,
19 justifying or supporting the commission or attempted commission of a
20 violent crime, or a crime that is intended to cause physical harm to
21 another person or property damage, to achieve a political, ideological,
22 religious, social or economic goal, (2) "extremist group" means a group
23 of extremists associated in fact but not a legal entity, and (3) "law
24 enforcement unit" has the same meaning as provided in section 7-294a
25 of the general statutes.

26 (b) The Commissioner of Emergency Services and Public Protection
27 shall assign to the Hate Crimes and Extremist Group Investigative Unit,
28 established under subsection (d) of section 29-4 of the general statutes,
29 as amended by this act, such personnel as may be required to fulfill the
30 duties of this section. The unit shall:

31 (1) Prevent, investigate, detect and assist any law enforcement unit
32 with the investigation of (A) any alleged crime that is a violation of
33 section 53a-181j, 53a-181k or 53a-181l of the general statutes, (B) any
34 other alleged crime that may be motivated by bigotry or bias as a result
35 of the actual or perceived race, religion, ethnicity, disability, sex, sexual
36 orientation or gender identity or expression of another person, and (C)
37 any criminal activity or suspected criminal activity by an extremist or
38 extremist group; and

39 (2) Compile, maintain and analyze data regarding (A) crimes that are
40 violations of section 53a-181j, 53a-181k or 53a-181l of the general
41 statutes, (B) any other crime that may be motivated by bigotry or bias as
42 a result of the actual or perceived race, religion, ethnicity, disability, sex,
43 sexual orientation or gender identity or expression of another person,
44 and (C) any criminal activity by an extremist or extremist group.

45 (c) Not later than October 1, 2021, and annually thereafter, the unit
46 shall publish a report on the department's Internet web site regarding
47 the data compiled pursuant to subparagraphs (A) and (B) of subdivision
48 (2) of subsection (b) of this section.

49 Sec. 3. Section 29-7m of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective July 1, 2021*):

51 (a) [On and after July 1, 1988, the] The Hate Crimes and Extremist
52 Group Investigative Unit of the Division of State Police within the
53 Department of Emergency Services and Public Protection shall monitor,
54 record and classify all crimes committed in the state which are
55 motivated by bigotry or bias.

56 [(b) The police department, resident state trooper or constable who
57 performs law enforcement duties for each town shall monitor, record
58 and classify all crimes committed within such town which are violations
59 of section 53a-181j, 53a-181k or 53a-181l and report such information to
60 the Division of State Police within the Department of Emergency
61 Services and Public Protection.]

62 (b) Any law enforcement unit, as defined in section 7-294a, shall
63 submit a report to the Hate Crimes and Extremist Group Investigative
64 Unit, not later than fourteen days after receiving notification,
65 information or a complaint of (1) any alleged crime that is a violation of
66 section 53a-181j, 53a-181k or 53a-181l, (2) any other alleged crime that
67 may be motivated by bigotry or bias as a result of the actual or perceived
68 race, religion, ethnicity, disability, sex, sexual orientation or gender
69 identity or expression of another person, and (3) any suspected criminal
70 activity by an extremist or extremist group, as such terms are defined in
71 subsection (a) of section 2 of this act.

72 (c) Not later than January 1, 2022, and biannually thereafter, the
73 Police Officer Standards and Training Council, in consultation with the
74 Commissioner of Emergency Services and Public Protection, shall (1)
75 develop and promulgate a standardized form to be used by a law
76 enforcement unit to submit a report pursuant to subsection (b) of this

77 section, (2) develop best practices to facilitate the sharing of information
 78 among and between the Hate Crimes and Extremist Group Investigative
 79 Unit and law enforcements units, and (3) take such actions, as the
 80 council and commissioner deem appropriate, to inform the public of its
 81 right to report any alleged crime or suspected criminal activity as
 82 described in subdivisions (1) to (3), inclusive, of subsection (b) of this
 83 section and how to make such reports.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	29-4(d)
Sec. 2	July 1, 2021	New section
Sec. 3	July 1, 2021	29-7m

Statement of Legislative Commissioners:

In Section 2(b), "fulfill the duties of this section. The unit shall" was added for clarity.

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: None

Municipal Impact: None

Explanation

The bill establishes a Hate Crimes and Extremist Unit within the State Police resulting in no fiscal impact because it's anticipated the unit will be staffed by existing officers.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 122*****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 must (1) prevent, investigate, and detect those crimes and criminal activities, (2) assist law enforcement units with the investigation of the same, and (3) compile, maintain, and analyze data regarding the same that were, presumably, charged as crimes. Starting by October 1, 2021, the unit must annually publish a report on DESPP's website regarding the data it compiles on the charged 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 twice a year after that.

EFFECTIVE DATE: July 1, 2021

EXTREMIST AND EXTREMIST GROUP DEFINITIONS

Under the bill, an “extremist” is an individual encouraging, condoning, justifying, or supporting the actual or attempted commission of 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 but not a legal entity.

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 twice a year 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)