



Senate

General Assembly

File No. 94

February Session, 2022

Substitute Senate Bill No. 217

Senate, March 23, 2022

The Committee on Public Safety and Security reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT ESTABLISHING A HATE CRIMES INVESTIGATIVE UNIT
WITHIN THE DIVISION OF STATE POLICE AND REQUIRING
DEVELOPMENT OF A REPORTING SYSTEM, BEST PRACTICES AND
A MODEL INVESTIGATION POLICY FOR LAW ENFORCEMENT UNITS
REGARDING HATE CRIMES.***

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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*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 *2022*):

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 and a state-wide organized crime investigative task force to be
8 engaged throughout the state for the purpose of preventing and
9 detecting any violation of the criminal law, and a Hate Crimes
10 Investigative Unit for the purposes described in section 2 of this act. The
11 head of the Criminal Intelligence Division shall be of the rank of
12 sergeant or above. The head of the Hate Crimes Investigative Unit shall

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

17 Sec. 2. (NEW) (*Effective July 1, 2022*) (a) The Commissioner of
18 Emergency Services and Public Protection shall assign to the Hate
19 Crimes Investigative Unit, established under subsection (d) of section
20 29-4 of the general statutes, as amended by this act, such personnel as
21 may be required to fulfill the duties of this section. The unit:

22 (1) Shall seek to prevent and detect any criminal activity or suspected
23 criminal activity in the state that is a violation of section 46a-58, 53-37,
24 53-37a, 53-37b or 53a-61aa, subdivision (3) of subsection (a) of section
25 53a-62, subdivision (4) of subsection (a) of section 53a-181c, or section
26 53a-181j, 53a-181k or 53a-181l of the general statutes;

27 (2) Shall compile, monitor and analyze data regarding any criminal
28 activity or suspected criminal activity described in subdivision (1) of this
29 subsection; and

30 (3) Shall share data and information with, and may provide
31 additional assistance to, any law enforcement unit to assist in the
32 investigation of any criminal activity or suspected criminal activity
33 described in subdivision (1) of this subsection.

34 (b) Not later than November 1, 2022, the Police Officer Standards and
35 Training Council, in consultation with the Commissioner of Emergency
36 Services and Public Protection and the State-Wide Hate Crimes
37 Advisory Council, shall:

38 (1) Develop, and disseminate to all law enforcement units, a
39 standardized form or other reporting system to be used by a law
40 enforcement unit in making an initial notification or report to the Hate
41 Crimes Investigative Unit as required by subsection (c) of this section;

42 (2) Develop best practices to facilitate the continued sharing of
43 information among and between the Hate Crimes Investigative Unit

44 and law enforcement units;

45 (3) Take such actions as are necessary to inform the public of its right
46 to report any criminal activity or suspected criminal activity as
47 described in subdivision (1) of subsection (a) of this section and how to
48 make such reports, including, but not limited to, considering the
49 establishment of state and municipal telephone hotlines and web sites
50 that can be used to make reports; and

51 (4) Develop a model policy for the investigation of hate crimes.

52 (c) On and after January 1, 2023, each law enforcement unit shall, not
53 later than fourteen days after receiving notification, information or a
54 complaint of any criminal activity or suspected criminal activity
55 described in subdivision (1) of subsection (a) of this section, provide a
56 notice and report to the Hate Crimes Investigative Unit regarding such
57 criminal activity or suspected criminal activity using the standardized
58 form or other reporting system developed pursuant to subdivision (1)
59 of subsection (b) of this section. The law enforcement unit shall continue
60 to share information regarding the investigation of such criminal
61 activity or suspected criminal activity with the Hate Crimes
62 Investigative Unit according to the best practices developed pursuant to
63 subdivision (2) of subsection (b) of this section.

64 (d) For purposes of this section, "law enforcement unit" has the same
65 meaning as in section 7-294a of the general statutes.

66 Sec. 3. Subsection (a) of section 51-279f of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective July 1,*
68 *2022*):

69 (a) There shall be a State-Wide Hate Crimes Advisory Council within
70 the Office of the Chief State's Attorney, for administrative purposes
71 only. Members of the council shall include (1) the following, or their
72 designees: The Chief State's Attorney; the Chief Public Defender; the
73 Commissioner of Emergency Services and Public Protection; the
74 president of the Connecticut Bar Association; the president of the

75 George W. Crawford Black Bar Association; the president of the South
 76 Asian Bar Association of Connecticut; the president of the Connecticut
 77 Asian Pacific American Bar Association; the president of the
 78 Connecticut Hispanic Bar Association; and the president of the
 79 Connecticut Police Chiefs Association; (2) the head of the Hate Crimes
 80 Investigative Unit, established pursuant to subsection (d) of section 29-
 81 4, as amended by this act; and [(2)] (3) no more than thirty appointed by
 82 the Governor who are representatives of organizations committed to
 83 decreasing hate crimes, improving diversity awareness or representing
 84 the interests of groups within the state protected by sections 53a-181j to
 85 53a-181l, inclusive.

86 Sec. 4. Section 29-7m of the general statutes is repealed. (*Effective*
 87 *January 1, 2023*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	29-4(d)
Sec. 2	<i>July 1, 2022</i>	New section
Sec. 3	<i>July 1, 2022</i>	51-279f(a)
Sec. 4	<i>January 1, 2023</i>	Repealer section

Statement of Legislative Commissioners:

In Section 2(a)(1), "sections" was changed to "section"; "53-37b, 53a-61aa," was changed to "53-37b or 53a-61aa," and "or" was inserted between "53a-181c," and "section 53a-181j," for clarity; and in Section 2(b)(2), "Unit" was added after "Hate Crimes Investigative" for accuracy.

PS Joint Favorable Subst. -LCO

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 Investigative 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 217*****AN ACT ESTABLISHING A HATE CRIMES INVESTIGATIVE UNIT WITHIN THE DIVISION OF STATE POLICE AND REQUIRING DEVELOPMENT OF A REPORTING SYSTEM, BEST PRACTICES AND A MODEL INVESTIGATION POLICY FOR LAW ENFORCEMENT UNITS REGARDING HATE CRIMES.*****SUMMARY**

This bill requires the Department of Emergency Services and Public Protection (DESPP) commissioner to establish, within the State Police, a Hate Crimes Investigative Unit. It makes the unit responsible for (1) working to prevent and detect certain crimes that are generally based on a bigotry or bias against a race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression (i.e., hate crimes) and (2) compiling, monitoring, analyzing, and sharing data about them. Specifically, the bill applies to hate crimes involving deprivation of rights, desecration of property, ridiculing, threatening, stalking, and intimidation. These provisions replace current law's requirements that the State Police, generally, monitor, record, and classify all crimes motivated by bigotry or bias.

The bill also broadens reporting of bigotry- or bias-motivated crimes by local law enforcement entities. Current law requires them to monitor, record, classify, and report intimidation crimes motivated by bigotry or bias to the State Police. Under the bill, they, along with other state and tribal law enforcement, must instead (1) report on the broader list of crimes covered by the bill and (2) do so using a standardized form or other reporting system created by the Police Officer Standards and Training Council (POST). The bill also requires POST to develop related best practices and other administrative materials to help share information.

Lastly, the bill requires the head of the Hate Crimes Investigative Unit to serve as a member of the State-Wide Hate Crimes Advisory Council, whose membership the bill expands to include this position (see BACKGROUND).

EFFECTIVE DATE: July 1, 2022, except the provision eliminating the current responsibilities of the State Police and local law enforcement to monitor and record certain bigotry- or bias-motivated crimes is effective January 1, 2023.

HATE CRIMES INVESTIGATIVE UNIT DUTIES

Under the bill, the Hate Crimes Investigative Unit is responsible for seeking to prevent and detect actual or suspected criminal activity involving the following crimes:

1. deprivation of rights or desecration of property (CGS §§ 46a-58, 53-37a, & 53-37b);
2. certain ridiculing, threatening, and stalking actions; (CGS §§ 53-37, 53a-61aa, 53a-62(a)(3), & 53a-181c(a)(4)); and
3. intimidation based on bigotry or bias (CGS §§ 53a-181j, 53a-181k, & 53a-181l).

Relatedly, the unit must compile, maintain, and analyze data about these criminal activities. It must also share data and information with other law enforcement units to help with their investigations of the same criminal activities and it may provide additional help with those investigations.

The bill requires the (1) DESPP commissioner to assign enough personnel to the Hate Crimes Investigative Unit to fulfill these duties and (2) head of the unit to be a sergeant or higher rank.

POST REQUIREMENTS

By November 1, 2022, POST, in consultation with the DESPP commissioner and the State-Wide Hate Crimes Advisory Council, must:

1. develop and send out a standardized form or other reporting system to law enforcement units to make a notification or report about the above criminal activities;
2. develop best practices to ease information sharing between the Hate Crimes Investigative Unit and law enforcement units;
3. take necessary actions to inform the public on how to report these criminal activities, such as establishing state and municipal telephone hotlines and websites for making reports; and
4. develop a model policy for investigating hate crimes.

LAW ENFORCEMENT UNIT REPORTING

Current law requires town police departments, resident state troopers, and constables performing law enforcement duties to monitor, record, and classify certain crimes involving intimidation based on bigotry or bias that are committed in their towns and report them to the State Police.

The bill eliminates these requirements and instead requires, starting January 1, 2023, all law enforcement units (see BACKGROUND) to use POST's standardized form or other reporting system to submit a notice and report to the Hate Crimes Investigative Unit within 14 days after receiving a notice, information, or a complaint of the criminal activities described above. Each unit must also continue to share information about its investigations with the Hate Crimes Investigative Unit according to the best practices developed by POST.

BACKGROUND

State-Wide Hate Crimes Advisory Council

By law, this council is responsible for making annual recommendations for legislation about 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 the community awareness, reporting, and combating of hate crimes. It is within the Office of the Chief State's Attorney for administrative

purposes only (CGS § 51-279f).

Law Enforcement Units

By law, a “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

Yea 23 Nay 0 (03/08/2022)