

Connecticut Hate Crime Laws

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Issue

Summarize Connecticut's hate crime laws, including recent legislative changes. (This report updates OLR Report [2021-R-0104](#).)

Summary

Connecticut has several statutes that address hate crimes. The statutes protect a range of people, enhance penalties for bias crimes, and allow injured parties and the attorney general to sue for money damages.

The primary criminal statutes are the "intimidation based on bigotry or bias" crimes with three degrees of penalties. They address certain actions that intimidate or harass another person motivated, in whole or in substantial part, by that person's actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression. The other criminal statutes that address hate crimes include the following:

1. deprivation of rights, desecration of property, and cross burning;
2. deprivation of a person's civil rights by someone wearing a mask or hood;
3. ridicule on account of creed, religion, color, denomination, nationality, or race;
4. certain threatening crimes; and
5. deprivation of a person's equal rights and privileges by force or threat.

Recent Legislation

[PA 22-9](#) established a hate crimes investigative unit within the State Police to prevent and detect hate crimes and compile, analyze, and share data about them.

[PA 22-82](#), § 11, and [PA 23-145](#), § 1, added (1) domestic violence victim-status and (2) age (respectively) to the list of protected classes for the purpose of hate crimes involving depriving someone of his or her constitutional or other legally guaranteed right.

This report also describes other statutory provisions on hate crimes, including persistent offender status; anti-bias or diversity awareness programs as conditions of accelerated rehabilitation, probation, and conditional discharge; the attorney general’s authority regarding hate crimes and civil rights violations; the statewide hate crimes advisory council; the State Police hate crimes investigative unit; and police training.

Intimidation Crimes Based on Bigotry or Bias

The crimes of 1st, 2nd, and 3rd degree intimidation based on bigotry or bias address certain actions that intimidate or harass another person and are motivated, in whole or in substantial part, by following attributes: the person’s actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.

State law defines “gender identity or expression” as a person’s gender-related identity, appearance, or behavior, whether or not it is different from what is traditionally associated with the person’s assigned sex at birth ([CGS § 53a-181i\(2\)](#)).

“Disability” is defined as:

1. a mental disability—one or more mental disorders as defined in the American Psychiatric Association’s “Diagnostic and Statistical Manual of Mental Disorders”;
2. a physical disability—a chronic physical handicap, infirmity, or impairment; whether congenital or from bodily injury, organic process or change, or illness; including blindness, epilepsy, deafness, hearing impairment, or reliance on a wheelchair or other remedial appliance or device; or
3. intellectual disability—a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period before age 18 ([CGS § 53a-181i\(1\)](#)).

[PA 23-145](#), § 2, defined “sexual orientation” as a person’s identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person may have previously expressed or is perceived by another person to hold (codified at [CGS § 46a-51\(26\)](#)).

First-Degree Intimidation

A person commits the 1st degree crime of intimidation based on bigotry or bias if he or she, maliciously and with specific intent to intimidate or harass someone, motivated in whole or substantial part by any of the actual or perceived attributes listed above, caused physical injury to that person or a third person ([CGS § 53a-181j](#)).

Second-Degree Intimidation

A person commits the 2nd degree crime of intimidation if he or she acts maliciously and with specific intent to intimidate or harass another individual or a group of people, motivated in whole or substantial part by any of the actual or perceived attributes listed above, by doing the following:

1. making physical contact with the victim;
2. damaging, destroying, or defacing property; or
3. threatening to do either of these things, and the victim has reasonable cause to believe he or she will carry out the threat ([CGS § 53a-181k](#)).

Third-Degree Intimidation

A person commits the 3rd degree crime of intimidation if he or she intends to intimidate or harass someone or a group of people, motivated in whole or substantial part by of any of the actual or perceived attributes listed above, and he or she (1) damages, destroys, or defaces any property or (2) threatens to do so by word or act or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur ([CGS § 53a-181l](#)).

Penalties

Table 1 summarizes the penalties for 1st, 2nd, and 3rd degree intimidation based on bigotry or bias, including the minimum fine the court can impose depending on the degree of the crime.

Table 1: Penalties for Intimidation Based on Bigotry or Bias

Crime	Classification	Minimum Fine*
1st degree	Class C felony (1 to 10 years in prison, a fine of up to \$10,000, or both)	\$3,000
2nd degree	Class D felony (up to five years in prison, a fine of up to \$5,000, or both)	\$1,000
3rd degree	Class E felony (up to three years in prison, a fine of up to \$3,500, or both)	\$1,000

*Unless the court states on the record its reasons for canceling or reducing the minimum fine

Action for Damages

A person alleging injury (“the injured party”) due to conduct that falls under these crimes can sue for damages for his or her injury. The court must award triple damages if the injured party prevails and may award equitable relief and reasonable attorney’s fees. The injured party must file the lawsuit within three years of the acts complained of ([CGS § 52-571c](#)).

Deprivation of Rights, Desecration of Property, and Cross Burning

It is a crime to do the following:

1. deprive someone, or cause the deprivation, of any legally guaranteed right because of his or her religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability, age, veteran status, or domestic violence victim status;
2. intentionally desecrate any public property, monument, or structure; religious object, symbol, or house of worship; cemetery; or private structure not owned by the offender;
3. place a burning cross or simulation of one on public property, or on private property without the owner's written consent, with the intent to intimidate or harass someone or a group of people; or
4. place a noose or simulation of one on public property, or on private property without the owner's written consent, with the intent to harass someone because of his or her religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability, age, veteran status, or domestic violence victim status ([CGS § 46a-58](#), as amended by [PA 23-145](#), § 1).

Penalties

The offenses described above are class A misdemeanors, but it is a class D felony if the act results in more than \$1,000 of property damage. The law imposes a minimum fine of \$1,000 whether the crime is a misdemeanor or a felony ([CGS § 46a-58\(e\)\(1\)](#)).

Table 2 shows the penalties for intentional desecration of a house of religious worship, which differ from those described above.

Table 2: Intentional Desecration of a House of Religious Worship

Property Damage Resulting From the Crime	Classification	Minimum Fine
\$10,000 or less	Class D felony (up to five years in prison, a fine of up to \$5,000, or both)	\$1,000
More than \$10,000	Class C felony (1 to 10 years in prison, a fine of up to \$10,000, or both)	\$3,000

The court is prohibited from canceling or reducing the minimum fines unless it states on the record its reasons for doing so. The law also specifically allows the court to order the offender to pay financial restitution to the victim ([CGS § 46a-58\(e\)\(2\) et seq.](#)).

Conditions of Probation and Conditional Discharge

By law, a court, as a condition of probation or conditional discharge, may require an offender to participate in certain programs if he or she is convicted of (1) intimidation based on bigotry or bias, (2) deprivation of rights or property (including through cross burning or placing a noose on property), or (3) deprivation of a person's civil rights by a person wearing a mask or hood ([CGS § 53a-30](#)).

The law allows the court to require the offender to participate in (1) an anti-bias or diversity awareness program or (2) a community service program designed to remedy the damage caused by the commission of a bias crime or otherwise related to the defendant's violation ([CGS § 53a-30\(a\)\(15\)](#)).

Deprivation of a Person's Civil Rights by Person Wearing a Mask or a Hood

For crimes involving depriving someone of his or her constitutional rights, desecrating property, or burning a cross under certain circumstances, it is a class D felony if the person (1) commits the crime while wearing a mask, hood, or other device designed to conceal his or her identity and (2) intends to deprive another person of any legally guaranteed right because of his or her religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, or physical disability ([CGS § 53-37a](#)).

Ridicule on Account of Specific Attributes

A person commits this crime if he or she ridicules or holds up to contempt any person or class of people on account of creed, religion, color, denomination, nationality, or race. This is a class D misdemeanor ([CGS § 53-37](#)).

Threatening Crimes

First-Degree Threatening

By law, 1st degree threatening includes threatening to commit a violent crime or a crime using a hazardous substance with intent to cause, or with reckless disregard of the risk of causing (1) evacuation of a building, place of assembly, or public transportation facility or (2) serious public inconvenience; or (3) for hazardous substance crimes, a person to be terrorized.

First-degree threatening is a class D felony. The law enhances the penalty to a class C felony if the threat was made with intent to cause the evacuation of the building or grounds of a house of religious worship, religiously-affiliated community center, preschool, school, higher education institution, or day care center during operating hours or when the buildings or grounds are being used to (1) provide religious or community services or (2) conduct activities sponsored by the house of worship, community center, preschool, school, institution, or day care ([CGS § 53a-61aa](#)).

A “religiously-affiliated community center” is real property (1) used for providing recreational, social, or educational services and (2) owned or leased by a nonprofit organization that holds the property out as being affiliated with an organized religion ([CGS § 53a-61aa\(b\)](#)).

Second-Degree Threatening

By law, 2nd degree threatening consists of (1) intentionally causing, or attempting to cause, someone to fear imminent serious physical injury by physical threat or (2) threatening to commit a violent crime with intent to terrorize someone or with reckless disregard for the risk of doing so.

Under the law, 2nd degree threatening is a class A misdemeanor. However, the penalty is enhanced to a class D felony if the threatened person was in the building or on the grounds of a house of religious worship, religiously-affiliated community center (see above), preschool, school, higher education institution, or day care center during operating hours or when the buildings or grounds are being used to (1) provide religious or community services or (2) conduct activities sponsored by the house of worship, community center, preschool, school, institution, or day care center ([CGS § 53a-62](#)).

Deprivation of a Person’s Equal Rights and Privileges by Force or Threat

A person commits this crime if, with the intent to deprive another person or a class of people of the equal protection or privileges and immunities of the laws of Connecticut or the United States, the person uses force or threats (as provided under 2nd degree threatening above). The prohibition applies to people acting alone or in conspiracy with others.

This is a class A misdemeanor, but it is a class C felony if bodily injury occurs. The crime is a class B felony if death results, punishable by 1 to 20 years in prison, a fine of up to \$15,000, or both ([CGS § 53-37b](#)).

Persistent Offenders for Crimes Involving Bigotry or Bias

A persistent offender is a person convicted of any of the following crimes after having been previously convicted of one of them: (1) intimidation based on bigotry or bias; (2) deprivation of rights, desecration of property, or cross burning; or (3) deprivation of rights by a person wearing a mask or hood.

The court must sentence a persistent offender to the next highest class of sentence (e.g., a person convicted of a class A misdemeanor must be sentenced as though he or she committed a class D felony) ([CGS § 53a-40a](#)).

Other Hate Crime Provisions

Accelerated Rehabilitation and Hate Crimes Diversion Program

A court can require an offender to participate in a hate crimes diversion program as a condition of probation under accelerated rehabilitation (AR). This applies to people charged with (1) deprivation of rights, desecration of property, and cross burning; (2) deprivation of a person's civil rights by a person wearing a mask or hood; or (3) intimidation based on bigotry or bias. The hate crimes program participation fee is \$425, except if the person is determined to be indigent and eligible for public defender representation.

Subject to court approval, a defendant whose employment or residence makes it unreasonable to attend a hate crimes diversion program in Connecticut may attend a program in another state that has substantially similar or higher standards.

The hate crimes diversion program consists of an educational program and supervised community service ([CGS § 54-56e\(e\)](#)).

Anti-Bias or Diversity Awareness Program as Condition of Probation or Conditional Discharge

A court, as a condition of probation or conditional discharge, may require an offender convicted of the following crimes to participate in an anti-bias or diversity awareness program: (1) bigotry or bias crimes; (2) deprivation of rights, desecration of property, or cross burning; or (3) deprivation of a person's civil rights by a person wearing a mask or hood. Alternatively, the court may require the offender to participate in a community service program design to remedy the damage caused by the bias crime ([CGS § 53a-30\(a\)\(15\)](#)).

Attorney General's Powers Regarding Hate Crimes and Civil Rights Violations

The attorney general's powers include (1) investigating allegations of certain hate crimes and civil rights violations; (2) initiating related legal proceedings, with certain exceptions; and (3) seeking relief for the affected person. Under the law, when conducting investigations, the attorney general may issue subpoenas and interrogatories consistent with how he investigates Connecticut Antitrust Act violations. But the law prohibits information obtained from these investigations from being used in a criminal proceeding. The attorney general is generally prohibited from asserting a claim against a state agency, officer, or employee acting in an official capacity.

The above authorizations and prohibitions apply to allegations of the following hate crimes and civil rights violations:

1. 1st, 2nd, or 3rd degree intimidation based on bigotry or bias;
2. conduct that subjects someone, or causes someone to be subject, to the deprivation of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions or laws; or
3. conduct that interferes, or attempts to interfere, by threats, intimidation, or coercion, with another individual's exercise or enjoyment of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions or laws.

There is a civil penalty of up to \$2,500 for each hate crime or civil rights violation that is established by clear and convincing evidence ([CGS §§ 3-129f](#) & [-129g](#)).

Statewide Hate Crimes Advisory Council

In 2017, the legislature created the Statewide Hate Crimes Advisory Council (replacing the Hate Crimes Advisory Committee). The council is within the Office of the Chief State's Attorney for administrative purposes only.

The council must meet at least semiannually to encourage and coordinate programs to increase community awareness, reporting, and combating of hate crimes.

Members and Appointments. The council members include the following individuals or their designees:

1. chief state's attorney and chief public defender;
2. emergency services and public protection commissioner;

3. Connecticut Bar Association, George W. Crawford Black Bar Association, South Asian Bar Association of Connecticut, Connecticut Asian Pacific American Bar Association, and Connecticut Hispanic Bar Association presidents;
4. Connecticut Police Chiefs Association president; and
5. head of the Hate Crimes Investigative Unit within the State Police.

Additionally, the governor must appoint up to 30 representatives from organizations committed to decreasing hate crimes, improving diversity awareness, or representing the interests of groups within the state protected by Connecticut's intimidation statutes. He must also appoint two members as chairpersons.

Recommendations and Reporting. The council must make recommendations for hate crime legislation on topics such as the following:

1. restitution for hate crime victims;
2. community service designed to remedy damage caused by, or related to the commission of, hate crimes; and
3. additional alternative sentencing programs for first-time offenders and juvenile offenders.

The council must report its recommendations to the legislature's Judiciary and Public Safety committees annually by October 1 ([CGS § 51-279f](#)).

Hate Crimes Investigative Unit

The law requires the Department of Emergency Services and Public Protection (DESPP) commissioner to establish a Hate Crimes Investigative Unit within the State Police and assign enough personnel to the unit to fulfill the duties described below. The head of the Hate Crimes Investigative Unit must be ranked sergeant or above and must serve as a member of the Statewide Hate Crimes Advisory Council (see below) ([CGS § 29-4\(d\)](#)).

Investigative Unit's Duties. The Hate Crimes Investigative Unit must seek to prevent and detect actual or suspected criminal activity involving (1) deprivation of rights or desecration of property; (2) certain ridiculing, threatening, and stalking actions; and (3) intimidation based on bigotry or bias.

Relatedly, the unit must compile, monitor, 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 criminal activities listed above, and it may provide additional help with those investigations ([CGS § 29-7d\(a\)](#)).

POST Requirements. The law requires the Police Officer Standards and Training Council (POST), in consultation with the DESPP commissioner and the Statewide Hate Crimes Advisory Council, to do the following:

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 for 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, including by establishing state and municipal telephone hotlines and websites for making reports; and
4. develop a model policy for investigating hate crimes.

POST was required to do so by November 1, 2022 ([CGS § 29-7d\(b\)](#)).

Law Enforcement Reporting. Starting January 1, 2023, all law enforcement units must 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 ([CGS § 29-7d\(c\)](#)).

Police Training

Basic or review training programs conducted or administered by the State Police, POST, or municipal police departments must include training on crimes motivated by bigotry and bias ([CGS § 7-294n](#)).

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