

# Testimony in Support of Senate Bill 90

Submitted to Joint Committee on Judiciary

Sachin S. Pandya and Richard A. Wilson

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We submit this testimony in support of [Senate Bill 90](#). Sachin S. Pandya is the Roger Sherman Professor of Law at the University of Connecticut, affiliated faculty at its School of Public Policy, and an advisor to the State-Wide Hate Crimes Advisory Council (HCAC). Richard A. Wilson is Professor of Anthropology at Princeton University, co-director of Princeton's Human Rights Initiative, and a HCAC member.

Connecticut's hate crime statutes are (1) scattered across the Connecticut General Statutes; (2) inconsistent in what they require and who they protect, making them harder to understand and enforce; and (3) not actually called "hate crimes".

Senate Bill 90 tackles these problems well. In particular, Senate Bill 90 consolidates the existing hate crime statutes into one place in the Penal Code. It makes the law clearer and more consistent in what it requires and who it protects. And it labels hate crimes "hate crimes" for the first time. In so doing, it accords with the Connecticut Sentencing Commission's recommendations for Connecticut's hate crime statutes. *See* Connecticut Sentencing Commission, [Report on Hate Crime Statutes 30-32 \(December 2025\)](#).

Indeed, many of you already know what Senate Bill 90 does, because Senate Bill 90 is almost identical to [sections 1 - 44 of the version of House Bill 6872](#) that, in the last legislative session, unanimously passed the House ([150 yea, 0 nay, 1 absent](#)) a little after 9:24 pm on June 4, 2025, the last day of that session, only to die in the Senate a few hours later. That bill substantially resembled much of the legislative proposal that the HCAC voted to recommend on January 21, 2025, and that the Connecticut Bar Association House of Delegates voted to endorse in March 2025.

Here, we consider key features of Senate Bill 90. Taken together, they make Connecticut hate crime law much easier to find, understand, and enforce.

# 1 Consolidation

Senate Bill 90 aims to consolidate almost all of Connecticut's hate crime law, currently scattered across chapters 814c, 939, and 952 of the General Statutes (see Appendix), into a single "Hate Crimes" chapter of the Penal Code (Title 53a). As a result, a police officer or attorney could simply scan that chapter's table of contents to find the precise hate crime relevant to the case they are handling. And because they would all appear in the Penal Code, police officers and attorneys would be more likely to read the Penal Code's generally-applicable definitions and principles as applying to hate crimes as well. We should not force police officers, prosecutors, and defense attorneys to find and decipher Connecticut's statutes like law professors in order to find, understand, and enforce the hate crime laws.

To more clearly indicate this purpose, this Committee should consider amending Senate Bill 90 to *expressly* direct the Legislative Commissioner's Office to codify the hate crime law set forth in sections 1 - 22 of Senate Bill 90 into a new "Hate Crimes" chapter of Title 53a. At minimum, this Committee should declare for the legislative record that the Legislative Commissioner's Office should codify or re-codify such hate crime law to satisfy that consolidation purpose of Senate Bill 90.

# 2 More Consistent and Clear

Senate Bill 90 makes the hate crime statutes more consistent and clear, in four main ways.

*First*, current hate crime statutes vary in the protected social categories they cover. Compare, for example, CGS § 46a-58(d) (placing a noose with intent to intimidate or harass on account of "religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability, age, status as a veteran or status as a victim of domestic violence") with CGS § 53-37 (ridicule by advertisement based on "creed, religion, color, denomination, nationality or race"). Section 1(3) of Senate Bill 90 addresses this problem. It defines the term "protected social category" to refer to a single set of protected social categories. In turn, for almost all hate crimes, Senate Bill 90 uses that term, so that those crimes will cover the same set of protected categories.

*Second*, current hate crime statutes vary in the required degree of motivation behind the relevant conduct. Compare, for example, CGS § 46a-58(d) ("on account of") with CGS § 53a-181j ("in whole or in substantial part"). Senate Bill 90 addresses this problem by replacing "because of" or "on account of" in some hate crime statutes with "in whole or in substantial part," which is the phrase many other Connecticut hate crime statutes currently use.

*Third*, some current hate crime statutes vary in how they denote the required mental state beyond motive. In particular, CGS § 53a-181j and CGS § 53a-181k – which already require

proof of “specific intent to intimidate or harass” and a motive based on race, religion, or another protected social category – go on to also require proof that the defendant acted “maliciously”. The problem: *No other* hate crime statute in Connecticut uses the word “maliciously”. And neither does federal hate crime law. 18 U.S.C. § 249(a). The Penal Code (Title 53a) does not expressly define “maliciously”. To the contrary, using “maliciously” departs from how the Penal Code “ordinarily” designates required mental states, CGS § 53a-5, including those it has expressly defined, see, e.g., CGS § 53a-3(11)-(13). Indeed, aside from CGS § 53a-181j and CGS § 53a-181k, “malice” and its cognates appear in only two other criminal statutes in the Penal Code, see CGS § 53a-218(a)(2) (interference with cemetery or burial ground); CGS § 53a-189a(a)(1) (voyeurism), and rarely in Title 53, see CGS § 53-39; CGS § 53-247(b); CGS § 53-320; CGS § 53-451(d). Even worse, if “maliciously” denotes an unjustifiable motive, requiring that for a hate crime statute causes legal ambiguity, because a hate crime statute *already* requires an unjustifiable motive (e.g. race, religion).

Senate Bill 90 addresses this problem. It effectively replaces the word “maliciously” with the word “intentionally” to denote one of the three required mental states for a hate crime involving physical injury, physical contact, or property damage in the hate crimes derived from CGS § 53a-181j and CGS § 53a-181k. That advances consistency and reduces legal ambiguity, because the Penal Code already defines what “intentionally” means. See CGS § 53a-3(11)(“A person acts ‘intentionally’ with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct”).

*Fourth*, our hate crime law includes a persistent hate crime offender provision, CGS § 53a-40a, under which the sentence for a hate crime conviction can increase if that defendant has previously been convicted of a hate crime. The problem: It does not apply to some hate crimes. See, e.g., CGS § 53a-180(a)(4); CGS § 53a-180a(a)(3); CGS § 53a-180c(a)(4); CGS § 53a-180d(a)(3); CGS § 53a-181c(a)(4). Section 22 of Senate Bill 90 fixes this problem by amending the persistent hate crime offender provision to cover all hate crimes.

### **3 Calling Them “Hate Crimes”**

For hate crime law to work as intended, it must identify any bias-motivated crime *as* a “hate crime” to call attention to how hate crimes distinctively harm victims and communities and the special societal disapproval such crimes therefore deserve. It is therefore remarkable and regrettable that *none* of Connecticut’s hate crime laws are actually called “hate crimes”.

It is also just weird, because the Legislature has not otherwise hesitated in using the phrase “hate crime”. It did so when it created the “Hate Crimes Investigative Unit” of the State Police, CGS § 29-4(d), and required that Unit to, among other things, develop a model policy for

investigating “hate crimes,” CGS § 29-7d(b)(4). It did so when it created the “State-Wide Hate Crimes Advisory Council,” CGS § 51-279f(a), and authorized that Council to encourage and coordinate “programs to increase community awareness and reporting of *hate crimes* and to combat such crimes and make recommendations for any legislation concerning such crimes,” CGS § 51-279f(c)(emphasis added). It did so when authorizing or requiring training about “hate crimes”, see CGS § 4a-2c; CGS § 46a-54(16), or defining nonprofit organizations by whether they had heightened risk as a target of a “hate crime”, CGS § 29-1bb(a)(4). And it did so when authorizing courts to order defendants to participate in a “hate crimes diversion program” as a condition of probation and authorizing the Judicial Branch to “develop standards and oversee appropriate hate crimes diversion programs.” CGS § 54-56e(e).

Senate Bill 90 addresses this problem. It renames almost every current hate crime to use the phrase “hate crime” in describing the type of conduct involved (e.g. “hate crime causing physical injury”, “hate crime by stalking”). As a result, our hate crime law can plainly indicate the distinctive nature of a hate crime charge or conviction.

This re-naming, along with consolidation, will make hate crimes easier for police officers to find. To illustrate, Connecticut law enforcement officers often have on their smartphones a digital version of the Connecticut Law Enforcement Officers’ Field Manual (the “Red Book”) to search for the crimes in the Connecticut General Statutes that might apply to the conduct of any individual they may investigate or arrest. In late January 2026, one of us (Wilson) accessed [the digital Red Book](#) and searched for “hate crime” and “hate”. Only one statute appeared: CGS § 46a-58. He then typed in “bias” and only got the CGS § 53a-181j, CGS § 53a-181k, and CGS § 53a-181l. This means that searching for “bias” and “hate” only pulled up four (4) of all the relevant hate crime statutes. After Senate Bill 90, however, a police officer’s search for “hate crime” will retrieve almost all the hate crime statutes.

# Appendix

Table 1: Current Connecticut Hate Crime Statutes

CGS	name
46a-58(a)	deprivation of rights
46a-58(b)	desecration of property
46a-58(c)	placing of burning cross
46a-58(d)	placing of noose
46a-64	discriminatory public accommodations practices
46a-64c	discriminatory housing practices
46a-81d	sexual orientation discrimination - public accommodations
46a-81e	sexual orientation discrimination - housing
53-37	ridicule by advertisement
53-37a	deprivation of rights by person wearing mask or hood
53a-180(a)(4)	false report - 1st degree
53a-180a(a)(3)	false report - serious injury
53a-180c(a)(4)	false report to law enforcement
53a-180d(a)(3)	misuse of 911
53a-181c(a)(4)	stalking - 1st degree
53a-181j	intimidation bigotry/bias - 1st degree
53a-181k	intimidation bigotry/bias - 2nd degree
53a-181l	intimidation bigotry/bias - 3rd degree
53a-61aa(a)(4)(A)-(B)	threatening 1st - house of worship, relig community center
53a-62(a)(3)(A)-(B)	threatening 2nd - house of worship, relig community center