

CT Hate Crime Consolidation Act

Preliminary Draft Proposal

November 7, 2024

This DRAFT document provides a prompt for discussing how Connecticut hate crime statutes might be consolidated into a single section of the Penal Code and amended to achieve internal consistency in persons and protected categories covered. Footnotes provide annotations, including sources from the Connecticut General Statutes (CGS) for subsections not containing express cross-references. For a summary of current Connecticut hate crime law, see Kirby (2024). For surveys of state hate crime law in the United States, see Fallik et al. (2024); Bills and Vaughn (2023).

Section 1 - Consolidation

There shall be a new section 53a-XXXX (“Hate Crimes”) as follows:

(a) Definitions

For the purposes of this section:

1. “Age” means at least sixty years old;¹
2. “Disability” means any one or more of the following: “physical disability” as provided in [section 1-1f](#), “blindness” as provided in [section 1-1f](#), “intellectual disability” as provided in [section 1-1g](#), or “mental disability” as provided in subdivision twenty of [section 46a-51](#);²
3. “Domestic violence” has the same meaning as provided in subsection (b) of [section 46b-1](#);

¹Conforming to CGS 53a-59a. Differs from section 46a-58(a),(d), amended by [Public Act 23-145](#) to include “age” without defining that term therein.

²Derived from CGS [53a-181i](#)(3).

4. “Gender identity or expression” has the same meaning as provided in [section 1-1n](#);
5. “Elderly” means at least sixty years old;³
6. “Person” includes one or more individuals and, where appropriate, one or more public or private corporations, limited liability companies, unincorporated associations, partnerships, governments, or governmental instrumentalities;⁴
7. “Protected social category” means a person’s actual or perceived race, color, religion, ethnicity, disability, alienage, national origin, sex, sexual orientation, gender identity or expression, age, status as a veteran, status as a victim of domestic violence, or any combination thereof;⁵
8. “Race” includes ethnic traits historically associated with race, including, but not limited to, hair texture and protective hairstyles as defined in subsection twenty-four of section 46a-51;⁶
9. “Religion” includes denomination, creed, and any aspect of religious observance and practice as well as belief;⁷
10. “Sex” includes pregnancy, child-bearing capacity, sterilization, fertility or related medical conditions;⁸
11. “Sexual orientation” has the same meaning as provided in subsection twenty-six of [section 46a-51](#).
12. “Veteran” has the same meaning as provided in subsection (a) of [section 27-103](#).

(b) Intimidation Hate Acts

A person is guilty of a hate crime when such person acts ~~maliciously, and~~ with specific intent to intimidate or harass another person motivated in whole or in substantial part by ~~the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression~~ **any protected social category** of such other person, **and**⁹

1. [*new*] causes serious physical injury to such other person or to another person;
2. causes physical injury to such other person or to ~~a third~~ **another** person;

³CGS 53a-59a.

⁴Derived from CGS [53a-3\(1\)](#) and [CGS 1-1\(f\),\(k\)](#).

⁵List of protected categories from CGS [46a-58\(a\)](#) as well as “ethnicity”, see CGS [53a-181j](#), all categories of disability, see subsection (a)(2) above; and “any combination thereof.”

⁶CGS [46a-51\(23\)](#)

⁷CGS [46a-51\(18\)](#); CGS [53-37](#) refers separately to creed, religion, and denomination.

⁸CGS [46a-51\(17\)](#)

⁹Derived from CGS [53a-181j](#), [53a-181k](#), [53a-181l](#). Compare [18 U.S.C. § 249\(a\)\(1\)](#) (“Whoever . . . willfully causes bodily injury to any person . . . because of the actual or perceived race, color, religion, or national origin of any person.”).

3. causes physical contact with such other person ~~or group of persons~~;
4. damages, destroys, or defaces any real or personal property of **[i]** such other person ~~or group of persons~~ **or [ii] any person**;
5. threatens, by word or act, to do [i] an act described in subdivisions (3) or (4)[i] of subsection (b) of this section, provided reasonable cause to believe that the act so described will occur;¹⁰ or [ii] an act described in subdivision (4)[ii] of subsection (b) of this section, if there is reasonable cause to believe that an act described in said subdivision will occur;¹¹ or
6. advocates or urges another person to do an act described in subdivision (4) of subsection (b) of this section, provided reasonable cause to believe that an act so described will occur;¹²

(c) Specific Hate Acts

A person is guilty of a hate crime when such person

1. subjects, or causes to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, ~~on account of~~ **motivated in whole or substantial part by 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** **any protected social category of such other person or another person**;¹³
2. ~~intentionally desecrates~~ **damages, destroys, or defaces** any public property, ~~monument or structure, or~~ **[i] any religious object, or symbol, or [ii] any house of religious worship, or any cemetery, or any private structure not owned by such person. For the purposes of this subsection, “desecrate” means to mar, deface or damage as a demonstration of irreverence or contempt.**¹⁴

¹⁰CGS 53a-181k(a)(3); see *State v. Skidd*, 104 Conn. App. 46, 55-59 (2007)(construing 53a-181k(a)(3) as applying only to “true threats” as defined by First Amendment doctrine).

¹¹CGS 53a-181(a)(2).

¹²CGS 53a-181(a)(2).

¹³CGS 46a-58(a). For consistency with subsection (b) above, “on account of” replaced with “motivated in whole or substantial part by”.

¹⁴Derived from CGS 46a-58(b). Phrase “irreverence or contempt” raises constitutional doubt given *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992). Cf. CGS 53a-221a (interference with war or veterans’ memorial or monument)(class D felony); CGS 53a-218 (interference with cemetery or burial ground)(class C felony); CGS 53a-115(a)(1) (criminal mischief 1st degree)(class D felony); CGS 53a-116 (criminal mischief 2nd degree)(class A misdemeanor); and subsection (b)(4) above, derived from CGS 53a-181(a)(1) (any person who damages, destroys or defaces any real or personal property if motivated by religion)(class E felony).

3. places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person ~~or group of persons~~;¹⁵
4. places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person ~~on account of~~ **motivated in whole or substantial part by 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 any protected social category of such person or another person**;¹⁶
5. ~~with the intent to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness or physical disability, violates the provisions of section 46a-58 subdivisions (1), (2), (3) or (4) of this subsection while wearing a mask, hood or other device designed to conceal the identity of such person;~~¹⁷ or
6. ~~by their advertisement, ridicules or holds up to contempt any other person or class of persons on account of~~ **by their advertisement, ridicules or holds up to contempt any other person or class of persons any protected social category of such person or class of persons**.¹⁸

(d) Specified Offenses as Hate Crimes

A person is guilty of a hate crime when such person

1. falsely reports an incident in violation of subdivisions (1), (2), or (3) of subsection (a) of section 53a-180 with specific intent to falsely report another person ~~or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group~~

¹⁵Derived from CGS 46a-58(c). For consistency with subsection (b) above, “on account of” replaced with “motivated in whole or substantial part by”. Phrase “group of persons” removed for uniformity, see subsection (a)(6) above, with no intended change in meaning.

¹⁶Derived from CGS 46a-58(d). For consistency with subsection (b) above, “on account of” replaced with “motivated in whole or substantial part by”.

¹⁷Derived from CGS 53-37a.

¹⁸CGS 53-37. The term “advertisement” therein covers only commercial speech. *Cerame v. Lamont*, 346 Conn. 422 (2023). Phrase “class of persons” removed for uniformity, see subsection (a)(6) above, with no intended change in meaning. Discuss whether to repeal or amend to reduce risk of unconstitutional application. For consistency with subsection (b) above, replaced “on account of” with “motivated in whole or substantial part by”.

~~of persons motivated in whole or substantial part by any protected social category of such other person;~~¹⁹

2. commits stalking in the second degree as provided in section 53a-181d, and intentionally directs such conduct at the other person, **motivated** in whole or in part ~~, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person~~ **by any protected social category of such other person.**²⁰
3. falsely reports an incident to a law enforcement officer or agency in violation of subdivision (1), (2) or (3) of subsection (a) of section 53a-180c with specific intent to falsely report another person ~~or group of persons because of~~ **motivated in whole or substantial part by** ~~the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression~~ **any protected social category** of such other person ~~or group of persons;~~²¹
4. misuses the emergency 9-1-1 system in violation of subdivision (1) or (2) of subsection (a) of section 53a-181d with specific intent to make a false alarm or complaint or report false information about another person ~~or group of persons because of~~ **motivated in whole or substantial part by** ~~the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression~~ **any protected social category** of such other person ~~or group of persons;~~²²
5. acts in violation of subdivision (4) of subsection (a) of section 53a-61aa (threatening in the first degree) with respect to one or more persons in a building or grounds of any house of religious worship or religiously-affiliated community center when such building or grounds are being used to provide religious or community services or used for activities sponsored by such house of worship or center;
6. acts in violation of subdivision (3) of subsection (a) of section 53a-62 (threatening in the second degree) with respect to one or more persons in a building or grounds of any house of religious worship or religiously-affiliated community center when such building or grounds are being used to provide religious or community services or used for activities sponsored by such house of worship or center;
7. acts in violation of subdivision (1) or (3) of this subsection, and such false report described therein results in the serious physical injury or death of another person;²³

¹⁹Derived from CGS 53a-180(a)(4). Phrase “group of persons” removed for uniformity, see subsection (a)(6) above, with no intended change in meaning.

²⁰Derived from CGS 53a-181c(a)(4), which uses “in whole or in part” instead of “in whole or substantial part”.

²¹Derived from CGS 53a-180c(a)(4). Phrase “group of persons” removed for uniformity, see subsection (a)(6) above, with no intended change in meaning.

²²Derived from section 53a-181d(a)(3).

²³Derived from CGS 53a-180a(a)(3).

8. [new] commits (a) assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree in violation of section 53a-59a and is motivated in whole or substantial part by the victim's status as elderly, blind, physically disabled, pregnant, or intellectually disabled;²⁴
9. [new] commits assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree in violation of section 53a-60b and is motivated in whole or substantial part by the victim's status as elderly, blind, physically disabled, pregnant, or intellectually disabled;
10. [new] commits assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm in violation of section 53a-60c and is motivated in whole or substantial part by the victim's status as elderly, blind, physically disabled, pregnant, or intellectually disabled; or
11. [new] commits assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree in violation of section 53a-61a and is motivated in whole or substantial part by the victim's status as elderly, blind, physically disabled, pregnant, or intellectually disabled.

(e) Offense Classification

Except as otherwise provided, a hate crime in violation of

1. subsection (b)(1) of this section is a class B felony and is hereby denoted a hate crime in the first degree;
2. subsection (b)(2) of this section is a class C felony and is hereby denoted a hate crime in the second degree;
3. subsection (c)(2)(ii) is a class D felony and denoted a hate crime in the third degree if property is damaged as a consequence of such violation in an amount up to and including ten thousand dollars, except that it is a class C felony and denoted a hate crime in the second degree if the property damaged as a consequence of such violation is in an amount in excess of ten thousand dollars.²⁵
4. subsections (b)(3), (b)(4)(i), or (c)(5) of this section is a class D felony and is hereby denoted a hate crime in the third degree;
5. subsections (c)(1), (c)(2)(i), c(3), or (c)(4) of this section is a class ~~D~~ **E** felony and is hereby denoted a hate crime in the third degree if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars;²⁶

²⁴“Disability” definition in subsection (a)(2) above covers mental disability, which CGS 53a-59a does not.

²⁵Derived from CGS 46a-58(e)(2).

²⁶Derived from CGS 46a-58(e)(1), which increases from class A misdemeanor to class D felony, not class E felony.

6. subsections (b)(4)(ii), (b)(5), or (b)(6), of this section is a class E felony and is hereby denoted a hate crime in the fourth degree;
7. subsections (c)(1), c(2)(i), (c)(3), or c(4) of this section is a class A misdemeanor and is hereby denoted a hate crime in the fifth degree;
8. subsection (c)(6) of this section is a class D misdemeanor and is hereby denoted a hate crime in the sixth degree;
9. subsection (d)(1) of this section is a class C felony and is hereby denoted falsely reporting an incident in the first degree as a hate crime;
10. subsection (d)(2) of this section is a class D felony and is hereby denoted stalking in the second degree as a hate crime;
11. subsection (d)(3) of this section is a class E felony and is hereby denoted falsely reporting an incident in the second degree as a hate crime;
12. subsection (d)(4) of this section is a class A misdemeanor and is hereby denoted misuse of the emergency 9-1-1 system as a hate crime;
13. subsection (d)(5) of this section is a class C felony and is hereby denoted threatening in the first degree as a hate crime;
14. subsection (d)(6) of this section is a class D felony and is hereby denoted threatening in the second degree as a hate crime;
15. subsection (d)(7) of this section is a class B felony and is hereby denoted falsely reporting an incident resulting in serious physical injury or death as a hate crime.
16. subsection (d)(8) is a class B felony, provided that any person found guilty under that subsection shall be sentenced to a term of imprisonment of which six years of the sentence imposed may not be suspended or reduced by the court, and shall be denoted assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree as a hate crime;²⁷
17. subsection (d)(9) is a class D felony, provided that any person found guilty under that subsection shall be sentenced to a term of imprisonment of which three years of the sentence imposed may not be suspended or reduced by the court, and shall be denoted assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree as a hate crime;²⁸
18. subsection (d)(10) is a class D felony, provided that any person found guilty under that subsection shall be sentenced to a term of imprisonment of which four years of the sentence imposed may not be suspended or reduced by the court, and shall be

²⁷Compare to nonsuspendable five-year sentence under CGS 53a-59a(d) (class B felony).

²⁸Compare to nonsuspendable two-year sentence under CGS 53a-60b(d) (class D felony).

denoted assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm as a hate crime,²⁹

19. subsection (d)(11) is a class E felony, and shall be denoted assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree as a hate crime,³⁰

(f) Fines

1. For any person guilty of a hate crime in the second degree, three thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.³¹
2. For any person guilty of a hate crime in the third degree, one thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.³²
3. Nothing in this subsection shall be construed to affect the authority of any court to order financial restitution for any victim of a violation of this section pursuant to subsection (c) of section 53a-28.

(g) Persistent offenders of hate crimes

- (a) A persistent offender of **hate crimes involving bigotry or bias** is a person who (1) stands convicted of a violation of ~~section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l~~ **any offense in this section**, and (2) has been, prior to the commission of the present crime, convicted of a violation of ~~section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l or section 53a-181b in effect prior to October 1, 2000~~ **any offense in this section or former sections 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l or 53a-181b in effect prior to September 1, 2025.**³³
- (b) When any person has been found to be a persistent offender of **hate crimes involving bigotry or bias**, the court shall: (1) In lieu of imposing the sentence authorized for the crime under section 53a-35a if the crime is a felony, impose the sentence of imprisonment authorized by said subsection for the next more serious degree of felony, or (2) in lieu of imposing the sentence authorized for the crime under section 53a-36 if the crime is a misdemeanor, impose the sentence of imprisonment authorized by said subsection for the next more serious degree of misdemeanor, except that if the

²⁹ Compare to nonsuspendable three-year sentence under CGS 53a-60c(d)(class D felony).

³⁰ Compare to nonsuspendable one-year sentence under CGS 53a-60c(d) (class A misdemeanor).

³¹ Derived from CGS 53a-181j(b); cf. CGS 53a-41(3)(\$10,000 max fine for C felony).

³² Derived from CGS 53a-181k(b); cf. CGS 53a-41(4)(\$5,000 max fine for D felony).

³³ Derived from CGS 53a-40a.

crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class ~~D~~ E felony as authorized by section 53a-35a.

(h) Conditions of Sentence

1. When imposing a sentence of probation or conditional discharge, the court may, as a condition of the sentence, order that the defendant, if convicted of a violation of ~~section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181~~ subsections (b), (c) or (d) of this section, participate in an anti-bias or diversity awareness program or participate in a program of community service designed to remedy damage caused by the commission of a ~~bias~~ hate crime or otherwise related to the defendant's violation.³⁴
2. If the defendant is charged with a violation of subsections (b), (c) or (d) of this section, ~~section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l~~, the court may order that the defendant participate in a hate crimes diversion program as provided in section 54-56e.³⁵

Section 2 - Repealer and Cross-References

1. Sections 53-37, 53-37a, 53a-40a, 53a-181i, 53a-181j, 53a-181k, and 53a-181l are hereby repealed.³⁶
2. Subsection (e) of section 46a-58 is hereby repealed.³⁷
3. **Section 52-571c** is hereby titled "Action for damages resulting from **hate crime intimidation based on bigotry or bias**" and any and all references therein to former sections 53a-181j, 53a-181k, or 53a-181l shall be substituted with references to subsection (b) of section 53a-XXXX.
4. Any and all references to former sections 53a-181j, 53a-181k, or 53a-181l in section **3-129f** shall be substituted with references to subsection (b) of section 53a-XXXX.³⁸
5. Subsection (a)(1) of section 29-7d shall refer to sections 53-37b and 53a-XXXX in lieu of "section 46a-58, 53-37, 53-37a, 53-37b or 53a-61aa, subdivision (3) of subsection

³⁴CGS 53a-30(a)(15).

³⁵CGS 54-56e(d).

³⁶CGS 53-37b is not affected, as it does not require motive based on protected social category.

³⁷CGS 46a-58(a)-(d) remains intact, thereby not affecting scope of civil remedies for section 46a-58 violations as prohibited discriminatory practices, see CGS 46a-86(a),(c); costs and attorney fees to a prevailing party in any civil action for damages arising out of a violation of section 46a-58, see CGS 52-251b; and local government authority to adopt a code of discriminatory practices, see CGS 7-148i.

³⁸Cross-references to Attorney General authority.

(a) of section 53a-62, subdivision (4) of subsection (a) of section 53a-181c, or section 53a-181j, 53a-181k or 53a-181l”.³⁹

6. The phrase “section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l” in subsection (d) of section 54-56e shall be substituted with “section 53a-XXXX”.

References

- Bills, Matthew A., and Michael S. Vaughn. 2023. “A Contemporary Review of Hate Crime Legislation in the United States.” *Criminal Justice Policy Review* 34 (2): 115–39. <https://doi.org/10.1177/08874034221112847>.
- Fallik, Seth Wyatt, Scott Evan Gardner, Alexandria Remillard, Thomas Venuto, Cassandra A. Atkin-Plunk, and Adam Dobrin. 2024. “Defining Hate: A Content Analysis of State Hate Crime Legislation in the United States of America.” *Victims & Offenders* 19 (3): 371–94. <https://doi.org/10.1080/15564886.2022.2140729>.
- Kirby, Michelle. 2024. “Connecticut Hate Crime Laws.” Office of Legislative Research, Connecticut General Assembly. <https://www.cga.ct.gov/2024/rpt/pdf/2024-R-0043.pdf>.

³⁹Scope of Hate Crime Investigative Unit