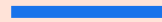
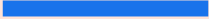


# Hate Crime Statutes Report



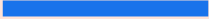
CONNECTICUT SENTENCING COMMISSION

OCTOBER 23, 2025



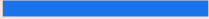
# Request

- In 2023, the Connecticut Hate Crimes Advisory Council (HCAC) requested that the Connecticut Sentencing Commission engage in a thorough review of state statutes in an effort to draft recommendations for amendments to be implemented by the General Assembly.
- The HCAC request posed four issues:
  - 1) Whether the Connecticut statutes are constitutional under federal law;
  - 2) Whether the Connecticut statutes are coherent;
  - 3) Whether the Connecticut statutes are consistent with one another;
  - 4) Whether the Connecticut statutes are comprehensive and cover most categories of hate crimes.



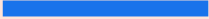
# Fragmented Location of Scheme

- The legislature may wish to consolidate hate crimes into a single chapter.
  - Connecticut's hate crime laws are not located in any single section or chapter of the general statutes.
    - Instead, law enforcement officers, attorneys, and judges must parse through different chapters and sections of the statutory scheme to find the specific provisions related to hate crime commission.
  - There is an additional burden in this search as the relevant statutes are not labeled as "hate crimes," although the legislature does use this phrase to refer to the relevant provisions.
    - Thus, legal professionals seeking to apply or refer to Connecticut hate crimes, particularly those with less familiarity, must search not only the penal code but several different chapters of our statutes for the appropriate crime.



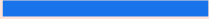
# Multiple Intent Requirements

- Intimidation based on bigotry or bias is Connecticut's most frequently charged criminal hate crime offense, codified at C.G.S. §§ 53a-181j (first degree), 53a-181k (second degree), and 53a-181l (third degree).
- Under C.G.S. §§ 53a-181j (first degree) and 53a-181k (second degree), there is a three-part intent requirement: the state must prove that the person acted (i) maliciously, (ii) with specific intent to intimidate or harass someone, (iii) and that the person was motivated in whole or in substantial part by bigotry.
  - By comparison, the federal hate crimes statute requires the government to prove that the individual “willfully cause[d] bodily injury . . . because of the actual or perceived race, color, religion, or national origin of any person.”
  - Several other states have intent requirements similar to those in the federal statute.
- All three intimidation by bigotry or bias statutes require that the offense be “motivated in whole or substantial part” by bigotry or bias.
  - The statutes do not, however, explicitly define the word “substantial.”
  - While some states restrict partial-motivation hate crime offenses with the modifier “substantial” in this way, others do not.



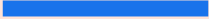
## § 53-37: Ridicule on account of creed, religion, color, denomination, nationality or race

- According to C.G.S. § 53-37, it is a Class D misdemeanor for “any person who, by his advertisement, ridicules or holds up to contempt any person or class of persons, on account of the creed, religion, color, denomination, nationality or race of such person or class of persons.”
  - From 2000 to 2022, § 53- 37 was the second most charged and prosecuted Connecticut hate crime statute.



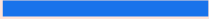
## § 53-37: Ridicule on account of creed, religion, color, denomination, nationality or race

- The Connecticut Supreme Court recently addressed the constitutionality of C.G.S. § 53- 37 in *Cerame v. Lamont* (2023).
  - Mario Cerame, a Connecticut attorney, brought a pro se, pre-enforcement First Amendment challenge to the statute in federal district court against the Governor and Chief State's Attorney. Cerame claimed that the statute criminalized constitutionally protected speech and argued that the off-color remarks he used in casual conversations with his friends fell within the prohibited language of the statute.
  - The Connecticut Supreme Court accepted the certified question from the district court and concluded that the statutory language – “by his advertisement” – “does not plainly and unambiguously limit the scope of the statute to commercial speech.”
  - However, after examining the circumstances giving rise to the law's passage, the Court held that the statute was not intended to infringe on “personal, noncommercial speech” and thus, “does not criminalize all speech, for First Amendment purposes, that ridicules persons or holds them up to contempt on the basis of race and the other listed classifications.”



# Protected Groups

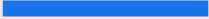
- Connecticut's hate crime statutes lack uniformity among the protected groups despite seemingly attempting to protect the same classes of people. For example:
  - C.G.S. §§ 53a-181j, 53a-181k, 53a-181l, 53-37, 53-37a, and 46a-58(a) all cover “religion,” but § 53-37 also adds “denomination” and “creed.” Are these terms superfluous, or does § 53-37 protect a broader group than the other statutes?
  - This may generate ambiguity as to how synonymous these terms are with the term “religion,” given that judges tend to avoid interpreting statutes that render some statutory text superfluous



# Protected Groups

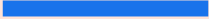
- As a whole, Connecticut's hate crime legislation covers a relatively broad range of protected groups as compared with other states, but the list of protected groups varies between the statutes.
  - For example, Connecticut's intimidation by bigotry or bias statute protects, among others, individuals with physical, mental, or intellectual disabilities. Section 46a-58, on the other hand, only protects two of those forms of disability, § 53-37a protects one, and § 53-37 protects none.
  - While there might be reasons why the protections of some statutes apply to some groups and not others, lawmakers may want to review the statutes to address these inconsistencies, ensuring that the state's various hate crime statutes protect all groups deemed appropriate.





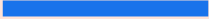
# Lack of an Explicit Bias-Motivated Assault Statute

- With the exception of assault committed against victims who are elderly, blind, pregnant, physically disabled, or intellectually disabled, Connecticut assault statutes do not provide express sentence enhancements for assaults based on bigotry or bias.
- A person who commits such an assault, however, may be subject to an additional penalty under § 53a-181j, first-degree intimidation based on bigotry or bias, which applies to an individual who “maliciously ... [motivated by another individual’s status in a protected class] ... causes physical injury” to another individual. Intimidation based on bigotry or bias in the first degree is a class C felony.
  - Notably, there is no requirement that a sentence for intimidation based on bigotry or bias be imposed consecutive to any sentence imposed for assault.
  - Thus, while § 53a-181j does not specifically provide an enhancement because an assault is committed with a bias motive, it potentially subjects any person who commits such a crime to an additional penalty of ten years to serve.
  - It is unclear whether, and with what frequency § 53a-181j is being used in this capacity.



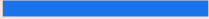
# Lack of an Explicit Bias-Motivated Assault Statute

- Despite the additional penalty that may be imposed under 53-181j, Connecticut's hate crime statutes may be inconsequential for particularly serious offenses.
  - Because our statutes do not require that the court impose a consecutive sentence for an assault motivated by bigotry or bias, a court may be reluctant to impose such a sentence when the assault itself is punishable by up to twenty years in prison, as is the crime of assault in the first degree.
- This can also lead to anomalous results.
  - Consider a defendant who commits an assault that, under normal circumstances, would only be chargeable as assault in the third degree, a Class A misdemeanor that carries a sentence of up to a one year term of imprisonment.
  - However, if the state can prove that the defendant's conduct was motivated by the victim's protected characteristic, the defendant could face up to an additional ten-year penalty



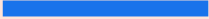
# Sentencing Enhancements for Persistent Offenders

- Under § 53a-40a, the list of hate crime convictions that would subject a person to sentencing enhancements as a “persistent offender of crimes involving bigotry or bias” is not an exhaustive list of the state’s hate crime statutes.
  - For example, a conviction under § 53-37b (deprivation of rights by force or threat) would not qualify as a predicate offense under the statute.
  - Similarly, the statute does not factor in convictions under the recently added “hate crime” provisions of existing statutes (threatening, false reporting, misuse of 911, and stalking).
  - Thus, although offenses under these provisions are crimes involving bigotry or bias, any such conviction would be irrelevant to a defendant’s status, or lack thereof, as a persistent offender of crimes involving bigotry or bias under § 53a-40a.



# Sentencing Enhancements for Persistent Offenders

- Additionally, under C.G.S. § 53a-40a, a person found to be a persistent offender of hate crimes will be subject to “the sentence of imprisonment for a Class D felony as authorized by § 53a-35a.” Similarly, C.G.S. § 46a-58(e)(1) provides that any person violating any provision therein is guilty of a Class A misdemeanor except “if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a Class D felony and shall be fined not less than one thousand dollars.”
  - Based on these findings, the legislature may wish to consider amending the enhancements so that, for an increase from a Class A misdemeanor, a court imposes a Class E felony, not a Class D felony.



# Recommendations

In summation, this report identifies several major issues within Connecticut's hate crime statutes that merit further review:

1. Fragmented Location of Scheme
2. Protected Classes
3. The Intent Requirement for Intimidation by Bigotry or Bias in the First of Second Degree
4. Persistent Offender Statute
5. Recalibrating Sentencing Provisions to Class E Felony

# Questions?

