

Report on Hate Crime Statutes



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Section I. Introduction

As the rate of hate crimes in the United States continues to rise,¹ it is crucial to ensure that Connecticut hate crime laws are comprehensive, coherent, and clear. Comprehensive and coherent statutes should promote equal protection for all protected groups, facilitate law enforcement investigations into hate crime incidents, and must be workable and effectively address the behavior the legislature intends to prevent.

Hate crimes in Connecticut are “massively and systematically underreported.”² Even when hate crimes are reported, 85% of arrests do not result in a conviction.³

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.⁴ 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.⁵

This report addresses these questions. Section II provides a brief legislative history of hate crime laws in Connecticut. Section III provides an overview of the state’s current hate crime statutes. Sections IV through VII address HCAC’s posed issues in sequential order. Section VIII outlines policy reforms undertaken by select jurisdictions. Section IX details recent developments. Finally, the report concludes with proposed recommendations for the legislature to consider.

¹ 2022 Hate Crimes Statistics, CMTY. REL. SERVS., DEP’T OF JUST. (updated Oct. 30, 2023), <https://www.justice.gov/crs/highlights/2022-hate-crime-statistics>.

² THE HATE CRIMES ADVISORY COUNCIL OF THE STATE OF CONNECTICUT, 2022 ANNUAL REPORT 4 (2022).

³ Between 2000 and 2022, there were 1,918 charges filed under selected Connecticut bias and hate crime statutes. Of these, only 291 resulted in convictions. *See infra* Appendix A.

⁴ THE HATE CRIMES ADVISORY COUNCIL OF THE STATE OF CONNECTICUT, 2023 ANNUAL REPORT 5 (2023).

⁵ *Id.*

Section II. Legislative History

Connecticut's hate crime legislation dates back to the nineteenth century. In 1884, Connecticut enacted its first hate crime provision prohibiting the deprivation of rights due to another person's alienage, race, or color.⁶ Over time, the legislature amended statutes to target other illicit acts and further protect vulnerable populations.⁷

Advocacy for stronger hate crime legislation reached new heights by the end of the twentieth century. In the 1990s, Congress passed a series of hate crime legislation to address rising levels of hate crimes across the country.⁸ Around the same time, Connecticut lawmakers were focused on reshaping the state's hate crime legislation, enacting several new statutes.⁹ Similar to the federal legislation, Connecticut's reforms were driven, in part, by widespread coverage of high-profile hate crimes. For example, Wethersfield's Richard Riehl was killed in 1988 and his death served as a tragic catalyst for change.¹⁰ Two men followed Riehl home from a gay bar in Hartford, using homophobic slurs as they robbed him and ultimately beat him to death.¹¹ The incident inspired activists to organize rallies and demand review of Connecticut hate crime laws.¹²

⁶ Conn. Gen. Stat. § 1418 (1887).

⁷ See, e.g., 1949 Rev., S. 8376 (making it a crime to ridicule someone on account of creed, religion, color, denomination, nationality, or race); see also, Conn. Gen. Stat. § 46a-58 (amended in 1974 to include discrimination based on sex, in 1977 to include discrimination based on blindness or physical disability, in 1980 to include discrimination based on religion or national origin, in 2007 to include discrimination based on sexual orientation, in 2008 to identify the placing of a noose as a discriminatory practice, in 2011 to prohibit the deprivation of rights based on gender identity or expression, in 2015 to include discrimination based on mental disability, in 2017 to more severely punish the intentional destruction of a house of worship and to include discrimination based on one's status as a veteran, in 2022 to include discrimination based on one's status as a victim of domestic violence, and in 2023 to include discrimination based on age.).

⁸ 57 AM. JUR. PROOF OF FACTS 3d *Hate Crimes and Liability for Bias-Motivated Acts* § 2 (2000). See *Timeline of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act*, HUM. RTS. CAMPAIGN FOUND., <https://www.hrc.org/resources/hate-crimes-timeline> (last visited Dec. 5, 2024). Congress passed the Hate Crimes Statistics Act in 1990, the Hate Crimes Sentencing Enhancement Act in 1994, and the Hate Crimes Prevention Act in 1999.

⁹ See 1990 Conn. Acts 90-137 (Reg. Sess.) (enacting CONN. GEN. STAT. § 53a-181b (1990)) (repealed by 2000 Conn. Acts 00-72 (Reg. Sess.)); 1993 Conn. Acts 93-412 (Reg. Sess.) (enacting CONN. GEN. STAT. § 53-37b (1993)).

¹⁰ Eve Galanis, *Richard Reihl: The Hate Crime That Became a Turning Point for LGBTQ+ Civil Rights*, CONN. HIST. (Feb. 17, 2022), <https://connecticuthistory.org/richard-reihl-the-hate-crime-that-became-a-turning-point-for-lgbtq-civil-rights/>.

¹¹ *Id.*

¹² *Id.*

Arguably, the last significant overhaul to Connecticut's existing hate crime legislation occurred in 2000. Lawmakers repealed the state's primary hate crime statute, intimidation by bigotry or bias, and divided it into three graduated statutes to incentivize prosecutors to charge hate crimes and provide more flexibility in charging.¹³ Additionally, the Act required hate crime training for law enforcement officials, as well as state and municipal agencies.¹⁴

Despite these legislative changes, over a decade later, hateful actions continued to torment groups in our communities. Connecticut media reported painted swastikas in Norwalk, racial slurs spray painted on a garage in Stamford, bomb threats to several Jewish community centers, and a 2015 shooting at a Meriden mosque, again increasing calls for hate crime reform.¹⁵ These Connecticut-specific incidents were a microcosm of national trends. Following a decrease in reported hate crimes throughout the 1990s and 2000s, reports spiked in 2015 and 2016, particularly against Jewish and Muslim Americans.¹⁶

In response, Connecticut lawmakers changed existing statutes to impose more severe penalties for hate crimes,¹⁷ and amended certain statutes to provide civil remedies for discrimination against new classes of vulnerable citizens, including veterans and victims of domestic violence.¹⁸

The state has also taken steps toward improving the prevention, reporting, and investigation of hate crimes. In 2017, Connecticut created the HCAC, a multidisciplinary team responsible for making legislative recommendations, increasing community awareness, improving reporting procedures, and coordinating programs to combat hate crimes.¹⁹ In 2022, Connecticut created the Hate Crimes Investigative Unit as a division within the state police to

¹³ See 2000 Conn. Acts 00-72 (Reg. Sess.).

¹⁴ See *id.* (enacting CONN. GEN. STAT. § 7-294n).

¹⁵ 2017 Conn. Acts 17-111 (Reg. Sess.).

¹⁶ *Id.*; *FBI: US Hate Crimes Rise for Second Straight Year*, BRIT. BROAD. CORP. (Nov. 13, 2017), <https://www.bbc.com/news/world-us-canada-41975573>.

¹⁷ See 2017 Conn. Acts 17-111 (Reg. Sess.); 2020 Conn. Acts 20-1 (Reg. Sess.); 2021 Conn. Acts 21-56 (Reg. Sess.); see also discussion *infra* Section II.C.

¹⁸ See 2017 Conn. Acts 17-127 § 11 (Reg. Sess.); 2022 Conn. Acts 22-82 § 10 (Reg. Sess.).

¹⁹ 2017 Conn. Acts 17-111 § 8 (Reg. Sess.) (enacting CONN. GEN. STAT. 51-279f (2011)).

improve the detection and prevention of hate crimes and create a standardized system for law enforcement agencies to report hate crimes.²⁰

Section III. Overview of Connecticut’s Current Hate Crime Laws

Connecticut’s criminal hate crime statutes can be categorized into three groups: (1) standalone criminal offenses; (2) crimes for which the sentence may be enhanced if they are committed because of an identified bias; and (3) “hate crime” provisions recently added to existing statutes. Connecticut has also enacted statutes prohibiting discriminatory practices that allow aggrieved parties to seek civil remedies.

Table 1: Connecticut Hate Crime Statutes

C.G.S. §	Name
46a-58(a)	Deprivation of rights
46a-58(b)	Deprivation of property
46a-58(c)	Placing of burning cross
46a-58(d)	Placing of noose
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-180c(a)(4)	Stalking – 1st degree
53a-181j	Intimidation by bigotry/bias – 1st degree
53a-181k	Intimidation by bigotry/bias – 2nd degree

²⁰ 2022 Conn. Acts 22-9 §§ 1-2 (Reg. Sess.) (repealing and amending CONN. GEN. STAT. § 29-4(d) (2021)).
Connecticut Sentencing Commission

53a-181l	Intimidation by bigotry/bias – 3rd degree
53a-40a	Persistent offender of crimes involving bigotry/bias
53a-61aa(a)(4)(A)-(B)	Threatening – 1st degree
53a-62(a)(3)(A)-(B)	Threatening – 2nd degree

As Table 1 indicates, Connecticut’s hate crime statutes are scattered across three different chapters of the Connecticut General Statutes. The separation of statutes may create difficulties for police officers, attorneys, and judges when determining which hate crime statute to appropriately apply. While some hate crimes are standalone offenses, others appear as part of different offenses that carry a higher sentencing class. The various statutes are examined below.

A. Standalone Criminal Offenses

§§ 53a-181j, 53a-181k, 53a-181l: Intimidation based on bigotry or bias

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).²¹ From 2000 to 2022, approximately 80% (1,490 cases) of hate crime offenses in Connecticut were prosecuted under these statutes.²²

A person is guilty in the first degree, a Class C felony, when that person “maliciously, and with specific intent to intimidate or harass another person motivated in whole or in substantial part by [bias or bigotry]²³ . . . causes physical injury to such other person or a third person.”²⁴

The offense in the second degree, a Class D felony, requires a person “maliciously, and with specific intent to intimidate or harass another person or *group of persons* motivated in whole or in substantial part by [bigotry or bias] . . . causes physical contact” with another person,

²¹ See MICHELLE KIRBY, CONN. GEN. ASSEM. OFF. LEGIS. RSCH., CONNECTICUT HATE CRIME LAWS 1 (2024), <https://www.cga.ct.gov/2021/rpt/pdf/2021-R-0104.pdf> (noting “the primary [hate crime] statutes are the ‘intimidation based on bigotry or bias’ crimes with three degrees of penalties.”).

²² See Appendix A. This figure also includes charges and convictions under CONN. GEN. STAT. § 53a-181b, the intimidation by bigotry or bias statute that the three listed statutes replaced, effective 2001.

²³ CONN. GEN. STAT. § 53a-181j(a) (2021) (alteration in original). This includes “the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression” of another person.

²⁴ *Id.*

“damages, destroys or defaces real or personal property of such other person or group of persons,” or threatens to do either of those.²⁵

Although third-degree intimidation based on bigotry or bias also requires “specific intent to intimidate or harass another person motivated in whole or in substantial part by [bias or bigotry],” it does not require a person act “maliciously.”²⁶ This statute applies where a person “damages, destroys or defaces any real or personal property,” threatens to do so, or urges another to do so if there is reasonable cause to believe the act will occur.²⁷

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

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.”²⁸ From 2000 to 2022, § 53-37 was the second most charged and prosecuted Connecticut hate crime statute (198 cases).²⁹

§ 46a-58: Deprivation of rights. Desecration of property. Placing of burning cross or noose on property

C.G.S. § 46a-58 prohibits a person from subjecting another to the deprivation of any rights secured by law on account of “religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability, age, or status as a veteran or status as a victim of domestic violence.”³⁰ Specific violations include:

1. “[I]ntentionally desecrat[ing] any public property, monument, or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person;”³¹

²⁵ CONN. GEN. STAT. § 53a-181k (2021) (alteration in original). Under the “threats” provision, there also must be reasonable cause to believe the act will occur. *Id.*

²⁶ *See* CONN. GEN. STAT. § 53a-181l (2021) (alteration in original).

²⁷ *Id.*

²⁸ CONN. GEN. STAT. § 53-37 (2012).

²⁹ *See* Appendix A.

³⁰ CONN. GEN. STAT. § 46a-58(a).

³¹ *Id.* at § (b) (alteration in original).

2. Placing a burning cross on public property or private property without the owner's consent "with intent to intimidate or harass any other person or group of persons;"³²
or
3. Placing a noose on public property or private property without the owner's consent "with intent to intimidate or harass any other person" on account of bias or bigotry.³³

A person who violates a provision of § 46a-58 is guilty of a Class A misdemeanor or a Class D felony if the damage is greater than \$1,000.³⁴ The offense is also a Class D felony if the property is a house of worship or a Class C felony if the damage to the house of worship exceeds \$10,000.³⁵

Between 2000 and 2022, § 46a-58 violations represented approximately 8.1% of hate crime charges (154 cases) and 7.5% of hate crime convictions (22 cases).³⁶ Additionally, the Offices of the Attorney General and the Connecticut Commission on Human Rights and Opportunities ("CHRO"), have been granted authority to seek damages and order injunctive relief for persons aggrieved under § 46a-58, although their decisions are subject to judicial review.³⁷

§ 53-37a: Deprivation of a person's civil rights by person wearing mask or hood

It is a Class D felony for "any person [to intentionally] subject. . . any other person to the deprivation of any rights, privileges or immunities [secured by law] . . . on account of [bias or bigotry] [by violating] the provisions of § 46a-58 while wearing a mask, hood, or other device

³² *Id.* at § (c).

³³ *Id.* at § (d).

³⁴ *Id.* at § (e)(1).

³⁵ *Id.* at § (e)(2).

³⁶ See Appendix A.

³⁷ See CONN. GEN. STAT. § 46a-82 (2023); see also 2021 Conn. Acts 21-128 (Reg. Sess.); see also *Garcia v. Saint Mary's Hosp.*, 46 F. Supp. 2d 140, 142 (D. Conn. 1999) (citing *Town of West Hartford v. Operation Rescue*, 726 F. Supp. 371, 380 (D. Conn.1989), *vacated on other grounds*, 915 F.2d 92 (2d Cir. 1990)) (granting the defendant's motion to dismiss a cause of action under § 46a-58 filed by the CHRO).

designed to conceal the identity of such person.”³⁸ There is no record of this statute being charged between 2000 and 2022.³⁹

§ 53-37b: Deprivation of a person’s equal rights and privileges by force or threat

It is a Class A misdemeanor for any person, whether acting alone or conspiring with another, “[to deprive] any person or class of persons of the equal protection of the laws..., or of equal privileges and immunities under the laws..., [to engage] in the use of force or threat...”⁴⁰ A violation of this provision becomes a Class C felony if bodily injury results or a Class B felony if death results.⁴¹ There have only been two convictions under this statute since 2000.⁴²

B. Enhancement Statute

§ 53a-40a: Persistent offenders of crimes involving bigotry or bias

This statute authorizes a court to impose an enhanced sentence for certain hate crime offenses if the defendant has previously been convicted of a hate crime.⁴³ The enhancement only applies if the defendant (1) stands convicted of intimidation by bigotry or bias (§§ 53a-181j, 53a-181k, 53a-181l), deprivation of rights by wearing a mask or hood (§ 53-37a), or deprivation of rights by desecration of property (§ 46a-58) or by placing a burning cross or noose on property (§ 46a-58), and (2) was previously convicted of one of those crimes or of § 53a-181b, which was in effect prior to October 1, 2000.⁴⁴

If a defendant is subject to the enhancement under this statute, the judge, “in lieu of imposing the sentence authorized for the crime [of conviction],” shall impose the sentence authorized by the next more serious degree of felony (or misdemeanor, depending on the current crime of conviction).⁴⁵ However, if, after meeting the qualifying convictions, the defendant is

³⁸ CONN. GEN. STAT. § 53-37a (2011) (alteration in original). This provision covers “religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness or physical disability.” *Id.*

³⁹ See Appendix A.

⁴⁰ CONN. GEN. STAT. § 53-37b (alteration in original).

⁴¹ *Id.*

⁴² See Appendix A.

⁴³ See CONN. GEN. STAT. § 53a-40a (2021).

⁴⁴ *Id.* at § (a).

⁴⁵ *Id.* at § (b) (alteration in original).

convicted of a Class A misdemeanor, then the court shall impose the sentence for a Class D felony.⁴⁶

Prior to 2008, judges *did not need* to apply the penalty to persistent offenders if the court did not believe “that such person's history and character and the nature and circumstances of such person’s criminal conduct indicate” that an increased penalty will best serve the public interest.⁴⁷ The legislature has since amended the statute to *require* judges to apply the enhancement if the defendant’s convictions meet the statutory requirements.⁴⁸

C. Statutes with Enhanced Penalty Provisions

In recent years, Connecticut lawmakers have amended several existing statutes by adding provisions that impose harsher penalties for offenses motivated by bias or bigotry.

Under §§ 53a-61aa (first-degree threatening) and 53a-62 (second-degree threatening), a defendant will face a more serious penalty if the threat involves certain religious targets. For example, a person who violates §§ 53a-61aa(a)(1) or (2) with “intent to cause [the] evacuation of a building or the grounds” of a house of religious worship, or a religiously affiliated community center, is guilty of a Class C felony rather than a Class D felony.⁴⁹

Other statutes prescribe more serious penalties when the conduct involves bias or bigotry against a broader range of protected classes. These include: falsely reporting an incident,⁵⁰ misuse of 911,⁵¹ and first-degree stalking.⁵² If a defendant who violates one of these statutes intended to commit the prohibited acts because of “the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression” of another person,

⁴⁶ *Id.* at § (b)(2).

⁴⁷ CONN. GEN. STAT. §§ 53a-40(h)-(m) (2008) (amended by 2008 Conn. Acts. 08-1 (Spec. Sess.) (removing this discretionary statement from § 53a-40)).

⁴⁸ CONN. GEN. STAT. § 53a-40a.

⁴⁹ CONN. GEN. STAT. § 53a-61aa(c) (2017). The statute also applies when the target is a school or a day care center. CONN. GEN. STAT. § 53a-61aa(a).

⁵⁰ CONN. GEN. STAT. §§ 53a-180 (2020) (first degree), 53a-180c (2020) (second degree). *See also* CONN. GEN. STAT. §§ 53a-180a (falsely reporting an incident resulting in serious physical injury or death), 53a-180b (falsely reporting an incident concerning serious physical injury or death).

⁵¹ CONN. GEN. STAT. § 53a-180d (2020).

⁵² CONN. GEN. STAT. § 53a-181c(b).

then the defendant is guilty of the next highest level of misdemeanor or felony that would attach under the statute otherwise.⁵³

Section IV. Are the Statutes Constitutional?

Historically, the First Amendment of the United States Constitution has “been the typical avenue for constitutional challenges to hate crime legislation.”⁵⁴ Challenges may also involve the Fifth, Thirteenth, or Fourteenth Amendments.⁵⁵ Because the HCAC request does not provide any particular set of facts to which a Connecticut hate crime statute might apply, we discuss here only whether the hate crime statutes comport with the Free Speech Clause *on their face*. In general, a successful facial constitutional challenge to a statute must show “that no set of circumstances exists under which the law would be valid, or . . . that the law lacks a plainly legitimate sweep.”⁵⁶ For a First Amendment facial challenge, the standard is different: whether “a substantial number of the law’s applications are constitutional, judged in relation to the statute’s plainly legitimate sweep.”⁵⁷

The First Amendment forbids the passage of laws “abridging the freedom of speech,” and applies to state action through the Due Process Clause of the Fourteenth Amendment.⁵⁸ Critically, “the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”⁵⁹ When a statute applies to a defendant’s speech that turns on the viewpoint of that speech, courts “must be careful to ensure that . . . they do not apply the law in such a way as to chill protected speech.”⁶⁰ In *RAV v. St. Paul*, the U.S. Supreme Court considered a facial First Amendment challenge to a St. Paul ordinance that made it a misdemeanor to place on public or private property “a symbol, object, appellation,

⁵³ CONN. GEN. STAT. §§ 53a-180(b), 53a-180c(b), 53a-181d(b).

⁵⁴ Matthew Trout, *Federalizing Hate: Constitutional and Practical Limitations to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009*, 52 AM. CRIM. L. REV. 131, 139 (2015).

⁵⁵ See Janna C. Romaine, *Hate Crimes*, 4 GEO. J. GENDER & L. 115, 116-18 (2002) (discussing constitutional challenges to hate crime statutes).

⁵⁶ *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024).

⁵⁷ *Id.* at 723.

⁵⁸ U.S. CONST. amend. I; *Stromberg v. California*, 283 U.S. 359, 368 (1931).

⁵⁹ *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

⁶⁰ *State v. Kowalyshyn*, 118 Conn. App. 711, 724, *cert. denied*, 295 Conn. 903 (2010) (alteration in original).

characterization or graffiti, including, but not limited to, a burning cross or Nazi Swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, creed, religion, or gender.”⁶¹ The Court found that the statute’s commands were not narrowly tailored, citing “adequate content neutral alternatives . . . undercut[ting] . . . any defense of such a statute.”⁶²

The Free Speech Clause “does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent,” including the requisite bias motive for conduct that constitutes a hate crime.⁶³ Physical assault or other acts of violence are not considered speech or expressive conduct.⁶⁴ Moreover, the First Amendment does not protect “true threats” or violence “encompass[ing] those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.”⁶⁵ For statements to qualify as true threats, the defendant must be at least reckless in his “subjective understanding of the threatening nature of his statements,” and a reasonable person would understand his statements as threats.⁶⁶

Two Connecticut hate crime statutes have faced constitutional challenges. The Connecticut courts’ language may guide the legislature as to the needs for Connecticut hate crime statutes.

A. § 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*.⁶⁷

In 2022, 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.⁶⁸ Cerame claimed that the statute criminalized constitutionally protected speech

⁶¹ 505 U.S. 377, 380 (1992).

⁶² *Id.* at 395. Internal quotation omitted.

⁶³ *Wisconsin v. Mitchell*, 508 U.S. 476, 489 (1993).

⁶⁴ *Id.* at 484.

⁶⁵ *Virginia v. Black*, 538 U.S. 343, 344 (2003).

⁶⁶ *Counterman v. Colorado*, 600 U.S. 66, 69 (2023).

⁶⁷ No. 3:21cv1508, 2022 WL 2834632 (D. Conn. 2022).

⁶⁸ *Id.* at *1.

and argued that the off-color remarks he used in casual conversations with his friends fell within the prohibited language of the statute.⁶⁹ 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.”⁷⁰ 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.”⁷¹

Prior to the Supreme Court’s decision in *Cerame*, there was some ambiguity as to the scope of the statute.⁷² In an amicus brief filed in the Connecticut District Court *Cerame* case, the Foundation for Individual Rights and Expression gave examples of noncommercial speech being charged under § 53-37, including a teenager who used a racial slur on a Snapchat story and University of Connecticut students filmed uttering racial slurs as they walked through a parking lot.⁷³

These incidents appear to indicate that prosecutors and police officers have previously applied § 53-37 inconsistently with the Court’s narrow reading of the statute. Because *Cerame* was only decided in 2023, it is not clear whether, or to what extent, the Court’s decision will influence how police officers and prosecutors apply § 53-37. The General Assembly may choose to clarify the statute in accordance with the Court’s holding.

B. § 53a–181k: Intimidation based on bigotry or bias in the second degree

The Connecticut Appellate Court and Supreme Court have only addressed one other hate crime statute: § 53a-181k. In *State v. Skidd*, the Connecticut Appellate Court rejected several constitutional challenges to § 53a–181k(a)(3), second-degree intimidation based on bigotry or

⁶⁹ *Id.* at *3.

⁷⁰ *Cerame v. Lamont*, 346 Conn. 422, 430 (2023).

⁷¹ *Id.* at 422, 431.

⁷² *See id.* at 430.

⁷³ Brief for Foundation for Individual Rights and Expression & Eugene Volokh as Amici Curiae Supporting Plaintiff, *Cerame v. Lamont*, No. 3:21cv1508, 2022 WL 2834632 at *14-18. The brief further asserts that arrests under the statute “are often a result of insults to police officers or remarks by the mentally ill or homeless.” *Id.* at *19.

bias, which criminalizes “threat[s], by word or act” causing physical contact or damage to property.⁷⁴ The petitioner first claimed that the language was unconstitutionally overbroad because its scope was not limited to “true threats,” thus criminalizing constitutionally protected speech.⁷⁵ The court rejected the claim, concluding that the statute is not overbroad on its face because “it is limited in its application to true threats.”⁷⁶

The petitioner also claimed that the statute is unconstitutionally vague, specifically, that the statutory language “does not provide adequate notice that the use of a racial epithet in a verbal disagreement could constitute the conduct prohibited by [the] statute.”⁷⁷ The court rejected this argument as well, instead interpreting “threaten” in its ordinary meaning, reasoning that a “person of ordinary intelligence would comprehend that the defendant’s conduct . . . constituted a threat to cause physical contact because of [the victim’s] race.”⁷⁸

The court’s decision was not appealed, nor has the statute been otherwise constitutionally challenged.

C. Constitutionality of Connecticut Hate Crime Statutes Pursuant to the Connecticut Cases Discussed

Given *Skidd*, courts may construe other Connecticut hate crime statutes covering threats to apply only to true threats under First Amendment doctrine. This interpretation would include hate crimes which expressly prohibit threats: §§ 53a-181j, 53a-181k, and 53a-181l, as well as §§ 53a-61aa(a)(4)(A)-(B) (threatening in the first degree as applied to religious houses of worship and religiously-affiliated community centers) and 53a-62(a)(3)(A)-(B) (threatening in the second degree as applied to religious houses of worship and religiously-affiliated community centers).

⁷⁴ 104 Conn. App. 46, (2007); CONN. GEN. STAT. § 53a-181k(a)(3) (alteration in original).

⁷⁵ *Skidd*, 104 Conn. App. at 52-53. In particular, the petitioner claimed the statute’s unconstitutional scope prohibited “any communication of an intent to engage in a harmless touching of an individual because of that individual’s particular race.” *Id.* at 53.

⁷⁶ *Id.* at 54 (internal quotation marks omitted) (citing *State v. DeLoreta*, 265 Conn. 145 (2003) (rejecting a similar constitutional challenge to one of the state’s breach of peace statutes). The court noted that “[i]ntimidation in the constitutionally prescribable sense of the word is a type of true threat.” *Id.* at 55 (quoting *Virginia v. Black*, 538 U.S. 343, 360 (2003)).

⁷⁷ *Id.* at 55-56 (alteration in original).

⁷⁸ *Id.* at 59 (alteration in original) (explaining the defendant’s conduct as “calling [the victim] [an expletive] and a [racial slur], informing him that he was in a ‘white man’s neighborhood,’ making a gesture for [the victim] to approach him with his hands up and palms open and then making two fists.”) *Id.* (alteration in original).

As the *Cerame* decision demonstrates, the ambiguous language in § 53-37 results in unclear application. It remains to be seen how the statute will be enforced moving forward in light of the decision.

Section V. Are the Statutes Coherent?

A. §§ 53a-181j, 53a-181k, 53a-181l: Intimidation based on bigotry or bias

Members of the Hate Crimes Advisory Council have raised questions about the statutory language of Connecticut’s primary hate crime law, intimidation based on bigotry or bias, that may merit further review.

1. Multiple Intent

A person is guilty of intimidation by bigotry or bias in the first degree or second degree when “such person **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 of such other person” commits the conduct prohibited by the respective statute.⁷⁹ Thus, under these statutes, 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.⁸⁰ Notably, the crime of intimidation based on bigotry or bias in the *third* degree does not require that the person act “maliciously” but does require the person act “with specific intent to intimidate or harass another person or group of person motivate in whole or in part by [bigotry].”⁸¹

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,

⁷⁹ CONN. GEN. STAT. §§ 53a-181k, 53a-181j.

⁸⁰ *See id.*

⁸¹ *See* CONN. GEN. STAT. § 53a-181l.

religion, or national origin of any person.”⁸² Several other states have intent requirements similar to those in the federal statute.⁸³ The General Assembly may wish to consider aligning Connecticut’s intent requirements with those in other jurisdictions.

2. Degree of Bias Motivation

All three intimidation by bigotry or bias statutes require that the offense be “motivated in whole or substantial part” by bigotry or bias.⁸⁴ 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.⁸⁵ The “substantial” modifier may make police officers and prosecutors less likely to charge a defendant or less likely to persuade a jury to convict a defendant in a partial-motivation bias case, all else being equal. The language may also, however, be responsive to past lawmakers’ concerns about the potentially broad reach of the statute.

Indeed, the Federal Bureau of Investigation defines a hate crime as a “criminal offense . . . motivated in whole or in part by an offender’s bias,” without the word “substantial.”⁸⁶ Other states also impose a less stringent *mens rea* requirement than Connecticut when defining a hate crime. For example, in Massachusetts, a hate crime is “motivated *at least in part* by . . . prejudice.”⁸⁷

⁸² See 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”) (emphasis added) (alteration in original); *Id.* § 249(a)(2)(A) (“Whoever . . . *willfully* causes bodily injury to any person . . . because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person”) (emphasis added) (alteration in original).

⁸³ See, e.g., MASS. GEN. LAWS ch. 265, § 39(a) (2024); VT. STAT. ANN. tit. 13, § 1455(a) (2024); N.H. REV. STAT. ANN. § 651:6(I)(f) (2023); 12 R.I. GEN. LAWS § 12-19-38(a) (2023); ME. REV. STAT. ANN. tit. 17, § 2931 (2023).

⁸⁴ See CONN. GEN. STAT. §§ 53a-181k, 53a-181j, 53a-181l.

⁸⁵ Compare, e.g., N.Y. PENAL LAW § 485.05(1)(a) (McKinney 2024), N.H. REV. STAT. ANN. § 651:6(I)(f); with CAL. PENAL CODE § 422.55(a) (West 2005) (“in whole or part”), VT. STAT. ANN. tit. 13 § 1455(a) (“in whole or part”); see also VT. STAT. ANN. TIT 13 § 1455(b) (“The victim’s actual or perceived protected category or categories need not be the predominant reason or the sole reason for the defendant’s conduct.”).

⁸⁶ *Hate Crimes*, FBI (last visited Feb. 12, 2024), <https://www.fbi.gov/investigate/civil-rights/hate-crimes> (alteration in original).

⁸⁷ MASS. GEN. LAWS ch. 22C, § 32 (2012) (emphasis added) (alteration in original).

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

As discussed in Section IV, the Connecticut Supreme Court held that the statement “by his advertisement” in § 53-57 is ambiguous.⁸⁸ However, the *Cerame* Court limited the application of the statute to “commercial speech.”⁸⁹ The Court did not define what constitutes commercial speech in its opinion, but the phrase has long been used by courts in First Amendment jurisprudence. The legislature may wish to consider incorporating a definition for “commercial speech” in the statute.⁹⁰

C. 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, the following chart compares the language used to refer to protected demographics in Connecticut’s various criminal hate crime statutes:

Table 2: Protected Groups in Connecticut Hate Crime Statutes

	§ 53a-181j, § 53a-181k, § 53a-181l	§ 53-37	§ 53-37a	§ 46a-58(a)
Religion	✓	✓	✓	✓
Denomination		✓		
Creed		✓		
Race	✓	✓	✓	✓
Color		✓	✓	✓
Ethnicity	✓			
Alienage			✓	✓

⁸⁸ *Cerame*, 346 Conn. at 430.

⁸⁹ *Id.*

⁹⁰ See *Ohralik v. Ohio State Bar Assn.*, 436 U.S. 447, 456 (1978) (defining commercial speech as speech “proposing a commercial transaction”); see also *Central Hudson Gas & Elec. v. Public Svc. Comm’n*, 447 U.S. 557, 561 (1980) (defining commercial speech as “expression related solely to the economic interests of the speaker and its audience”).

National Origin		✓	✓
Nationality	✓		
Gender Identity or Expression	✓	✓	✓
Sex	✓	✓	✓
Sexual Orientation	✓	✓	✓
Intellectual Disability	✓		
Mental Disability			✓
Mental Disorder	✓		
Physical Disability	✓	✓	✓
Blindness	✓	✓	✓
Age			✓
Veteran			✓
Victim of Domestic Violence			✓

All six statutes 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. Similar questions arise when considering the difference between “ethnicity,” “alienage,” “national origin,” and “nationality,” as well as distinguishing between “mental disability” and “mental disorder.” Absent a compelling reason for the inconsistency in identification, they should be eliminated from the framework to avoid rendering the statutory text superfluous. Alternatively, if there are substantive differences between these terms, lawmakers may wish to clarify these differences by adding explicit definitions for protected classes.

Section VI. Are the Statutes Consistent?

A. Protected Classes

As a whole, Connecticut's hate crime legislation covers a relatively broad range of protected groups as compared with other states,⁹¹ but the list of protected groups varies between the statutes. For a comparison of the groups protected by each of Connecticut's criminal hate crime statutes, see Appendix D. For a compilation of Connecticut's civil and criminal hate crime statutes, including the groups they protect, see Appendix B.

Connecticut's criminal hate crime statutes offer varying protections. For example, Connecticut's intimidation by bigotry or bias statute protects, among others, individuals with physical, mental, or intellectual disabilities.⁹² Section 46a-58, on the other hand, only protects two of those forms of disability, § 53-37a protects one, and § 53-37 protects none.⁹³ Similarly, only three statutes include victims of domestic violence as a protected group, while only four include veterans.⁹⁴ 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.

In addition to providing consistency across its hate crime statutes, the legislature may wish to explore whether additional groups merit protection from hate crimes.⁹⁵ Hate crime legislation in other states differs from Connecticut by incorporating protections based on age (12 states), political affiliation (4 states), and homelessness (3 states).⁹⁶ Additional jurisdictions also

⁹¹ Connecticut is one of sixteen states that protects each of the seven categories protected under the federal hate crime statutes – race/color, national origin, religion, sexual orientation, sex/gender, gender identity, and disability. *Laws and Policies: Federal Hate Crime Laws*, DEP'T JUST., <https://www.justice.gov/hatecrimes/laws-and-policies> (updated Sep. 13, 2024); *See, e.g.*, MASS. GEN. LAWS ch. 265, § 39(a) (missing sex), N.H. REV. STAT. ANN. § 651:6(I)(f) (missing disability), 12 R.I. GEN. LAWS § 12-19-38(a) (missing gender identity).

⁹² Kirby, *supra* note 21, at 2.

⁹³ *See* Appendix D.

⁹⁴ *See* Appendix B. This number considers both civil and criminal statutes.

⁹⁵ However, Connecticut already protects a wide range of vulnerable groups relative to other states. *See* note 91.

⁹⁶ HATE CRIME LAWS: 50-STATE SURVEY (May 2024). <https://www.justia.com/criminal/hate-crime-laws-50-state-survey/>.

extend protection to ancestry, marital status, as well as status as a peace officer, law enforcement official, firefighter, emergency service personnel, or judge.⁹⁷

B. 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.⁹⁸ 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).⁹⁹ 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.

Section VII. Are the Statutes Comprehensive?

The question of whether the statutes are “comprehensive” refers to the question of whether the statutes effectively criminalize and punish all the conduct that lawmakers wish to criminalize and punish. However, the question of whether a statutory scheme is comprehensive must also be studied in light of the principle that the statutory scheme must not inadvertently criminalize or over-penalize conduct that should fall outside of the scope of criminal law.

⁹⁷ *Id.*

⁹⁸ *See* CONN. GEN. STAT. § 53a-40a.

⁹⁹ *See id.*

A. 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.¹⁰⁰ 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.¹⁰¹ 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.¹⁰²

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.¹⁰³

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.¹⁰⁴

¹⁰⁰ Connecticut does have a standalone offense for assault of certain protected classes – that is, if the victim is elderly, blind, pregnant, physically disabled, or intellectually disabled. CONN. GEN. STAT. § 53a-59a (2011). However, this law protects a limited and specific set of groups (specifically, groups whose members are generally physically incapable of defending themselves from an assault by non-class members) and does not require that the actor’s intent was based on the victim’s protected characteristic.

¹⁰¹ While the statute does not explicitly mention assault, its “physical injury” requirement appears to necessarily cover assaults motivated by the victim’s protected characteristic, such as race or gender.

¹⁰² Whether § 53a-181j is used as an enhancement statute may be dependent on prosecutorial discretion. A prosecutor may prefer to apply a more certain conviction, rather than expending resources to prove the layered intent required by § 53a-181j. However, since few cases proceed to trial, a prosecutor may also use the prospect of double punishment as leverage to secure a certain plea agreement.

¹⁰³ CONN. GEN. STAT. § 53a-59a.

¹⁰⁴ CONN. GEN. STAT. § 53a-61 (1992).

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.

As of 2020, six states have established an independent offense that explicitly criminalizes assault motivated by bigotry or bias.¹⁰⁵ For example, Massachusetts has a criminal statute explicitly addressing “assault or battery for [the] purpose of intimidation.”¹⁰⁶ Alternatively, 29 states authorize penalty enhancements when an offense is motivated by hate.¹⁰⁷ In Florida, for example, “the penalty for any felony or misdemeanor shall be reclassified” as the next highest felony or misdemeanor “if the commission [of the offense] evidences prejudice based on [the protected characteristics] of the victim.”¹⁰⁸ The General Assembly may wish to consider a similar statutory change to deter bias-motivated assaults and eliminate the potential of unintended sentences.

Section VIII. Overview of Other Jurisdictions

The hate crime reforms in different jurisdictions provide insight into how Connecticut could address any deficiencies with its hate crime legislation. In 2000, New York state enacted a single, comprehensive, hate crime statute while establishing a robust community engagement model.¹⁰⁹ California, on the other hand, has reformed its system in waves, employing a piecemeal approach to statutory change over the last several decades that has created one of the most comprehensive hate crime systems in the country. Even outside of the United States, jurisdictions have debated the best approach for enacting effective hate crime legislation. The United Kingdom, for example, recently conducted a comprehensive review of its hate crime laws, which revealed that it is contemplating questions about hate crime statutes like the ones facing jurisdictions in the United States.

¹⁰⁵ Matthew A. Bills & Michael S. Vaughn, *A Contemporary Review of Hate Crime Legislation in the United States*, CRIM. JUST. POL. REV., 34(2), 115-139.

¹⁰⁶ MASS. GEN. LAWS ch. 265, § 39 (2021).

¹⁰⁷ *Id.*

¹⁰⁸ FLA. STAT. § 775.085 (2021) (alteration in original).

¹⁰⁹ *See* N.Y. PENAL LAW § 485.05.

A. New York

New York’s comprehensive hate crime statute delineates over sixty different criminal offenses as hate crimes if a defendant either (1) intentionally selects the victim because of the victim’s protected characteristics or (2) intentionally commits the offense because of a person’s protected characteristics.¹¹⁰ The statute covers a broad range of offenses, including, but not limited to, murder, manslaughter, assault, certain sex crimes, reckless endangerment, stalking, criminal mischief, burglary, coercion, and grand larceny.¹¹¹ Under New York’s legislative framework, prosecutors can charge defendants who violate any listed offense *under* the hate crime statute.¹¹² When a person is convicted under the hate crime statute, and the underlying offense is a misdemeanor or a Class C, D, or E felony, “the hate crime shall be deemed to be one category higher than the specified offense the defendant committed.”¹¹³ If the underlying offense is a Class B felony or higher, the defendant faces a higher mandatory minimum sentence than he would if he were convicted of the underlying offense only.¹¹⁴ Finally, “the court shall require as part of the sentence imposed upon a person convicted of a hate crime . . . that the defendant complete a program, training session or counseling session directed at hate crime prevention and education.”¹¹⁵

In enacting the law, the legislature emphasized the significant consequences of bias-motivated crimes, underscoring the need to aggressively reform hate crime statutes.¹¹⁶ The comprehensive nature of this legislation provides consistency for protected groups and gives prosecutors and courts clear guidance as to which offenses may qualify as hate crimes.

¹¹⁰ *Id.* More specifically, the statute applies if a person selects the victim or commits the crime “in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.” *Id.*

¹¹¹ *Id.* at § 485.05(3).

¹¹² *Id.* at § 485.05.

¹¹³ N.Y. PENAL LAW § 485.10(2) (McKinney 2022).

¹¹⁴ *Id.* at §§ 485.10(3), (4).

¹¹⁵ *Id.* at § 485.10(5) (alteration in original).

¹¹⁶ “Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes.” 2000 N.Y. Sess. Laws Ch. 107 (McKinney).

Furthermore, when amendments occur, such as the addition of “gender identity or expression” as a protected characteristic in 2019,¹¹⁷ the legislature only needs to amend one law rather than several.

Although some commentators have criticized the Act as overinclusive,¹¹⁸ New York courts have repeatedly rejected constitutional challenges to the law.¹¹⁹

New York has employed a two-pronged approach: comprehensive statutes and recent updates to its community engagement and police training efforts. In 2016, in response to an 18.9% increase in the number of reported hate crimes compared to the previous year, New York introduced its Hate Crimes Task Force, which is operated by the New York State Police.¹²⁰ As a result of the Task Force’s work, “robust education and outreach programs” have helped ensure that New Yorkers are connected to the resources they need, including a widely-publicized hotline number that has proved beneficial in helping law enforcement launch hate crime investigations.¹²¹ Additionally, the creation of a hate crimes dashboard has allowed the NYPD to easily track and disseminate data on reported hate crimes.¹²² Continued emphasis on education and outreach has been central to New York’s approach.

¹¹⁷ Nick Morrow, *New York Passes Gender Expression Non-Discrimination Act & Protections Against Conversion Therapy*, HUM. RTS. CAMPAIGN (Jan. 15, 2019), <https://www.hrc.org/news/historic-ny-legislature-passes-gender-expression-non-discrimination-act-ban>.

¹¹⁸ See generally Alex Ginsberg, *Hate Is Enough: How New York’s Bias Crimes Statute Has Exceeded Its Intended Scope*, 76 BROOK. L. REV. 1599, 1601-02 (2011), (arguing that the legislative intent of the Act was to target “pure hate” bias crimes, but “crimes of opportunistic bias” fall within the scope of the statutory language, thus providing prosecutors with unintended discretion and leading to unequal application of the law).

¹¹⁹ See *People v. Fox*, 844 N.Y.S.2d 627, 640 (2007) (holding that the statute is not unconstitutionally vague on its face); *People v. McDowd*, 773 N.Y.S.2d 531, 534 (2004) (holding that defendant’s conduct was not protected by the First Amendment as applied); *People v. Diaz*, 727 N.Y.S.2d 298, 301 (2001) (finding the language of the statute does not lend itself to arbitrary and discriminatory enforcement).

¹²⁰ See generally STATE POLICE DIV. HUM. RTS. et al., NEW YORK STATE HATE CRIMES TASK FORCE REPORT 4 https://www.ny.gov/sites/default/files/atoms/files/Hate_Crime_Task_Force_Report.pdf.

¹²¹ *Id.*

¹²² See *N.Y.P.D. Hate Crimes Dashboard*, NEW YORK POLICE DEPARTMENT, <https://app.powerbigov.us/view?r=eyJrIjoieYjg1NWl3YjgtYzkyOS00Nzc0LTkwMDAtNTgzM2I2M2JmYWElIiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYiliZTgzLWEyYWZkZDdjNjA0MyJ9> (last updated Oct. 18, 2024).

B. California

California is another potential model for reform. The state has expanded hate crime laws in waves since the 1970s, forming a system of narrowly tailored statutes rather than one all-encompassing hate crime law.

In 1976, the state passed the Ralph Civil Rights Act, guaranteeing citizens the right to be free from hate-motivated violence and providing civil remedies for violations.¹²³ Six years later, California introduced a criminal law prohibiting a person from “displaying a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika,” on another’s property, and from burning or desecrating a religious symbol on another’s property, for the purpose of terrorizing that person.¹²⁴

In 1987, California criminalized violent hate crimes. This statute provides that “no person . . . shall by force or threat of force, willfully injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her [under law]” because of the other person’s status in a protected class.¹²⁵ Additionally, it is a violation of the law for a person to “knowingly deface, damage, or destroy the real or personal property of another person for the purpose of intimidating or interfering with [their rights]” because of their status in a protected class.¹²⁶ If a defendant is convicted under this statute, California also imposes penalty enhancements if the offense causes actual physical injury or property damage in excess of \$950, or if the perpetrator is a repeat offender.¹²⁷

California lawmakers have also focused on improving data collection for hate crimes. In 1989, California enacted legislation requiring law enforcement agencies to report information regarding hate crimes to the California Department of Justice.¹²⁸ Since 1995, the Department has prepared an annual, publicly available report analyzing this data for the legislature.¹²⁹

¹²³ CAL. CIV. CODE § 51.7 (West 2024).

¹²⁴ CAL. PENAL CODE § 11411 (West 2023).

¹²⁵ CAL. PENAL CODE § 422.6 (West 2024) (alteration in original). The protected classes under the statute are “race, color, religion, ancestry, national origin, or sexual orientation.” *See id.* (cross-referencing § 422.55).

¹²⁶ *Id.* (alteration in original).

¹²⁷ CAL. PENAL CODE §§ 422.7 (West 2011), 422.8 (West 2005).

¹²⁸ CAL. PENAL CODE § 13023 (West 2024).

¹²⁹ *Id.*; *see, e.g.*, OFF. ATT’Y GEN. OF CAL., *Hate Crime in California 1996*, <https://oag.ca.gov/cjsc/publications/hatecrimes/hc1996> (last visited Dec. 12, 2024).

In 1999, California expanded its hate crime laws by creating enhanced penalties, whereby any person who commits or attempts to commit a felony hate crime shall receive an additional term of one, two, or three years in prison, at the court's discretion.¹³⁰ California has also amended its hate crime statutes to include crimes motivated by a person's gender, gender identity, disability, immigration status, and association with a person or group with any of the protected characteristics.¹³¹ California further requires all law enforcement officers within the state to receive hate crime training that covers relevant state and federal laws, indicators of such crimes, proper reporting procedures, and appropriate responses to hate crimes.¹³²

California continues to reform its hate crime laws. Within the past few years, lawmakers have enacted bills that brought the penalties for cross burning and using swastikas or nooses to parity,¹³³ extended funding for nonprofit organizations to improve security if they have been targets of hate-motivated crimes,¹³⁴ and established a statewide hotline for reporting hate crimes.¹³⁵

As a result of its aggressive reform efforts, some scholars have ranked California as the state with the most expansive hate crime legislation.¹³⁶

C. United Kingdom

Under the United Kingdom's law, courts treat hate crimes and hate speech offenses more seriously than crimes not involving bias in its approach to aggravated offenses and enhanced sentencing.¹³⁷ From 2020 to 2021, the United Kingdom observed strong results in the prosecution of hate crimes, securing convictions for roughly 86.5% of the 10,679 hate crimes it prosecuted.¹³⁸

¹³⁰ CAL. PENAL CODE § 422.75 (West 2005).

¹³¹ CAL. PENAL CODE § 422.55 (West 2005); *see also Id.* at § 422.6 (cross-referencing § 422.55).

¹³² CAL. PENAL CODE § 13519.6 (West 2024).

¹³³ ASSEMB. B. 2282, 2021-2022 Reg. Sess. (Cal. 2022).

¹³⁴ ASSEMB. B. 1664, 2021-2022 Reg. Sess. (Cal. 2022).

¹³⁵ ASSEMB. B. 557, 2021-2022 Reg. Sess. (Cal. 2022).

¹³⁶ Bills & Vaughn, *supra* note 105, at Table 5.

¹³⁷ L. COMM'N U.K., *HATE CRIME: FINAL REPORT SUMMARY*, 4 (Dec. 6, 2021).

¹³⁸ *Id.* at 3.

Nonetheless, the Law Commission recently issued a 500-page report regarding recommendations for legislative reform. The report revealed that lawmakers in the United Kingdom face issues regarding hate crime legislation that closely mirror those faced by jurisdictions in the United States, including Connecticut.

The Commission’s review noted two overarching issues with the United Kingdom’s hate crime laws: they are “complicated because they involve multiple, overlapping legal mechanisms,” and they are “inconsistent in their application to different protected characteristics.”¹³⁹ The Commission emphasized that “the current inconsistency in the way that hate crime laws treat different characteristics is unprincipled and causes significant injustice and confusion.”¹⁴⁰ To remedy these issues, the Commission recommended that the United Kingdom condense its hate crime and hate speech legislation into one comprehensive law.¹⁴¹

These legislative discussions in the United Kingdom are, of course, qualitatively different from legal issues in the United States, especially because constitutional rights are involved. However, the United Kingdom’s ongoing review of its hate crime legislation underscores the ubiquity of hate crime issues and emphasizes that reviewing laws to determine the best way to effectively combat hate crimes rarely produces clear-cut answers.

Section IX. Recent Developments

A. Investigation and Reporting of Hate Crimes

Pursuant to Public Act 22-09, the Police Officer Standards and Training Council (POSTC) Investigation and Reporting of Hate Crimes Statewide Policy established a framework for law enforcement agencies in Connecticut to identify, investigate, and consistently report hate crimes.¹⁴² In conjunction with POSTC, the Institute for Municipal and Regional Policy (IMRP) created the Hate/Bias Crime Reporting Form to ensure a

¹³⁹ *Id.* at 4.

¹⁴⁰ *Id.* at 8.

¹⁴¹ *Id.* at 27.

¹⁴² 2022 Conn. Acts 22-09 (Reg. Sess.). <https://www.cga.ct.gov/2022/ACT/PA/PDF/2022PA-00009-R00SB-00217-PA.PDF>.

standardized approach to identifying, reporting, and investigating hate crimes statewide.¹⁴³ The form enables efficient collection of data on hate crimes across the state and aligns Connecticut’s initiative with national efforts to standardize hate crime reporting and data collection. POSTC also approved a model policy for state and local law enforcement agencies to promote a consistent response to bias incidents. The policy outlines procedures for detecting, investigating, reporting, and responding to possible hate crimes.¹⁴⁴ In August 2024, POSTC distributed the Hate/Bias Crime Reporting Form and the model policy to all state law enforcement agencies and began training officers on their use. These materials have also been incorporated into the police academy’s training program.¹⁴⁵

On October 29, 2024, the HCAC hosted an all-day hate crimes summit at Yale University for law enforcement personnel in the state entitled “Connecticut Combats Hate.” The summit brought together police officers, prosecutors, and subject matter experts to examine state and federal hate crime laws and share best practices for investigating and prosecuting hate crimes.¹⁴⁶

At the request of the HCAC, the IMRP created a public reporting tool for hate crimes. Final adjustments are being made to the tool before it is publicized in 2025. This initiative aims to increase public access to reporting, encourage more accurate tracking of hate crimes, and support transparency in hate crime data. By allowing individuals to report directly and anonymously, the tool seeks to capture incidents that might otherwise go unreported, enhancing the legislature’s understanding of hate crime trends and helping shape effective responses. Moreover, the tool is part of a broader effort to support affected communities and improve resource allocation for victim assistance and public safety initiatives.

¹⁴³ STATE CONN., HATE/BIAS CRIME REPORT, <https://portal.ct.gov/-/media/post/publications/hate-crime-report-form.pdf>.

¹⁴⁴ THE HATE CRIMES ADVISORY COUNCIL OF THE STATE OF CONNECTICUT, 2024 ANNUAL REPORT 24 (2024).

¹⁴⁵ *Id.* at 7.

¹⁴⁶ *Id.* at 7.

B. 2025 House Bill 6872

During the 2025 legislative session, the General Assembly considered House Bill 6872, a comprehensive proposal introduced by Governor Ned Lamont to reform hate crime laws in Connecticut.¹⁴⁷ The bill would have made several changes to the hate crime statutes, which include: (1) consolidating hate crime offenses currently dispersed throughout the statutes into a single, cohesive title;¹⁴⁸ (2) standardizing the list of protected classes across all hate crime statutes and defining ambiguous categories as necessary; (3) reducing the intent requirement for certain offenses by replacing the term "maliciously" with "intentionally"; (4) expanding the persistent hate crime statute to include any prior hate crime, rather than a limited subset, as a predicate offense; (5) permitting courts to order diversion in any hate crime case; and (6) implementing various measures to strengthen the enforcement of hate crime laws.¹⁴⁹ The bill was unanimously approved by the full House of Representatives but did not receive a vote in the Senate.¹⁵⁰

Proponents of the bill, including Governor Ned Lamont, argued that consolidating the statutes into one location and easing the intent requirement would make the hate crime laws easier to navigate, benefiting police and prosecutors charging under the statutes, hate crime victims pursuing justice, and members of the public seeking to understand what protections the law affords them. Moreover, supporters argued that the new penalty enhancements in the bill were necessary to deter individuals from committing these particularly insidious offenses.¹⁵¹

¹⁴⁷ 2025 Conn. Gen. Assemb. H.B. 6872 (Reg. Sess.). <https://www.cga.ct.gov/2025/FC/PDF/2025HB-06872-R000763-FC.PDF>.

¹⁴⁸ The bill would have consolidated most, but not all, currently existing hate crime statutes into a single title. For a complete list of the statutes that were included in the consolidation effort, refer to the text of the bill (see note 147).

¹⁴⁹ See *supra* note 147.

¹⁵⁰ H.B. No. 6872 Session Year 2025: Bill Status.

https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2025&bill_num=6872#.

¹⁵¹ See, e.g., TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE IN SUPPORT OF H.B. NO. 6872 AN ACT REVISING AND CONSOLIDATING THE HATE CRIMES STATUTES (March 10, 2025).

[https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-](https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-Bare,%20Kathryn,%20Chief%20States%20Attorney-Division%20of%20Criminal%20Justice-Supports-TMY.PDF)

[Bare,%20Kathryn,%20Chief%20States%20Attorney-Division%20of%20Criminal%20Justice-Supports-TMY.PDF](https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-Bare,%20Kathryn,%20Chief%20States%20Attorney-Division%20of%20Criminal%20Justice-Supports-TMY.PDF); see also, SACHIN S. PANDYA AND RICHARD A. WILSON TESTIMONY IN SUPPORT OF HOUSE BILL 6872 SUBMITTED TO JUDICIARY COMMITTEE (March 10, 2025). [https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-](https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-Wilson,%20Richard,%20Professor-Hate%20Crimes%20Advisory%20Council-Supports-TMY.PDF)
[Wilson,%20Richard,%20Professor-Hate%20Crimes%20Advisory%20Council-Supports-TMY.PDF](https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-Wilson,%20Richard,%20Professor-Hate%20Crimes%20Advisory%20Council-Supports-TMY.PDF).

Opponents acknowledged the importance of combatting hatred against vulnerable communities but worried about the unintended consequences of the bill. Such critics felt that efforts to facilitate the charging of hate crimes, such as relaxing the intent requirement, were not necessary to ensure appropriate enforcement, and could even result in the inadvertent criminalization of constitutionally protected speech. Critics also cautioned that the reorganization and amendment of certain statutes could result in unfair charge “stacking,” whereby an individual might face multiple offenses arising from a single incident. Additionally, critics expressed opposition to new mandatory minimums and penalty enhancements.¹⁵² Community members also raised concerns during the public hearing, specifically regarding C.G.S. § 53-37a, fearing that individuals who attended public protests and preferred to be masked for health reasons could be targeted under the law.¹⁵³

This section does not capture all arguments raised during the public testimony. For a complete account of the public testimony, see the link in the following footnote.¹⁵⁴

¹⁵² See, e.g., TESTIMONY OF DEBORAH DEL PRETE SULLIVAN, LEGAL COUNSEL, DIRECTOR, OFFICE OF CHIEF PUBLIC DEFENDER, BEFORE THE JUDICIARY COMMITTEE ON RAISED BILL NO. 6872, AN ACT REVISING AND CONSOLIDATING THE HATE CRIME STATUTES (March 10, 2025). <https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-Sullivan,%20Deborah,%20Legal%20Counsel%20Director-Office%20of%20Chief%20Public%20Defender-Opposes-TMY.PDF>; see also, ACLU CONNECTICUT WRITTEN TESTIMONY REGARDING HOUSE BILL 6872, AN ACT REVISING AND CONSOLIDATING THE HATE CRIMES STATUTES (March 10, 2025). <https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-Gonzalez,%20Chelsea-Infinity,%20Policy%20and%20Advocacy%20Director-ACLU-CT--TMY.PDF>.

¹⁵³ See, e.g., TESTIMONY OF SOHAIL LOKHANDWALLA BEFORE THE JUDICIARY COMMITTEE ON HOUSE BILL 6872, AN ACT REVISING AND CONSOLIDATING THE HATE CRIME STATUTES (March 10, 2025). <https://www.cga.ct.gov/2025/juddata/TMY/2025HB-06872-R000310-Lokhandwalla,%20Sohail-Opposes-TMY.PDF>.

¹⁵⁴ TESTIMONY FOR BILL NUMBER HB-06872 IN ALL COMMITTEES (March 10, 2025). https://www.cga.ct.gov/asp/CGADisplayTestimonies/CGADisplayTestimony.aspx?bill=HB-06872&doc_year=2025.

Section X. Recommendations

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

1. Fragmented Location of Scheme

The legislature may wish to consolidate after review all currently existing 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.¹⁵⁵ 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.

2. Protected Classes

The legislature may wish to consider using consistent and clearly defined terms to refer to protected classes.¹⁵⁶ The language used to refer to the protected classes in the Connecticut hate crime statutes varies between the statutes. For example, while many cover "religion," the ridicule statute, C.G.S. § 53-37, *also* uses "denomination" and "creed" as separate protected categories. This generates ambiguity as to whether these terms are synonymous with the term "religion," given that judges tend to avoid interpreting statutes that render some statutory text superfluous. This variance may also lead to ambiguity regarding the application of the statutes by law enforcement officers and attorneys. In addition, such terms may need to be defined for clarity.

¹⁵⁵ See, e.g., CONN. GEN. STAT. §§ 51-279f, 29-7d.

¹⁵⁶ See Bills & Vaughn, *supra* note 105, at table 1.

3. The Intent Requirement for Intimidation by Bigotry or Bias in the First or Second Degree

There exist diverse opinions among members of the Sentencing Commission about whether there should be three separate intents ((i) malice, (ii) specific intent to intimidate or harass someone, (iii) and motivation in whole or in substantial part by bigotry) required for the commission of the crimes of Intimidation by Bigotry or Bias in the First or Second Degree and what those intents should be. The legislature may wish to review how the elements in these statutes compare to other hate crimes in Connecticut, federal hate crimes, and hate crimes in other jurisdictions.¹⁵⁷ In addition, the legislature may wish to review the current training available for law enforcement regarding the intent requirement, including malice, and hate crimes in general.

On its face, the application of malice, for example, may be worth a discussion by the legislature. Of the three intent requirements, “maliciously” seems the least clearly defined and least operationalized on a regular basis by law enforcement.

4. Persistent Offender Statute

Although C.G.S. § 53a-40a provides for enhanced sentencing for persistent offenders of crimes involving bigotry or bias, it only applies to some hate crime convictions.¹⁵⁸ The legislature may wish to discuss whether to expand the statute to include more hate crimes.

5. Recalibrating Sentencing Provisions to Class E Felony

C.G.S. § 53a-40a outlines enhanced sentencing for persistent offenders of crimes involving bigotry or bias. 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.”¹⁵⁹ Similarly, C.G.S. § 46a-58(e)(1) provides that any person violating any provision therein is

¹⁵⁷ See *supra* note 83.

¹⁵⁸ Enhancements apply to CONN. GEN. STAT. §§ 46a-58, 53-37a, and the intimidation statutes, 53a-181j, 53a-181k, and 53a-181l, but not to 53a-180(a)(4), 53a-181c(a)(4) (2021), 53a-180c(a)(4), 53a-180d(a)(3), 53a-61aa(a)(4), or 53a-62(a)(3) (2017).

¹⁵⁹ *Id.* at § 53a-40a(b).

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.

Section XI. Conclusion

Given the complexity of these statutory issues, ongoing engagement will be critical in developing durable, broadly accepted solutions. The Sentencing Commission stands ready to assist the Governor’s Hate Crimes Advisory Council and the General Assembly in crafting improvements to hate crimes statutes that enhance clarity, consistency, and effectiveness while ensuring support from all parties involved.

Appendix A



Performance Management & Judicial Branch Statistics Unit

Stats Request
Run Date: 11-8-2022

Statewide Conviction^{1,2} by Charge for Select Bias and Hate Statutes Calendar Years 2000 through 2022³

Statute	Description	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	Total
46a-58(a)	DEPRIVATION OF RIGHTS	1										2													3
46a-58(a)*	DEPRIVE RIGHTS-PROP DMG >\$1000																								
46a-58(b)	DESECRAT PRPTY NOT HOUSE WORSHIP	2	9						4		2							1							18
46a-58(b)*	VIO 46A-58(B) > \$1000	1																							1
46a-58(c)	CROSS BURNING																								
46a-58(c)*	CROSS BURNING-PROP DMG > \$1000																								
46a-58(d)	IL PLACE NOOSE ON PROPERTY																								
46a-58(d)*	IL PLACE NOOSE-PROP DMG>\$1000																								
46a-58(e)(2A)	DESECRAT HOUSE WORSHIP<=\$10000																								
46a-58(e)(2B)	DESECRAT HOUSE WORSHIP > \$10000																								
53-37	ILL RIDICULE-RACE/COLOR/CREED	1	3	2		4		1	2	3	1	2	1	1	1	2	1		4	1		2	5		37
53-37a	DEPRIVATION OF RIGHTS WTH HOOD																								
53-37b	DEPRIVE RIGHTS BY FORCE/THREAT						1												1						2
53-37b*	DEPRIVE RIGHTS-BODILY INJURY																								
53-37b**	DEPRIVE RIGHTS-RESULT IN DEATH																								
53a-181b	INTIMIDATION BY BIGOTRY/BIAS	9	1																						10
53a-181j	INTIMIDATE DUE TO BIAS 1ST DEG				1	4	1	1		1		1						1					1	3	14
53a-181k	INTIMIDATE DUE TO BIAS 2ND DEG		3	14	8	12	9	4	8	5	5	9	4	5	2	3	3	3	2	4		1	3	7	114
53a-181k(a1)	INTIMIDTE BIAS/BIGTRY 2 PHY CNT																						2	2	
53a-181k(a2)	INTIMIDTE BIAS/BIGTRY 2 DAMAGE																								
53a-181k(a3)	INTIMIDTE BIAS/BIGTRY 2 THREAT																						3	2	5
53a-181l	INTIMIDATE DUE TO BIAS 3RD DEG		7	9	6	10	4	8	3	4	3	2	2	7	4	4		1	2	1	3		1	81	
53a-181l(a1)	INTIMIDTE BIAS/BIGTRY 3 DAMAGE																						1	1	
53a-181l(a2)	INTIMIDTE BIAS/BIGTRY 3 THREAT																						3	3	
Total		14	23	25	15	30	15	14	17	13	11	16	7	13	7	9	4	5	5	10	4	1	10	23	291

¹The Conviction table should not be correlated with the Arrest table in a particular year, as the arrest and conviction on a charge often occur in different years.

²Statutes listed are charges at conviction and do not necessarily reflect what was charged at arrest.

³Through November 7, 2022.



Performance Management & Judicial Branch Statistics Unit

Stats Request
Run Date: 11-8-2022

Statewide Arrests^{1,2} by Charge for Select Bias and Hate Statutes Calendar Years 2000 through 2022³

Statute	Description	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	Total
46a-58(a)	DEPRIVATION OF RIGHTS	2					4	3			3	5	7	11	2	1	5	2	1	1	4	6	1	3	61
46a-58(a)*	DEPRIVE RIGHTS-PROP DMG >\$1000						1									2							1	4	
46a-58(b)	DESECRAT PRPTY NOT HOUSE WORSHIP	5	6			2	1	24	12	5		12	1	2	1	2	1	1			6	2			83
46a-58(b)*	VIO 46A-58(B) > \$1000	1				1			1	2															5
46a-58(c)	CROSS BURNING																								
46a-58(c)*	CROSS BURNING-PROP DMG > \$1000																								
46a-58(d)	IL PLACE NOOSE ON PROPERTY																								
46a-58(d)*	IL PLACE NOOSE-PROP DMG>\$1000																								
46a-58(e)(2A)	DESECRAT HOUSE WORSHIP<=\$10000																						1	1	
46a-58(e)(2B)	DESECRAT HOUSE WORSHIP > \$10000																								
53-37	ILL RIDICULE-RACE/COLOR/CREED	9	12	7	9	8	3	6	9	24	19	18	16	8	6	3	3	2	4	6	8	8	8	2	198
53-37a	DEPRIVATION OF RIGHTS WTH HOOD																								
53-37b	DEPRIVE RIGHTS BY FORCE/THREAT				1	1	3											1			1			7	
53-37b*	DEPRIVE RIGHTS-BODILY INJURY																	1						1	
53-37b**	DEPRIVE RIGHTS-RESULT IN DEATH																								
53a-181b	INTIMIDATION BY BIGOTRY/BIAS	68																							68
53a-181j	INTIMIDATE DUE TO BIAS 1ST DEG		6	15	5	14	10	15	9	10	9	8		2	9	4	1	4	1	3	5	15	8	13	166
53a-181k	INTIMIDATE DUE TO BIAS 2ND DEG		39	53	48	73	47	60	54	51	59	54	35	40	33	28	17	25	15	19	21	23	14		808
53a-181k(a1)	INTIMIDTE BIAS/BIGTRY 2 PHY CNT																						14	17	31
53a-181k(a2)	INTIMIDTE BIAS/BIGTRY 2 DAMAGE																						7	2	9
53a-181k(a3)	INTIMIDTE BIAS/BIGTRY 2 THREAT																						16	21	37
53a-181l	INTIMIDATE DUE TO BIAS 3RD DEG		24	38	34	18	19	40	21	22	22	21	14	16	11	8	19	8	10	10	15				391
53a-181l(a1)	INTIMIDTE BIAS/BIGTRY 3 DAMAGE																					4	20	3	27
53a-181l(a2)	INTIMIDTE BIAS/BIGTRY 3 THREAT																					4	11	6	21
Total		85	87	113	97	117	88	148	106	114	112	118	80	77	67	51	35	53	31	39	54	78	99	69	1,918

¹The Arrest table should not be correlated with the Conviction table in a particular year, as the arrest and conviction on a charge often occur in different years.

²Statutes listed are original charges at arrest only. These charges can subsequently be substituted and or deleted.

³Through November 7, 2022.

Appendix B

Hate Crimes – by section number and title

Sec. No.	Elements	Categories
46a-58(a)	<p>Sec. 46a-58. (Formerly Sec. 53-34). Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. Restitution.</p> <p>It shall be a discriminatory practice in violation of this section for any person 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, mental disability, physical disability, status as a veteran or status as a victim of domestic violence.</p>	Religion, National Origin, Alienage, Color, Race, Sex, Gender Id, Sexual Orientation, Blindness, Mental Disability, Physical Disability, Veteran status, Domestic Violence Victim status
46a-58(b)	<p>Sec. 46a-58. (Formerly Sec. 53-34). Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. Restitution.</p> <p>Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. For the purposes of this subsection, "desecrate" means to mar, deface or damage as a demonstration of irreverence or contempt.</p>	Religion (intentionally desecrates religious property or cemetery)
46a-58(c)	<p>Sec. 46a-58. (Formerly Sec. 53-34). Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. Restitution.</p> <p>Any person who 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, shall be in violation of subsection (a) of this section.</p>	n/a (Placing of burning cross or noose on property)
46a-58(d)	<p>Sec. 46a-58. (Formerly Sec. 53-34). Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. Restitution.</p> <p>Any person who 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 religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability, status as a veteran or status as a victim of domestic violence, shall be in violation of subsection (a) of this section.</p>	Religion, National Origin, Alienage, Color, Race, Sex, Gender Id, Sexual Orientation, Blindness, Mental Disability, Physical Disability, Veteran status, Domestic

Sec. No.	Elements	Categories
		Violence Victim status
46a-64	<p>Sec. 46a-64. (Formerly Sec. 53-35). Discriminatory public accommodations practices prohibited. Penalty.</p> <p>(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran or status as a victim of domestic violence, of the applicant, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness or deafness, status as a veteran or status as a victim of domestic violence; (3) for a place of public accommodation, resort or amusement to restrict or limit the right of a mother to breast-feed her child; (4) for a place of public accommodation, resort or amusement to fail or refuse to post a notice, in a conspicuous place, that any blind, deaf or mobility impaired person, accompanied by his guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities; or (5) to deny any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person, accompanied by his guide dog or assistance dog, full and equal access to any place of public accommodation, resort or amusement. Any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person may keep his guide dog or assistance dog with him at all times in such place of public accommodation, resort or amusement at no extra charge, provided the dog wears a harness or an orange-colored leash and collar and is in the direct custody of such person. The blind, deaf or mobility impaired person or person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person shall be liable for any damage done to the premises or facilities by his dog. For purposes of this subdivision, "guide dog" or "assistance dog" includes a dog being trained as a guide dog or assistance dog and "person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person" means a person who is employed by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and who carries photographic identification indicating such employment and authorization.</p> <p>(b) (1) The provisions of this section with respect to the prohibition of sex discrimination shall not apply to (A) the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex or (B) separate bathrooms or locker rooms based on sex. (2) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors or to special discount or other public or private programs to assist persons sixty years of age and older. (3) The provisions of this section with respect to the prohibition of discrimination on the basis of physical disability shall not require any person to modify his property in any way or provide a higher degree of care for a physically disabled person, including, but not</p>	<p>National Origin, Ancestry, Color, Race, Sex, Marital Status, Gender ID, Blindness, Mental Disability, Physical Disability, Intellectual Disability, Veteran status, Domestic Violence Victim status, Creed</p>

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	<p>limited to blind or deaf persons, than for a person not physically disabled. (4) The provisions of this section with respect to the prohibition of discrimination on the basis of creed shall not apply to the practice of granting preference in admission of residents into a nursing home as defined in section 19a-490, if (A) the nursing home is owned, operated by or affiliated with a religious organization, exempt from taxation for federal income tax purposes and (B) the class of persons granted preference in admission is consistent with the religious mission of the nursing home. (5) The provisions of this section with respect to the prohibition of discrimination on the basis of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income.</p> <p>(c) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.</p>	
46a-64c	<p>Sec. 46a-64c. Discriminatory housing practices prohibited. Disposition of complaints. Penalty.</p> <p>(a) It shall be a discriminatory practice in violation of this section:</p> <p>(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, status as a veteran or status as a victim of domestic violence.</p> <p>(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status or status as a veteran.</p> <p>(3) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran, or an intention to make any such preference, limitation or discrimination.</p> <p>(4) (A) To represent to any person because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.</p> <p>(B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling (i) to an area which is substantially populated, even if less than a majority, by persons of the same protected class as the buyer or renter, (ii) while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person, and (iii) such other dwelling is in an area which is not substantially populated by persons of the same protected class as the buyer or renter. As used in this subdivision, "area" means municipality.</p>	<p>National Origin, Ancestry, Color, Race, Sex, Gender ID, Mental Disability, Physical Disability, Learning Disability, Veteran status, Domestic Violence Victim status (others – e.g. age, lawful source of income, familial status)</p>

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	<p>neighborhood or other geographic subdivision which may include an apartment or condominium complex; and "protected class" means race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran.</p> <p>(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran.</p> <p>(6) (A) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a learning disability or physical or mental disability of: (i) Such buyer or renter; (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such buyer or renter.</p> <p>(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a learning disability or physical or mental disability of: (i) Such person; or (ii) a person residing in or intending to reside in such dwelling after it is so sold, rented, or made available; or (iii) any person associated with such person.</p> <p>(C) For purposes of this subdivision, discrimination includes: (i) A refusal to permit, at the expense of a person with a physical or mental disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; (ii) a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; (iii) in connection with the design and construction of covered multifamily dwellings for the first occupancy after March 13, 1991, a failure to design and construct those dwellings in such manner that they comply with the requirements of Section 804(f) of the Fair Housing Act or the provisions of the state building code as adopted pursuant to the provisions of sections 29-269 and 29-273, whichever requires greater accommodation. "Covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.</p> <p>(7) For any person or other entity engaging in residential real-estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran.</p> <p>(8) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting</p>	

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	<p>dwelling, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran.</p> <p>(9) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.</p> <p>(b) (1) The provisions of this section shall not apply to (A) the rental of a room or rooms in a single-family dwelling unit if the owner actually maintains and occupies part of such living quarters as his residence or (B) a unit in a dwelling containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies the other such living quarters as his residence. (2) The provisions of this section with respect to the prohibition of discrimination on the basis of marital status shall not be construed to prohibit the denial of a dwelling to a man or a woman who are both unrelated by blood and not married to each other. (3) The provisions of this section with respect to the prohibition of discrimination on the basis of age shall not apply to minors, to special discount or other public or private programs to assist persons sixty years of age and older or to housing for older persons as defined in section 46a-64b, provided there is no discrimination on the basis of age among older persons eligible for such housing. (4) The provisions of this section with respect to the prohibition of discrimination on the basis of familial status shall not apply to housing for older persons as defined in section 46a-64b or to a unit in a dwelling containing units for no more than four families living independently of each other, if the owner of such dwelling resides in one of the units. (5) The provisions of this section with respect to the prohibition of discrimination on the basis of lawful source of income shall not prohibit the denial of full and equal accommodations solely on the basis of insufficient income. (6) The provisions of this section with respect to the prohibition of discrimination on the basis of sex shall not apply to the rental of sleeping accommodations to the extent they utilize shared bathroom facilities when such sleeping accommodations are provided by associations and organizations which rent such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex based on considerations of privacy and modesty.</p> <p>(c) Nothing in this section limits the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.</p> <p>(d) Nothing in this section or section 46a-64b shall be construed to invalidate or limit any state statute or municipal ordinance that requires dwellings to be designed and constructed in a manner that affords persons with physical or mental disabilities greater access than is required by this section or section 46a-64b.</p> <p>(e) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability or status as a veteran.</p>	

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	<p>(f) Notwithstanding any other provision of this chapter, complaints alleging a violation of this section shall be investigated within one hundred days of filing and a final administrative disposition shall be made within one year of filing unless it is impracticable to do so. If the Commission on Human Rights and Opportunities is unable to complete its investigation or make a final administrative determination within such time frames, it shall notify the complainant and the respondent in writing of the reasons for not doing so.</p> <p>(g) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.</p>	
46a-81d	<p>Sec. 46a-81d. Sexual orientation discrimination: Public accommodations.</p> <p>(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of such person's sexual orientation or civil union status, subject only to the conditions and limitations established by law and applicable alike to all persons; or (2) to discriminate, segregate or separate on account of sexual orientation or civil union status.</p> <p>(b) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.</p>	Sexual Orientation or Civil Union
46a-81e	<p>Sec. 46a-81e. Sexual orientation discrimination: Housing.</p> <p>(a) It shall be a discriminatory practice in violation of this section:</p> <p>(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of sexual orientation or civil union status.</p> <p>(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sexual orientation or civil union status.</p> <p>(3) To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sexual orientation or civil union status, or an intention to make any such preference, limitation or discrimination.</p> <p>(4) (A) To represent to any person because of sexual orientation or civil union status, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available. (B) It shall be a violation of this subdivision for any person to restrict or attempt to restrict the choices of any buyer or renter to purchase or rent a dwelling (i) to an area which is substantially populated, even if less than a majority, by persons of the same sexual orientation or civil union status as the buyer or renter, (ii) while such person is authorized to offer for sale or rent another dwelling which meets the housing criteria as expressed by the buyer or renter to such person and (iii) such other dwelling is in an area which is not substantially populated by persons of the same</p>	Sexual Orientation and Civil Union

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	<p>sexual orientation or civil union status as the buyer or renter. As used in this subdivision, "area" means municipality, neighborhood or other geographic subdivision which may include an apartment or condominium complex.</p> <p>(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular sexual orientation or civil union status.</p> <p>(6) For any person or other entity engaging in residential-real-estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of sexual orientation or civil union status.</p> <p>(7) To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of sexual orientation or civil union status.</p> <p>(8) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.</p> <p>(b) The provisions of this section shall not apply to (1) the rental of a room or rooms in a unit in a dwelling if the owner actually maintains and occupies part of such unit as his residence, or (2) a unit in a dwelling containing not more than four units if the owner actually maintains and occupies one of such other units as his residence.</p> <p>(c) Nothing in this section limits the applicability of any reasonable state statute or municipal ordinance restricting the maximum number of persons permitted to occupy a dwelling.</p> <p>(d) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than sexual orientation or civil union status.</p> <p>(e) Notwithstanding any other provision of this chapter, complaints alleging a violation of this section shall be investigated within one hundred days of filing and a final administrative disposition shall be made within one year of filing unless it is impracticable to do so. If the Commission on Human Rights and Opportunities is unable to complete its investigation or make a final administrative determination within such time frames, it shall notify the complainant and the respondent in writing of the reasons for not doing so.</p> <p>(f) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.</p>	
52-571bb	Sec. 52-571bb. Discrimination on account of membership in armed forces re access to any place of public accommodation, resort or amusement. Penalty.	Membership in armed forces, or wearing of

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	<p>(a) No person may deny any individual within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of such individual's membership in the armed forces of the state, as defined in section 27-2, or the armed forces, as defined in section 27-103, or on account of the wearing of the uniform of any such armed forces, subject only to the conditions and limitations established by law and applicable alike to all persons.</p> <p>(b) Any person who violates any provision of this section shall be guilty of a class D misdemeanor.</p>	uniform of armed forces
53-37	<p>Sec. 53-37. Ridicule on account of creed, religion, color, denomination, nationality or race.</p> <p>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, shall be guilty of a class D misdemeanor.</p>	Religion, Nationality, Color, Race, Creed, Denomination
53-37a	<p>Sec. 53-37a. Deprivation of a person's civil rights by person wearing mask or hood: Class D felony.</p> <p>Any person who, 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 while wearing a mask, hood or other device designed to conceal the identity of such person shall be guilty of a class D felony.</p>	Religion, National Origin, Alienage, Color, Race, Sex, Gender ID, Sexual Orientation, Blindness, Physical Disability
53-37b	<p>Sec. 53-37b. Deprivation of a person's equal rights and privileges by force or threat.</p> <p>Any person who, acting alone or in conspiracy with another, for the purpose of depriving any person or class of persons of the equal protection of the laws of this state or the United States, or of equal privileges and immunities under the laws of this state or the United States, engages in the use of force or threat, as provided in section 53a-62, shall be guilty of a class A misdemeanor, except that if bodily injury results such person shall be guilty of a class C felony or if death results such person shall be guilty of a class B felony.</p>	Deprive – equal protection, equal privileges
53a-40a	<p>Sec. 53a-40a. Persistent offenders of crimes involving bigotry or bias. Authorized sentences.</p> <p>(a) A persistent offender of 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, 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.</p> <p>(b) When any person has been found to be a persistent offender of 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 section for the next more serious degree of felony, or</p>	Bigotry or bias, who stands convicted of enumerated crime

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	(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 section for the next more serious degree of misdemeanor, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony as authorized by section 53a-35a.	
53a-61aa	<p>Sec. 53a-61aa. Threatening in the first degree: Class D or class C felony.</p> <p>(a) A person is guilty of threatening in the first degree when such person (1) (A) threatens to commit any crime involving the use of a hazardous substance with the intent to terrorize another person, to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such terror, evacuation or inconvenience; (2) (A) threatens to commit any crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; (3) commits threatening in the second degree as provided in section 53a-62, and in the commission of such offense such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4) violates subdivision (1) or (2) of this subsection with the intent to cause an evacuation of a building or the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities. No person shall be found guilty of threatening in the first degree under subdivision (3) of this subsection and threatening in the second degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.</p> <p>(b) For the purposes of this section, "hazardous substance" means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health and "religiously-affiliated community center" means real property used for the provision of recreational, social or educational services that is owned or leased by a nonprofit organization that holds such property out as being affiliated with an organized religion.</p> <p>(c) Threatening in the first degree is a class D felony, except that a violation of subdivision (4) of subsection (a) of this section is a class C felony.</p>	House of religious worship or religiously-affiliated community center
53a-62	Sec. 53a-62. Threatening in the second degree: Class A misdemeanor or class D felony.	House of religious worship or religiously-

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	<p>(a) A person is guilty of threatening in the second degree when: (1) By physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) (A) such person threatens to commit any crime of violence with the intent to terrorize another person, or (B) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror, or (3) violates subdivision (1) or (2) of this subsection and the person threatened is in a building or on the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities.</p> <p>(b) For the purposes of this section, "religiously-affiliated community center" has the same meaning as provided in section 53a-61aa.</p> <p>(c) Threatening in the second degree is a class A misdemeanor, except that a violation of subdivision (3) of subsection (a) of this section is a class D felony.</p>	affiliated community center
53a-180	<p>Sec. 53a-180. Falsely reporting an incident in the first degree: Class D or C felony.</p> <p>(a) A person is guilty of falsely reporting an incident in the first degree when, knowing the information reported, conveyed or circulated to be false or baseless, such person: (1) Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, catastrophe or emergency under circumstances in which it is likely that public alarm or inconvenience will result; (2) reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion or other catastrophe or emergency which did not in fact occur or does not in fact exist; (3) violates subdivision (1) or (2) of this subsection with intent to cause a large scale emergency response; or (4) violates subdivision (1), (2) or (3) of this subsection 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 of persons. For purposes of this section, "large scale emergency response" means an on-site response to any such reported incident by five or more first responders, and "first responder" means any peace officer or firefighter or any ambulance driver, emergency medical responder, emergency medical technician or paramedic, as those terms are defined in section 19a-175.</p> <p>(b) Falsely reporting an incident in the first degree is a (1) class D felony for a violation of subdivision (1), (2) or (3) of subsection (a) of this section, or (2) class C felony for a violation of subdivision (4) of subsection (a) of this section.</p> <p>(c) In addition to any sentence imposed pursuant to subsection (b) of this section, if (1) a person is convicted of an offense in violation of subdivision (3) of subsection (a) of this section that resulted in a large scale emergency response, (2) any agency or department of the state or political subdivision of the state requests</p>	Religion, Race, Sex, Gender ID, Sexual Orientation, Disability, Ethnicity

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	financial restitution for costs associated with such emergency response, and (3) the court finds that the agency or department of the state or political subdivision of the state incurred costs associated with such emergency response as a result of such offense, the court shall order the offender to make financial restitution under terms that the court determines are appropriate. In determining the appropriate terms of financial restitution, the court shall consider: (A) The financial resources of the offender and the burden restitution will place on other obligations of the offender; (B) the offender's ability to pay based on installments or other conditions; (C) the rehabilitative effect on the offender of the payment of restitution and the method of payment; and (D) other circumstances, including the financial burden and impact on the agency or department of the state or political subdivision of the state, that the court determines make the terms of restitution appropriate. If the court determines that the current financial resources of the offender or the offender's current ability to pay based on installments or other conditions are such that no appropriate terms of restitution can be determined, the court may forego setting such terms. The court shall articulate its findings on the record with respect to each of the factors set forth in subparagraphs (A) to (D), inclusive, of this subsection. Restitution ordered by the court pursuant to this subsection shall be based on easily ascertainable damages for actual expenses associated with such emergency response. Restitution ordered by the court pursuant to this subsection shall be imposed or directed by a written order of the court containing the amount of actual expenses associated with such emergency response, as ascertained by the court. The order of the court shall direct that a certified copy of the order be delivered by certified mail to the agency or department of the state or political subdivision of the state. Such order is enforceable in the same manner as an order pursuant to subsection (c) of section 53a-28.	
53a-180c	<p>Sec. 53a-180c. Falsely reporting an incident in the second degree: Class A misdemeanor or Class E felony.</p> <p>(a) A person is guilty of falsely reporting an incident in the second degree when, knowing the information reported, conveyed or circulated to be false or baseless, such person gratuitously reports to a law enforcement officer or agency (1) the alleged occurrence of an offense or incident which did not in fact occur, (2) an allegedly impending occurrence of an offense or incident which in fact is not about to occur, (3) false information relating to an actual offense or incident or to the alleged implication of some person therein, or (4) violates subdivision (1), (2) or (3) of this subsection 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 of persons.</p> <p>(b) Falsely reporting an incident in the second degree is a (1) class A misdemeanor for a violation of subdivision (1), (2) or (3) of subsection (a) of this section, or (2) class E felony for a violation of subdivision (4) of subsection (a) of this section.</p>	Religion, Race, Sex, Gender ID, Sexual Orientation, Disability, Ethnicity
53a-180d	<p>Sec. 53a-180d. Misuse of the emergency 9-1-1 system: Class B or A misdemeanor.</p> <p>(a) A person is guilty of misuse of the emergency 9-1-1 system when such person (1) dials or otherwise causes E 9-1-1 to be called for the purpose of making a false alarm or complaint, (2) purposely reports false information which could result in the dispatch of emergency services, or (3) violates subdivision (1) or (2) of this subsection with specific intent to make a false alarm or complaint or report false information about another person or</p>	Religion, Race, Sex, Gender ID, Sexual Orientation, Disability, Ethnicity

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	<p>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 of persons.</p> <p>(b) Misuse of the emergency 9-1-1 system is a (1) class B misdemeanor for a violation of subdivision (1) or (2) of subsection (a) of this section, or (2) class A misdemeanor for a violation of subdivision (3) of subsection (a) of this section.</p>	
53a-181c(a)(4)	<p>Sec. 53a-181c. Stalking in the first degree: Class D felony.</p> <p>(a) A person is guilty of stalking in the first degree when such person commits stalking in the second degree as provided in section 53a-181d, and (1) such person has previously been convicted of a violation of section 53a-181d, (2) such conduct violates a court order in effect at the time of the offense, (3) such person is twenty-two years of age or older and the other person is under sixteen years of age, or (4) such person intentionally directs such conduct at the other person, 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.</p> <p>(b) Stalking in the first degree is a class D felony.</p>	Religion, Race, Sex, Gender ID, Sexual Orientation, Disability, Ethnicity
53a-181d	<p>Sec. 53a-181d. Stalking in the second degree: Class A misdemeanor.</p> <p>(a) For the purposes of this section:</p> <p>(1) "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, (A) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates about or with or sends unwanted gifts to, a person, or (B) interferes with a person's property;</p> <p>(2) "Emotional distress" means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling; and</p> <p>(3) "Personally identifying information" means:</p> <p>(A) Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, Social Security number, date or place of birth, address, telephone number or biometric data;</p> <p>(B) Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or</p> <p>(C) Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction.</p> <p>(b) A person is guilty of stalking in the second degree when:</p> <p>(1) Such person knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to (A) fear for such specific person's physical safety or the physical safety of a third person; (B) suffer emotional distress; or (C) fear injury to or the death of an animal owned by or in possession and control of such specific person;</p>	Info re intimate depiction, Gender ID, Sexual Orientation,

Sec. No.	Elements	Categories
	<p>(2) Such person with intent to harass, terrorize or alarm, and for no legitimate purpose, engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to fear that such person's employment, business or career is threatened, where (A) such conduct consists of the actor telephoning to, appearing at or initiating communication or contact to such other person's place of employment or business, including electronically, through video-teleconferencing or by digital media, provided the actor was previously and clearly informed to cease such conduct, and (B) such conduct does not consist of constitutionally protected activity; or</p> <p>(3) Such person, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including, but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to:</p> <p>(A) Fear for such person's physical safety or the physical safety of a third person; or</p> <p>(B) Suffer emotional distress.</p> <p>(c) For the purposes of this section, a violation may be deemed to have been committed either at the place where the communication originated or at the place where it was received.</p> <p>(d) Stalking in the second degree is a class A misdemeanor.</p>	
53a-181j	<p>Sec. 53a-181j. Intimidation based on bigotry or bias in the first degree: Class C felony.</p> <p>(a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person 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 of such other person, causes physical injury to such other person or to a third person.</p> <p>(b) Intimidation based on bigotry or bias in the first degree is a class C felony, for which 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.</p>	Religion, Race, Sex, Gender ID, Sexual Orientation, Mental Disability, Physical Disability, Intellectual Disability, Ethnicity
53a-181k	<p>Sec. 53a-181k. Intimidation based on bigotry or bias in the second degree: Class D felony.</p> <p>(a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person or group of persons motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons, does any of the following: (1) Causes physical contact with such other person or group of persons, (2) damages, destroys or defaces any real or personal property of such other person or group of persons, or (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.</p>	Religion, Race, Sex, Gender ID, Sexual Orientation, Mental Disability, Physical Disability, Intellectual Disability, Ethnicity

Sec. No.	Elements	Categories
	(b) Intimidation based on bigotry or bias in the second degree is a class D felony, for which 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.	
53a-181l	<p>Sec. 53a-181l. Intimidation based on bigotry or bias in the third degree: Class E felony.</p> <p>(a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or persons: (1) Damages, destroys or defaces any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.</p> <p>(b) Intimidation based on bigotry or bias in the third degree is a class E felony, for which 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.</p>	Religion, Race, Sex, Gender ID, Sexual Orientation, Mental Disability, Physical Disability, Intellectual Disability, Ethnicity
	Crimes with enhanced penalty or other provision for specific classes of persons	
53a-59a	Assault of elderly, blind, disabled or pregnant person or person with intellectual disability in first degree	
53a-60b	Assault of elderly, blind, disabled or pregnant person or person with intellectual disability in second degree	
53a-60c	Assault of elderly, blind, disabled or pregnant person or person with intellectual disability in second degree with a firearm	
53a-61a	Assault of elderly, blind, disabled or pregnant person or person with intellectual disability in third degree	
53a-123(a)(4)	Larceny in the second degree, victim is sixty years old or older, or a conserved person, or is blind or physically disabled	
53a-321	Abuse first degree – of person who is elderly, blind or disabled or person with intellectual disability	
53a-322	Abuse second degree – of person who is elderly, blind or disabled or person with intellectual disability	
53a-323	Abuse third degree – of person who is elderly, blind or disabled or person with intellectual disability	

Appendix C

C.G.S. §	Name
46a-58(a)	Deprivation of rights
46a-58(b)	Deprivation of property
46a-58(c)	Placing of burning cross
46a-58(d)	Placing of noose
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-180c(a)(4)	Stalking – 1st degree
53a-181j	Intimidation by bigotry/bias – 1st degree
53a-181k	Intimidation by bigotry/bias – 2nd degree
53a-181l	Intimidation by bigotry/bias – 3rd degree
53a-40a	Persistent offender of crimes involving bigotry/bias
53a-61aa(a)(4)(A)-(B)	Threatening – 1st degree
53a-62(a)(3)(A)-(B)	Threatening – 2nd degree

Appendix D

	§ 53a-181j § 53a-181k, § 53a-181l	§ 53-37	§ 53-37a	§ 46a-58(a)
Religion	✓	✓	✓	✓
Denomination		✓		
Creed		✓		
Race	✓	✓	✓	✓
Color		✓	✓	✓
Ethnicity	✓			
Alienage			✓	✓
National Origin			✓	✓
Nationality		✓		
Gender Identity or Expression	✓		✓	✓
Sex	✓		✓	✓
Sexual Orientation	✓		✓	✓
Intellectual Disability	✓			
Mental Disability				✓
Mental Disorder	✓			
Physical Disability	✓		✓	✓
Blindness	✓		✓	✓
Age				✓
Veteran				✓
Victim of Domestic Violence				✓