



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director
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JUDICIARY COMMITTEE - FEBRUARY 27, 2026

Raised Bill No. 90

AN ACT REVISING AND CONSOLIDATING THE HATE CRIMES STATUTES

While not opposed to the inclusion of definitions and centralizing all intimidation and bias offenses into one Chapter of the General Statutes, the Office of Chief Public Defender (OCPD) **continues to oppose the deletion of the element “maliciously”** as proposed in **Sections 2 and 3** and has other concerns regarding **Raised S.B. 90, An Act Revising and Consolidating the Hate Crimes Statutes**. The bill lacks a definition of “ethnicity” while it defines race and religion, uses a new phrase of “protected social category” instead of current statutory language of a “protected class,” and presents first amendment concerns. Lastly, OCPD believes this bill will have unintended consequences which will especially impact the youth/children of this state. By making current law regarding discrimination a “hate” crime, this legislation will have a substantial impact upon adults and children.

The Chief Public Defender is a member of the *Hate Crimes Advisory Task Force*. During the 2025 legislative session, this office met on numerous occasions with its members, including the bill’s drafters, and raised concerns and suggested substitute language. As the issues raised by this office remained unaddressed, this office voted against it at the Task Force. In addition, in 2025 this office discussed its concerns and opposition with members of the Governor’s office in an attempt to reach consensus. OCPD continues to be grateful for these discussions which resolved many of the most serious concerns of this office.

However, two substantial areas of opposition continue and are present in this bill. This office **strongly opposes** the deletion of the element of “**maliciously**” in Sections 2 and 3 of the bill regarding *Intimidation Based On Bigotry Or Bias In The First and Second Degrees*. This term “maliciously” is present in other states with similar statutes. This office is not aware of any data to demonstrate the need for the deletion of this term. Instead, it is clear that the deletion of this term will make it *easier* for the state to prosecute such cases by **reducing** and **diluting** the state’s burden of proof in offenses that carry with them serious consequences if convicted. In a jury trial, the jury instructions provided by the court are clear as to the meaning of this term as applied in not only these two statutes but other Connecticut statutes. The

Connecticut Judicial Branch Criminal Jury Instructions (1995-2025) provide that “[T]o act ‘with malice’ means to act with some improper or unjustifiable or harmful motive including, but not limited to, the desire to cause pain, injury or distress to another.”¹ **As a result, OCPD continues to request that the term “maliciously” remain in Sections 2 and 3 and not be deleted from the statutes. This office further suggests that “maliciously” be defined within Section 1 for clarity.**

As for concerns expressed by this office, Section 1 lacks a definition for “ethnicity,” and the phrase “protected class” should be used in this definition section in lieu of “protected social category” to be consistent with the language used elsewhere, including within the CHRO and other Connecticut statutes.

Lastly, as expressed during the 2025 session, the cutting and pasting of the existing statutes into one chapter can lead to the **stacking of charges and penalties**, which can be imposed consecutively. While this is currently possible with the existing statutory scheme, the probability of such will increase. It is not accurate to simply say that the bill will place the current statutes in their entirety into a new chapter. Instead, the drafting of this bill demonstrates that certain elements of the current statutory scheme have been cut from the existing statute and placed separately into the new chapter to create a new and separate offense. For example, Threatening as provided in C.G.S. 53a-61aa currently has four subsections which detail the elements of the offense. Subsection (4)(A) in Section (a) pertains to threatening conduct involving a house of worship or its affiliated buildings. This bill cuts this out of the current Threatening statute to create a separate statute for this offense. With the changes in this bill, a person can now be charged not only with the current offense of threatening but also a separate offense which targets houses of worship or affiliated buildings. Moreover, as we have seen recently with the anti-ICE protest at a Minnesota church and arrests of journalists, there are First Amendment concerns with this legislation.

One suggestion is to add language to clearly articulate that certain offenses are a **Lesser Included Offense** of the other with the insertion into the statutes of language as provided, for example, in C.G.S. 53a-64bb, *Strangulation or suffocation in the Second Degree*.ⁱ As a result, this office requests that language be added that no person shall be found guilty of one offense and also the other upon the same transaction even though the person may be charged and prosecuted for both, thereby making it clear that one is the lesser included offense of the other as in this example, Threatening.

In conclusion, OCPD requests that the term “maliciously” not be deleted from Sections 2 and 3, that a definition of “ethnicity” be included, that “protected class” terminology as currently exists in the statutes not be replaced by “protected social category,” and that the issue of stacking be eliminated. The Office of Chief Public Defender remains available to discuss this bill further. Thank you.

ⁱ C.G.S. 53a-64bb *Strangulation or suffocation in the Second Degree*. “(b) No person shall be found guilty of strangulation or suffocation in the second degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. . . .”

¹ See Connecticut Judicial Branch Jury Instructions, Section 6.10-1 Intimidation Based on Bigotry or Bias in the First Degree – 53a-181j, pages 563-567 (Revised to June 1, 2022).