

STATE OF CONNECTICUT HATE CRIME LAWS



Division of Criminal Justice

September 2021

§53a-181i

Intimidation based on bigotry or bias: Definitions

For the purposes of sections 53a-181j to 53a-181l, inclusive:

- (1) “Disability” means physical disability, mental disability or intellectual disability;
- (2) “Gender identity or expression” means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's assigned sex at birth;
- (3) “Mental disability” means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's “Diagnostic and Statistical Manual of Mental Disorders”;
- (4) “Intellectual disability” has the same meaning as provided in section 1-1g; and
- (5) “Physical disability” means any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, blindness, epilepsy, deafness or being hard of hearing or reliance on a wheelchair or other remedial appliance or device.

§ 53a-181j

Intimidation based on bigotry or bias in the first degree

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 ~~[because of]~~ **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.

Class C Felony

§ 53a-181k

Intimidation Based on Bigotry or Bias in the Second Degree

The statute defining this offense reads in pertinent part as follows:

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 ~~{because of}~~ **motivated in whole or in substantial part by** the actual or perceived (race / religion / ethnicity / disability / sexual orientation / gender identity or expression) of such other person.

- § 53a-181k (a) (1): causes physical contact with such other person.
- § 53a-181k (a) (2): damages, destroys or defaces any real or personal property of such other person.
- § 53a-181k (a) (3): threatens, by word or act, to (cause physical contact / damage, destroy or deface any real or personal property), if there is reasonable cause to believe that the (physical contact / property damage) will occur.

Class D Felony

§ 53a-1811

Intimidation Based on Bigotry or Bias in the Third Degree

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 / group of persons) ~~[because of]~~ **motivated in whole or in substantial part by** of the actual or perceived (race / religion / ethnicity / disability / sexual orientation / gender identity or expression) of such other person or persons

- § 53a-1811 (a) (1): damages, destroys or defaces any real or personal property.
- § 53a-1811 (a) (2): threatens, by word or act, to damage, destroy or deface any real or personal property or advocates or urges another person to do so, if there is reasonable cause to believe that the property damage will occur.

Class E Felony

§ 53-37

Ridicule on account of creed, religion, color, denomination, nationality or race

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.

§ 53-37a

Deprivation of a person's civil rights by person wearing mask or hood: Class D felony

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.

§ 46a-58

Deprivation of rights. Desecration of property.

Placing of burning cross or noose on property. Penalty. Restitution

(a) 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 or status as a veteran.

(b) 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.

(c) 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.

§ 46a-58

Deprivation of rights. Desecration of property.

Placing of burning cross or noose on property. Penalty. Restitution

(d) 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 or status as a veteran, shall be in violation of subsection (a) of this section.

(e) (1) Except as provided in subdivision (2) of this subsection, any person who violates any provision of this section shall be guilty of a class A misdemeanor and shall be fined not less than one thousand dollars, except that 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.

(2) Any person who violates the provisions of this section by intentionally desecrating a house of religious worship (A) shall be guilty of a class D felony and shall be fined not less than one thousand dollars if property is damaged as a consequence of such violation in an amount up to and including ten thousand dollars, and (B) shall be guilty of a class C felony and shall be fined not less than three thousand dollars if the property damaged as a consequence of such violation is in an amount in excess of ten thousand dollars.

(3) The minimum amount of any fine imposed by the provisions of this section may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

(4) The court may order restitution for any victim of a violation of this section pursuant to subsection (c) of section 53a-28.

§ 53-37b

Deprivation of a person's equal rights and privileges by force or threat

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.

§ 53a-62

Threatening in the second degree: class A misdemeanor or class D felony

(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.

(b) For the purposes of this section, “religiously-affiliated community center” has the same meaning as provided in section 53a-61aa.

(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.

§ 53a-40a

Persistent offenders of crimes involving bigotry or bias. Authorized sentences

- (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.
- (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 (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-180(a)(4)

Falsely reporting an incident in the first degree

A person is guilty of falsely reporting an incident in the first degree

(1) when, knowing the information reported, conveyed or circulated to be false or baseless, such person 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.

Or

(2) When, knowing the information reported, conveyed or circulated to be false or baseless, such person reports, by word or action, to any (official or quasi-official agency / 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.

§ 53a-180(a)(4)

Falsely reporting an incident in the first degree

(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 reports 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.

First 3 sections are class D felony; Section 4 is a class C felony

§ 53a-180c

Falsely reporting an incident in the Second Degree

- (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, [or]
 - (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.

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.

§53a-180d

Misuse of the emergency 9-1-1 system

(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, [or] (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 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.

(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.

§ 53a-181c

Stalking in the First Degree (Effective October 1, 2021):

- (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, as **amended by this act**, and (1) such person has previously been convicted of a violation of section 53a-181d, **as amended by this act**, (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.**
- (b) Stalking in the first degree is a class D felony.

§53a-181d Stalking in the Second Degree

(Effective October 1, 2021) (a) For Purposes of this Section:

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;

(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**

(3) "Personally identifying information" means:

(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;

(B) Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or

(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.

§53a-181d Stalking in the Second Degree (Effective October 1, 2021):

(b) A person is guilty of stalking in the second degree when:

(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;**

(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

§53a-181d Stalking in the Second Degree (Effective October 1, 2021):

(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:

(A) Fear for such person's physical safety or the physical safety of a third person; or

(A) Suffer emotional distress.

(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.

(d) Stalking in the second degree is a class A misdemeanor.

Public Act No. 21-128

AN ACT CONCERNING THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL.

This act expands the attorney general's powers to include (1) investigating allegations of certain hate crimes and civil rights violations; (2) initiating related *civil* action, with certain exceptions;** and (3) seeking relief for the affected person. When conducting investigations, the attorney general may issue subpoenas and interrogatories consistent with how he investigates Connecticut Antitrust Act violations.

The act also establishes a civil penalty, directed to the state General Fund, of up to \$2,500 for such a hate crime or civil rights violation established by clear and convincing evidence.

**** Exceptions:**

- 1) The act prohibits information obtained from these investigations from being used in any criminal proceeding by the Division of Criminal Justice. Unlike other states, the Connecticut AG has no authority to prosecute crimes.
- 2) The act specifies that its provisions do not allow the attorney general to assert a claim against a state agency or a state officer or employee whose act or omission was done in his or her official capacity unless he determines that the officer or employee is not entitled to indemnification under the law.
- 3) The act prohibits the attorney general from bringing an action while a case before CHRO is pending that involves the same parties and alleged facts and circumstances.

An Act Establishing a Unit within DESPP to investigate hate crimes and extremist groups failed on last night of Legislative Session.

Governor Lamont has appointed members to the Hate Crimes Advisory Council(HCAC) as of June 1, 2021.