



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Hate Crime Related State Statutes

2019

<u>State</u>	<u>Includes Conduct Motivated By:</u>	<u>Specific Conduct Addressed</u>	<u>Civil Action or Criminal Penalties</u>	<u>Police Training</u>	<u>Data Collection</u>	<u>Crimes Against Places of Worship</u>	<u>Ku Klux Klan Related Statutes</u>
<u>Alabama</u>	§13A-5-13; Victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.	§13A-5-13; Any crime motivated by the specified indicators.	Criminal. §13A-5-13; Provides for felony and misdemeanor penalties 2015 amendment: "...the sentence shall not be less than 18 months."	Not Specified		§13A-11-12; Provides misdemeanor penalties.	§13A-6-28; Prohibits burning of a cross or the American flag burning with the intent to intimidate. Class C felony
<u>Alaska</u>	§12.55.155; Race, sex, color, creed, physical or mental disability, ancestry, or national origin.	Any offense constituting a crime	Criminal. §12.55.155; Evidence of hate crime used for finding aggravated sentencing. §11.76.110; Class A misdemeanor for injuring, oppressing, threatening, or intimidating another person with intent to deprive that person of a right, privilege, or immunity granted by the constitution or state laws.	Not Specified			Not Specified
<u>Arizona</u>	§13-701; Victim's actual or perceived race, color, religion, national origin, sexual orientation, gender or disability	Any offense constituting a crime	Criminal. §13-701; Evidence of hate crime used for enhanced sentencing.	Not Specified	§41-1750; Yes	§13-1604; Provides for aggravated penalties	§13-1707; Prohibits unlawful burning of cross with intent to intimidate any person or group of persons. Class 1 Misdemeanor.

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							§13-1708; Prohibits unlawful burning of any symbol with intent to intimidate. Class 1 misdemeanor.
Arkansas	§16-123-106; Race, religion, ethnicity.	Intimidation or harassment and violence directed against a person or his property	Civil. §16-123-106; Provides civil action for damages, cost of litigation, and attorney fees	Not Specified		§5-38-301(a)(I)(E); §5-71-207(a)(8);, §5-71-215; Felony and misdemeanor penalties	Not Specified
California	<p>CRIMINAL: Pen. Code §422.6; §422.55; Victim's actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, "Gender" means sex, and includes a person's gender identity and gender expression. Gender expression means a person's gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.</p> <hr/> <p>CIVIL: Civ. Code 51; political affiliation, sex, race, color, religion, ancestry, national origin, disability, medical condition,</p>	<p>CRIMINAL: Pen Code §422.6; Injury or threat to person or damage to property. Pen. Code §422.7 provides additional penalties for intimidating or interfering with constitutional rights of another.</p> <hr/> <p>CIVIL: Civ Code §51.7; violence, or intimidation by threat of violence, committed against their persons or property.</p>	<p>CRIMINAL: Pen. Code §422.6, §422.7, §422.75, Provides for imprisonment, fines, injunctive relief or community service penalties. §422.76 allows for aggravation sentencing when crime is a felony</p> <hr/> <p>CIVIL: Civ. Code §52 Provides civil remedies for damages, fines & injunction. Pen. Code §422.77 makes violation of such injunction a crime.</p>	Pen Code §13519.6 provides for police training on hate crimes	Cal. Penal Code §13023: Requires collection of data on hate crimes	<p>CRIMINAL: Pen. Code §1170.8 & §422.76 Arson of a church and robbery or assault with a deadly weapon upon a person at church as an aggravating circumstance. §594.3 provides for crime of vandalizing a church.</p> <p>§11413(b)(2): Crime of terroristic use of explosives or arson against places of worship</p>	Cal Pen Code § 11411. Prohibits placing marks or desecrating religious symbols on private property to terrorize owner or occupant with imprisonment and fines.

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	marital status, or sexual orientation						
Colorado	CRIMINAL: §18-9-121; Race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation. Sexual means a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status	CRIMINAL: §18-9-121; intimidation or harassment bodily injury and destruction of property or fear of such.	CRIMINAL: §18-9-121; Provides felony and misdemeanor penalties <u>CIVIL: §13-21-106.5 provides that commission of a hate crime creates a civil action by the victim for damages, costs or expenses</u>	Not Specified		§18-9-113; Desecration w/ misdemeanor penalties	Not Specified
Connecticut	CRIMINAL: Victim's actual or perceived religion, national origin, alien, age, color, race, sex, blindness or physical disability <u>CIVIL: Same as criminal</u>	CRIMINAL: § 53-37(a): Ridicule (of race). §53a-181j/l/k: Intimidation. Includes actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression of such other person, causes serious physical injury to such other person or to a third person <u>CIVIL: Intimidation based on bigotry or bias enumerated in §53a-181j/l/k</u>	CRIMINAL: Provides felony and misdemeanor penalties. §53a-40a provides enhanced penalties for persistent offenders involving bigotry or bias §53a-1811; misdemeanor if a defendant damages or destroys any real property, or threatens or advocates another person to do an act because of the actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity of such other person. <u>CIVIL: §52-571c Provides civil damages, relief & attorney fees from intimidation based on bigotry or bias</u>	§7-294n; provides for police training on hate crimes	§29-7m; Recorded at the city level.	46a-58; Desecration w/ misdemeanor and felony penalties	§46a-58: Prohibits deprivation of rights, desecration of property, cross burning with misdemeanor & felony penalties. §53-37a: Prohibits deprivation of civil rights while concealing identity. Class D felony.
Delaware	11 Del. C. § 1304; victim's race, religion, color, disability, sexual	11 Del. C. § 1304: Any crime motivated by the specified factors with intent to deprive of	Criminal. 11 Del. C. § 1304 Provides felony and misdemeanor penalties			11 Del. C. § 1331; Desecration w/ misdemeanor	11 Del. C. § 1301: Disorderly conduct,

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	orientation, gender identity, national origin or ancestry; Sexual orientation means heterosexuality, bisexuality, or homosexuality, and the term "gender identity" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.	rights.	enhanced by the level of related crime.	Not Specified		penalties.	deprivation of rights while concealing identity, misdemeanor. 11 Del. C. §805: Prohibits cross burning w/o consent or permit, misdemeanor penalties
Florida	§775.085; Race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim	§775.085: Any crime motivated by the specified factors.	Criminal. §775.085; Provides felony and misdemeanor penalties enhanced by the level of related crime.	Not Specified	§ 877.19. Provides for monthly and annual reports	§806.13; Criminal mischief w/ felony penalties.	§775.0845: enhances penalties for crimes committed while concealing identity. § 876.13: Prohibits wearing mask, hood, or other device on public property. § 876.18; §876.17 Prohibits cross burning - misdemeanor
Georgia	§17-10-17: enhanced penalties if the defendant "intentionally selected any victim or any property of the victim as the object of the offense because of bias or prejudice"	§17-10-17 Any crime involving bias or prejudice	Criminal §17-10-17; Provides for increased penalties for the aggravated factors of bias and prejudice	Not Specified	Not Specified	§16-7-26; Specific vandalism crime w/ imprisonment penalties of not less than one nor more than five years	§16-11-37: Prohibits terroristic threats including cross burning. § 16-11-38. Prohibits concealing identity on public

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							or private property w/o consent.
Hawaii	<p>§706-662; Actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person. gender identity includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that is different from that traditionally associated with the person's sex at birth</p> <p>HRS § 706-660.2 "The person, in the course of committing or attempting to commit a felony, causes the death or inflicts serious or substantial bodily injury upon another person who is: (i) Sixty years of age or older; (ii) Blind, a paraplegic, or a quadriplegic; or (iii) Eight years of age</p>	<p>§706-662: Any crime in §707, 708, or 711 where defendant intentionally selected victim b/c of hostility toward the actual or perceived specified indicators.</p> <p>§846-51; defines hate crime as any criminal act in which the perpetrator intentionally selected a victim because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person.</p>	Criminal. §706-662; Evidence of hate crime used for enhanced imprisonment sentencing.	Not Specified	§846-52 et seq. Duty of state attorney general's office to collect and report data	§711-1107; crime of desecration w/ imprisonment of not more than one year & fines of not more than \$10,000, or both.	Not Specified

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	or younger; and (b) Such disability is known or reasonably should be known to the defendant.”						
<u>Idaho</u>	§18-7902; Race, color, religion, ancestry, or national origin.	§ 18-7902: crime of malicious harassment - injury to person or property or to threaten such when motivated by the specified indicators.	Civil and Criminal: §18-7903; provides criminal penalties of imprisonment & fine and provides a civil cause of action for damages and fees.	Not Specified	§67-2915; requires annual reports by the state police.	§ 18-802; Provides arson of church a 1 st degree crime.	§18-7902; prohibits cross burning or the placing of any word or symbol commonly associated with racial, religious, or ethnic terrorism on the property of another person without his or her permission.
<u>Illinois</u>	§ 720 ILCS 5/12-7.1; Actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factors. Related factors listed in §730 ILCS 5/5-5-3.2 for finding of aggravation and enhanced penalties.	§ 720 ILCS 5/12-7.1: assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor damage to property, criminal trespass to vehicle and real property, mob action, disorderly conduct, transmission of obscene messages, harassment by phone or electronic communications.	Criminal. § 720 ILCS 5/12-7.1: Provides for felony penalties for hate crimes; allows for victims of a hate crime to file a separate civil suit against the offender. §730 ILCS 5/5-5-3.2: allows for finding of aggravation and enhanced penalties.	§20 ILCS 2605/2605-390; Training in identifying, responding to, and reporting hate crimes.	§20 ILCS 2605/2605-390: Charges state police to collect and disseminate such info.	§720 ILCS 5/21-1.2; Provides felony penalties & civil cause of action §720 ILCS 5/12-7.1; Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed in a place of worship	§720 ILCS 5/12-7.6: prohibits specified cross burning acts. Felony and misdemeanor penalties

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Indiana	§10-13-3-1; Color, creed, disability, national origin, race, religion, or sexual orientation- used for data collection only.	§10-13-3-1; person who commits the offense knowingly or intentionally selected the person who was injured; or damaged property based on specified factors.	§35-38-1-7.1; provides some possible aggravating circumstances in section (a), some mitigates in (b), and section c provides that the criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence. "The sentencing statute's list of enumerated aggravating circumstances is not exclusive ... racially motivated crimes are intolerable and may constitute an aggravating circumstance." Witmer v. State, 800 N.E.2d 571, 573 (Ind. 2003).	Not Specified	§10-13-3-38; Requires law enforcement to collect bias crime data.	§35-43-1-2; Institutional criminal cemetery mischief. Felony and misdemeanor penalties	Not Specified
Iowa	CRIMINAL §729A.2; Race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or a person's association with people of such distinctions.	CRIMINAL: §729A.2; Assault, violation of individual rights, criminal mischief, trespass, all as specified.	CRIMINAL: §729A.2; Provides felony & misdemeanor penalties determined by crime committed. <hr/> CIVIL: 729A.5 provides that commission of a hate crime under §729A.2 creates a civil action for damages, costs, expenses, or injunctive relief by the victim.	§729A.4; Training in identifying hate crimes. §80B.11; requires training for law enforcement officers about hate crime.	§692.15; Requires law enforcement collect hate crime data.	Not Specified	
Kansas	§ 21-6815; Victim's real or perceived race, color, religion, ethnicity, national origin or sexual orientation. §21-4003 Proscribes the same, however excludes	§21-6815: any offense motivated entirely or in part by specified factors. §21-4003: prohibits denial of civil rights related to lodging, restaurants, government, transportation, elections,	Criminal. §21-6817: Evidence of hate crime used by court in invoking enhanced sentencing. Civil. §21-4003: provides misdemeanor penalties.	Not Specified		§ 21-6205; Criminal desecration of any cemetery. Felony and misdemeanor penalties.	Not Specified

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	ethnicity & sexual orientation.	professional services.					
Kentucky	§532.031: race, color, religion, sexual orientation, or national origin.	§532.031: Assault, menacing, abuse, unlawful imprisonment, rape, arson, riot, and criminal mischief	Criminal. §532.031; Evidence of hate crime used by court in invoking enhanced sentencing and determination of probation.	§15.334; Training in identifying, investigation, responding & reporting hate crimes.	§17.1523; Provides for collection and annual reporting.	525.110: desecration with misdemeanor penalties. §525.113: Institutional vandalism when motivated by specified factors - Class D felony	Not Specified
Louisiana	§14:107.2: actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry, or perceived membership or service in or employment with an organization, or because of actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel.	§14:107.2: murder; manslaughter; battery; assault; terrorizing; mingling harmful substances; rape; sexual battery; sexual acts related to juveniles; kidnapping; arson; damage to property; contamination of water; burglary; trespass; robbery; purse snatching; extortion; theft; desecration of graves; institutional vandalism; drive-by shooting	Criminal. §14:107.2; Felony and misdemeanor penalties determined by underlying crime.	§40:2403 (H)(1); creates counsel to develop training.	§15:1204.2; provides for collection of data on hate crimes	§14:225; institutional vandalism w/ imprisonment & fines.	§14:313; prohibits wearing masks or hoods in public places §14:40.4; prohibits burning a cross on property of another or public place with the intent to intimidate.
Maine	17-A M.R.S. § 1151; race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness 2015 Amendment: "The age of the victim, particularly of a victim of an advanced age or	17-A M.R.S. §1151: any offense motivated by specified factors. 17 M.R.S. § 2931: prohibits intimidation or interference with one's constitutional rights.	CRIMINAL: 17-A M.R.S. §1151: evidence of hate crime used in determining sentencing. 17 M.R.S. § 2931: Class D crime. CIVIL: 5 M.R.S. §4682: Civil action may be available under civil rights act.	25, §2803-B; requires law enforcement agencies to develop policies on hate or bias crimes.	25, §1544; Provides for collection.	§507; Desecration and defacement. Class D crime.	Not Specified

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	of a young age who has a reduced ability to self-protect or who suffers more significant harm due to age”						
<u>Maryland</u>	Crim. code §10-304; race, color, religious beliefs, sexual orientation, or national origin; “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender-related identity	Crim. code §10-304: Commit a crime against person or damage property motivated by specified factors. Crim. code §10-305: Damage to a building associated with persons of the specified factors. Crim. code §10-303: Obstructing exercise of religious belief	Criminal. Crim. Code §10-306 Felony and misdemeanor penalties. Crim. Code §10-307 Provides that sentencing for a hate crime may be separate from and consecutive to or concurrent with a sentence for the underlying crime.	Not Specified	Public Safety code §2-307; Directs state police to collect and analyze information about hate crime incidents.	§10-302. Damaging property of religious entity is considered a hate crime	78 Op. Att’y Gen. 90 (11/9/1993): A statute expressly directed at cross burning would be unconstitutional; however cross burning may be punishable under existing criminal statutes.
<u>Massachusetts</u>	265, §39; race, color, religion, national origin, sexual orientation, gender identity, or disability	265, §39: assault or a battery upon a person or damages the real or personal property of a person with the intent to intimidate. 265, §37: prohibits interference with the exercise or enjoyment of civil rights.	Criminal. 265, §39 & 265, §37: penalty of imprisonment & fines.	6, §116B; Requires training in responding, reporting & identifying hate crimes.	22C §33: Provides for collection. 22C, §34: creates crime reporting unit to analyze hate crime data. 22C, §35: Dissemination	266, §98: willful injury to church. 266 §127A: destroy or deface.	268, §34; “whoever disguises himself with intent to obstruct the due execution of the law, or to intimate, hinder, or interrupt an officer or other person in the lawful performance of his duty.” Punishable by a fine and/or imprisonment
<u>Michigan</u>	§750.147b; race, color, religion, gender, or national origin	§750.147b; Physical contact with person or damage to property or threatening of such motivated by specified factors.	CRIMINAL: §750.147b Felony penalties. CIVIL: 729A.5 provides for civil action for damages, costs, attorney fees.	Not Specified	§28.257a: Requires reporting of bias crimes to state police.	Not Specified	§750.396: prohibits concealing identity for facilitating commission of

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							crime, misdemeanor; punishable by imprisonment for not more than 93 days or a fine of not more than \$500 or both
<u>Minnesota</u>	§609.2231; §609.595; §609.749: actual or perceived race, color, religion, sex, sexual orientation, disability; sexual orientation means having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.	§609.2231; §609.595; §609.749: Assault, property damage, aggravated harassment and stalking motivated by bias toward specified factors.	Criminal. §609.2231; §609.595; §609.749: Felony and misdemeanor penalties as specified.	§626.8451; Requires training in responding/identifying hate crimes	§626.5531: Requires reporting of crimes motivated by bias.	§609.5631; Arson with misdemeanor penalties.	§609.735; a person whose identity is concealed by the person in a public place by means of a robe, mask, or other disguise, unless based on religious beliefs, or incidental to amusement, entertainment, protection from weather, or medical treatment is guilty of a misdemeanor.
<u>Mississippi</u>	§99-19-301; actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender, or sexual orientation.	§99-19-301; Any felony or misdemeanor crime motivated by the specified factors.	Criminal. §99-19-301 Provides for penalty enhancement of felony and misdemeanors as specified by §99-19-307, §99-19-303, §99-19-305. The penalty shall also be subject to enhancement if the victim was unarmed or in flight from a crime scene.	Not Specified		§97-17-39; Yes destroy or deface w/ imprisonment & fines.	Not Specified
<u>Missouri</u>	§557.035; race, color, religion, national origin, sex, sexual orientation or disability.	§557.035; unlawful use of weapons, property damage, tampering, harassment, assault, trespass, rioting motivated by	Criminal. §557.035; Class D felony.	Not Specified		§574.085; Institutional vandalism w/ felony and misdemeanor	Not Specified

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	Sexual orientation includes having a self-image or identity not traditionally associated with one's gender.	the specified factors.				penalties. §537.523; allows civil action and injunction	
Montana	§45-5-221; race, creed, religion, color, national origin, or involvement in civil rights or human rights activities.	§45-5-221; Malicious intimidation or harassment including bodily injury, apprehension, damage to property.	Criminal. §45-5-221; penalty of imprisonment & fines.	Not Specified		§45-5-222; Damage or destruction when motivated by same factors as in §45-5-221.	Not Specified
Nebraska	§ 28-110; race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability, or association with a person of such.	§ 28-111; violence, or intimidation by threat of such to person or property; including manslaughter assault stalking terroristic threats kidnapping false imprisonment sexual assault arson, criminal mischief, trespass.	CRIMINAL: §28-111; provides enhanced penalties. CIVIL: provides that a violation of §28-111 creates a civil action for damages, reasonable attorney's fees, and costs.			Not Specified	§28-114; Creates a central repository for the collection and analysis of hate crime info.
Nevada	CRIMINAL: §207.185; actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons CIVIL: same as criminal	CRIMINAL: The numerous criminal acts enumerated in §207.185 and §193.1675 which were motivated by the specified factors. CIVIL: : The numerous criminal acts enumerated in §41.690 which were motivated by the specified factors.	CRIMINAL: §207.185: provides gross misdemeanors penalties for crimes enumerated motivated by specified factors. §193.1675: Provides for additional penalties for crimes enumerated motivated by specified factors. CIVIL: §41.690 provides that a violation of the criminal hate crime statutes creates a cause civil action for damages, and attorney's fees.	Not Specified	§179A.175; Establishes within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on specified factors in §207.185.	§206.125; Damage of property used for religious purposes.	Not Specified
New Hampshire	§651:6; victim's religion, race, creed, sexual orientation, national origin or sex §354-A:1; adds discrimination based on gender identity	§651:6; a crime which the offender was substantially motivated by the specified factors	Criminal. §651:6; Provides for enhancement of sentence when the offender was "substantially motivated by the specified factors.		Not Specified		

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<u>New Jersey</u>	§ 2C:16-1; race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity	§ 2C:16-1; Outlaws bias intimidation on the basis of the specified factors.	Criminal. §2C:16-1; Allows court to enhance penalties when evidence of such bias intimidation.	§52:9DD-9; Requires police training	§52:9DD-9; it shall be the duty of the council to develop and present a biennial report to the Governor and Legislature on the status of bias and violence based upon race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental, or cognitive disability.	§ 2C:33-9: Desecration. 2C:33-11: Defacement.	§2C:33-10; Implicitly prohibits cross burning.
<u>New Mexico</u>	§31-18B-3; victim's actual or perceived race, religion, color, national origin, ancestry, age, disability, gender, sexual orientation or gender identity	§31-18B-3; Any misdemeanor or non capitol felony, as enumerated, when motivated by hate.	Criminal. §31-18B-3; Allows court to enhance penalties when evidence beyond a reasonable doubt proves that commission of the crime was a result of hate.	§31-18B-5 Provides training in detection, investigate and reporting	§31-18B-4 Requires collection and reporting to the FBI pursuant to federal hate crimes act.	§30-15-4: Desecration of a church w/ felony & misdemeanor penalties	§30-3-2; enhanced penalties for committing assault by threatening or menacing another while wearing a mask, hood, robe or other covering upon the face, head, or body or while disguised in any manner.
<u>New York</u>	Penal Code §485.05: belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or	Penal Code §485.05: Any of the several enumerated offenses intentionally committed in whole or in substantial part because of a belief or perception regarding the specified factors. §240.31; with intent to harass, annoy, threaten or alarm another person when he or she damages	Criminal. Penal Code §485.10: Provides that conviction of a hate crime requires enhanced penalties be applied. §240.31; aggravated harassment in the first degree is a Class E felony	Not Specified	Exec. Law §837(f)4-c; Requires collection of data on hate crimes through the collaboration of the chief administrator of the courts and other public or private agencies	§240.31; provides for penalties for damaging premises primarily used for religious purposes. §240.70; misdemeanor criminal interference with health care services or religious	Penal Code §240.35(4); Loitering: Prohibits being masked or disguised and congregating in a public place with other persons. §240.31;

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	<p>perception is correct</p> <p>§240.31; same significant factors for aggravated harassment in the first degree</p>	<p>premises primarily used for religious purposes, commits the crime of aggravated harassment in the second degree, etches, paints, or draws upon or otherwise places a swastika on any building, sets on fire a cross in public view, or etches a symbol of racism</p>			<p>including law enforcement agencies.</p>	<p>worship §240.71; felony criminal interference with health care services or religious worship.</p>	<p>criminalizes setting a cross on fire in public view.</p>
<p>North Carolina</p>	<p>CRIMINAL: §14-3; victim's race, color, religion, nationality, or country of origin</p> <p>SB 794 (pending) – would add sexual orientation, gender identity, gender expression, ethnicity, disability and gender to the scope of the state's hate crime laws.</p> <p>CIVIL: §99D-1; race, religion, ethnicity, or gender</p>	<p>CRIMINAL: §14-3; Any misdemeanor committed b/c of specified factors. §14-401.14: prohibits ethnic intimidation based on factors</p> <p>CIVIL: §99D-1; Interference of rights. Conspiracy of harassment, violence, physical harm to persons or property, or threats of physical harm.</p>	<p>CRIMINAL: §14-3; Provides enhanced penalties for misdemeanor crimes committed b/c of specified factors. §14-401.14; misdemeanor.</p> <p>CIVIL: §99D-1; Provides for civil cause of action for violation of civil rights as specified.</p>	<p>SB 794 (pending) requires the state Justice Academy to develop and provide law enforcement officers with training on identifying, responding to, and reporting hate crimes; requires the Conference of District Attorneys of the state to develop and provide training to prosecutors on how to prosecute hate crimes</p>	<p>SB 794 (pending) requires the state Bureau of Investigation to create and maintain a hate crime statistics database</p>	<p>§14-144: deface, destroy, damage to a church. §14-49: use of explosive to damage church. §14-62.2 arson of church.</p>	<p>§14-12.7; §14-12.8; §14-12.9; §14-12.10; §14-12.14: Relates to prohibiting concealing identity via hood or mask; congregating on public & private property; intimidation. §14-12.3 prohibits joining (etc.) secret societies for purpose of circumventing the law</p>

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North Dakota	§12.1-14-04; sex, race, color, religion, or national origin	§12.1-14-04: Discrimination in public places (intimidate, injure, interfere w/right to equal enjoyment) based on factors.	Criminal. §12.1-14-05: Class B misdemeanor.	Not Specified	Not Specified	§12.1-21-08; defines "inhabited structure" to include "where people assemble for purposes of.. religion" §12.1-21-01; arson, including against an "inhabited structure" §12.1-21-02; endangering by fire or explosion, including against an "inhabited structure"	§12.1-31-15; prohibits the wearing of masks, hoods, and other devices that cover, hide, or conceal any portion of that individual's face during the commission of a criminal offense
Ohio	§2927.12; race, color, religion, or national origin	§2927.12: Ethnic intimidation via harassment, menacing, criminal mischief.	Criminal. §2927.12: Provides for penalty enhancement of one level higher than the underlying crime.	Not Specified		§2927.11; Desecration w/ felony & misdemeanor penalties	§3761.12 Prohibits 2 or more people gathering to commit a misdemeanor while wearing white caps, masks, other disguise.
Oklahoma	21 Okl. St. §850; race, color, religion, ancestry, national origin or disability	21 Okl. St. §850; with intent to intimidate or harass: assault, battery, damage, property, threaten, incite or produce imminent violence	<u>CRIMINAL</u> :. 21 Okl. St. §850; misdemeanor penalties. <u>CIVIL</u> : provides that a violation of 21 Okl. St. §850 creates a civil cause of action for damages.	Not Specified	21 Okl. St. §850; Requires system of reporting	21 Okl. St. §1765: deface, damage with felony penalties	21 Okl. St. §1174: Prohibits cross burning. 21 Okl. St. §1301: Prohibits wearing a mask or hood to conceal identity.
Oregon	§166.165 & §166.155; perception another's race, color, religion, national origin or sexual orientation	§166.165 & §166.155; Intimidation via offensive physical contact. Interfering with property, physical injury.	Criminal. §166.165 & §166.155; Felony and misdemeanor penalties as specified.	§181.642; Training to investigate, identify, report hate crimes §181A.470; police officers and certified	§181.550; Provides for collection and reporting of hate crime statistics §181A.225; all law enforcement agencies shall report to the	§166.075; Abuse of venerated objects. Class C misdemeanor	Not Specified

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				reserve officers trained to investigate, identify, and report crimes motivated by prejudice..	Department of State Police statistics concerning crimes ... motivated by prejudiced.		
<u>Pennsylvania</u>	18 Pa.C.S. §2710; actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals;	18 Pa.C.S. §2710; Ethnic intimidation (arson, criminal mischief, property destruction, institutional vandalism, trespass) Commission of act must occur.	CRIMINAL: 18 Pa.C.S. §2710; Provides for enhanced penalties determined by other underlying crime. CIVIL: 42 Pa.C.S. §8309; Provides for a civil cause of action for a person who incurs injury to his person or damage or loss to his property from a violation of 18 Pa.C.S. §2710 and §3307	Not Specified	71 Pa. Stat. Ann. §250; Provides for hate crime data collection by state police.	18 Pa. Stat. Ann. §5509: Desecration or sale of venerated objects. 18 Pa. Stat. Ann. § 3307: Institutional vandalism	Not Specified
<u>Rhode Island</u>	§12-19-38; actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender	§12-19-38; Any crime against person or property motivated by specified factors.	Criminal. §12-19-38: Provides for misdemeanor and penalty enhancement at the sentencing phase.	§42-28.2-8.1; Requires training in identifying, responding, reporting hate crimes.	§42-28-46; Requires collection of hate crime data to be maintained by the state police	§11-44-31; Desecration w/ fines and imprisonment.	Not Specified

State	Includes Conduct Motivated By:	Specific Conduct Addressed	Civil Action or Criminal Penalties	Police Training	Data Collection	Crimes Against Places of Worship	Ku Klux Klan Related Statutes
<u>South Carolina</u>	<p>(No hate crime law) §16-17-560; political opinions or the exercise of political rights and privileges guaranteed to every citizen by the US or State Constitution</p> <p>HB 3196 (pending); provides penalties for crime motivated by race, religion, color, sex, age, national origin, or sexual orientation</p>	<p>§16-17-560; assault or intimidation, discharge a citizen from employment, or eject a citizen from a rented house, land, or other property because of such political opinions or the exercise of political rights</p> <p>HB 3196 (pending); intent to assault, intimidate, or threaten</p>	<p>Criminal. §16-17-560: Misdemeanor penalties</p>	<p>Not Specified</p>	<p>Not Specified</p>	<p>§16-11-110; Prohibits arson of a church. §16-11-535: Prohibits malicious injury to place of worship</p>	<p>§16-7-120: Prohibits cross burning. §16-7-110: prohibits concealing identity while demonstrating on private property or demanding entrance to a home. §16-5-10: Conspiracy against civil rights; felony</p>
<u>South Dakota</u>	<p>§22-19B-1; race, ethnicity, religion, ancestry, or national origin</p>	<p>§22-19B-1: Malicious harassment: intimidation or harassment via physical injury, threats, defacement (including cross burning) & destruction of property. §22-19B-4: prevention of another from practicing religion</p>	<p>CRIMINAL: § 22-19B-1: Class 6 felony. §22-19B-4: Class 1 misdemeanor CIVIL: §20-9-32. Provides civil cause of action for malicious harassment for a victim of a violation of §22-19B-1.</p>	<p>Not Specified</p>	<p>Not Specified</p>	<p>Not Specified</p>	<p>§22-19B-2 Includes cross burning within §22-19B-1 as a hate crime.</p>
<u>Tennessee</u>	<p>§40-35-114; belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, ancestry, or gender</p>	<p>§39-17-309; Any crime where the victim was intentionally selected based on the specified factors. §39-17-309; Prohibits civil rights intimidation via threat personal or property injury & damage motivated by the specified factors.</p>	<p>CRIMINAL: §40-35-114; Provides court may enhance penalty when defendant intentionally selected the victim based on the specified factors. Penalty for sexual offense may not be enhanced under this section when motivated by gender alone. §39-17-309: Misdemeanor & felony penalties w/ express reservation for victim to pursue a civil action. CIVIL: §4-21-701 & §4-21-702</p>	<p>Not Specified</p>	<p>Not Specified</p>	<p>§39-14-301: Aggravated arson. §39-17- 311: Desecration of venerated object</p>	<p>§39-17-309; it is an offense for a person to wear a mask or disguise with the intent to... commit an offense of intimidating others from exercising civil rights.</p>

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			Provides for civil cause of action for malicious harassment.				
<u>Texas</u>	Tex. Code Crim. Proc. art. 42.014; race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference	Tex. Penal Code §12.47 & Tex. Code Crim. Proc. art. 42.014: Any offense found beyond a reasonable doubt to have been motivated by the specified factors; excluding injury to a disabled person or a first degree felony or a Class A misdemeanor crime.	Criminal. Tex. Penal Code §12.47 & Tex. Code Crim. Proc. art. 42.014: Provides enhanced penalties to the next highest category of offense.	Tex. Gov't Code §22.111. Provides training for prosecuting attorneys related to punishment enhancement b/c of bias or prejudice	Tex. Gov. Code §411.046: Provides for central repository for collection and analysis of information relating hate crimes.	Tex. Penal Code § 28.08: Prohibits graffiti or other markings on place of worship. Tex. Penal Code § 28.03: Prohibits damage or destruction to a place of worship	Not Specified

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Utah	Does not provide list of specified factors. U.S. Court of Appeals noted that the lack of a specifically enumerated class of victims does not make this section unconstitutionally vague; it makes the statute less vague as it prohibits enumerated offenses with the intent to threaten anyone. (<i>Ward v. Utah</i> , 398 F.3d 1239 (10th Cir. 2005).)	§76-3-203.3; "Intimidate or terrorize" (an act which causes the person to fear for his physical safety or damages the property of that person or another) via commission of a primary offense listed.	Criminal. §76-3-203.3; Provides for misdemeanor penalty enhancement by increasing the crime to the next higher category of offense. §76-3-203.4; hate crime as an aggravating factor	Not Specified	§53-10-202; requires a statewide uniform crime reporting system that shall include: statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate.	§76-6-101; defines habitable structure to include "any building used for assembling persons" §76-6-103; aggravated arson includes habitable structures.	Not Specified
Vermont	13 V.S.A. §1455; actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, handicap, sexual orientation or gender identity	13 V.S.A. §1455; Any crime motivated by the specified factors.	Criminal. 13 V.S.A. §1455; Provides for penalty enhancement determined by the level of underlying crime. 13 V.S.A. §1461 Provides for injunction orders to protect the victim of a hate crime.	Not Specified	Not Specified	Not Specified	§1456; criminal act to burn a cross or other religious symbol with the intent to terrorize or harass.

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Virginia	§18.2-57; race, religious conviction, color or national origin	§18.2-57; Assault and battery committed because of specified factors.	§18.2-57; Class 6 felony, to include imprisonment of at least six months, 30 days of which shall be a mandatory minimum term of confinement.	Not Specified	§52-8.5; requires the state police to collect data on hate crimes.	Va. Code Ann. §18.2.127: Prohibits willful injury to places of worship. Va. Code Ann. §18.2.138: Prohibits destruction of property within places of worship. §18.2-423.1; felony to place a swastika on places of worship with intent to intimidate	§18.2-423; Prohibits intent to intimidate including cross burning. §18.2-423.2; felony to display a noose on the property of another or on public property with intent to intimidate § 18.2-422; Prohibits persons over age of 16 from concealing identity in public or private places.
Washington	§9A.36.080; perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap; "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity	§9A.36.080; Malicious harassment via physical injury to a person or physical damage or destruction of property. Putting persons in reasonable fear of harm to person or property via threats. Includes cross burning and use of swastika.	<u>CRIMINAL: Class C felony</u> <u>CIVIL: §9A.36.083. Provides for civil cause of action for malicious harassment based on violation of §9A.36.080</u>	§43.101.290; requires training in identifying, responding to, and reporting	§36.28A.030; Provides for data collection	§9.61.160; Prohibits threats to bomb or injure place of worship	§9A.36.080; Includes cross burning and use of swastika within the §9A.36.080 hate crime law.

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West Virginia	§61-6-21; race, color, religion, ancestry, national origin, political affiliation or sex	§61-6-21; force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person's exercise or enjoyment of right b/c of any of the specified factors.	Criminal. §61-6-21; Provides felony and misdemeanor enhanced penalties.	Not Specified		§61-6-13; crime to willfully interrupt, molest, or disturb any assembly of people met for the worship of God; misdemeanor	§61-6-22; prohibits wearing a mask or hood in specified circumstances to conceal identity.
Wisconsin	§939.645; race, religion, color, disability, sexual orientation, national origin or ancestry	§939.645; Crimes enumerated in chapters 939 to 948.	CRIMINAL: §939.645; Provides felony and misdemeanor enhanced penalties. §895.443; Provides for civil cause of action based on violation of §939.645.	Not Specified		§943.012; Prohibits damage to or graffiti on religious property	§973.017; Provides concealing identity while committing a crime as consideration for finding of aggravation.
Wyoming	§6-9-102 Race, color, sex, creed or national origin	§ 6-9-102 Criminalizes violations of civil or constitutional rights. Relates to discrimination of and denial of civil rights; that no person shall be denied the right to life, liberty, pursuit of happiness or the necessities of life because of the specified factors.	Criminal. §6-9-102; Misdemeanor penalties.	Not Specified			

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