

1 H.428

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Crimes; hate crimes

5 Statement of purpose of bill as introduced: This bill proposes to amend the
6 hate-motivated crimes statute to eliminate the element that the conduct be
7 “maliciously” motivated.

8 An act relating to hate-motivated crimes and misconduct

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 ~~Sec. 1. 13 V.S.A. § 1455 is amended to read:~~

11 § 1455. HATE-MOTIVATED CRIMES

12 (a) Enhanced penalty. A person who commits, causes to be committed, or
13 attempts to commit any crime and whose conduct is maliciously motivated by
14 the victim’s actual or perceived race, color, religion, national origin, sex,
15 ancestry, age, service in the U.S. Armed Forces or the National Guard,
16 disability as defined by 21 V.S.A. § 495d(5), sexual orientation, or gender
17 identity shall be subject to the following penalties:

18 * * *

19 ~~(b) Annual report required.~~

1 ~~(1) On or before January 1, 2022 and annually thereafter, the Executive~~
2 Director of the Department of State's Attorneys and Sheriffs, in consultation
3 with the Office of the Attorney General, shall submit to the House and Senate
4 Committees on Judiciary a report that details for the prior year:

5 (A) incidents reported to the National Incident-Based Reporting
6 System, with details on both categories of bias motivation and types of
7 offenses that were coded with an offender bias motivation;

8 (B) any convictions in the Criminal Division of the Superior Court
9 for which the sentence was enhanced pursuant to this section; and

10 (C) any reported bias incidents that resulted in a final judgement in
11 the Civil Division of the Superior Court.

12 (2) To the extent feasible, the report required by this subsection shall:

13 (A) include demographic information about the defendants; and

14 (B) protect victim confidentiality when statistical information may be
15 identifying.

16 Sec. 2. 13 V.S.A. § 1456 is amended to read:

17 § 1456. BURNING OF CROSS OR OTHER RELIGIOUS SYMBOL

18 Any person who intentionally ~~and maliciously~~ sets fire to, or burns, causes
19 to be burned, or aids or procures the burning of a cross or a religious symbol,
20 ~~with the intention of terrorizing or harassing a particular person or persons,~~

1 ~~shall be subject to a term of imprisonment of not more than two years or a fine~~
2 ~~of not more than \$5,000.00, or both.~~

3 Sec. 3. EFFECTIVE DATE

4 ~~This act shall take effect on passage.~~

Sec. 1. 13 V.S.A. § 1455 is amended to read:

§ 1455. HATE-MOTIVATED CRIMES

(a) A person who commits, causes to be committed, or attempts to commit any crime and whose conduct is ~~maliciously~~ motivated, in whole or in part, by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, or gender identity protected category shall be subject to the following penalties:

** * **

(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.

(c) As used in this section, "protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity, and perceived membership in any such group.

Sec. 2. 13 V.S.A. § 1456 is amended to read:

§ 1456. BURNING OF CROSS OR OTHER RELIGIOUS SYMBOL

Any person who intentionally ~~and maliciously~~ sets fire to, or burns, causes to be burned, or aids or procures the burning of a cross or a religious symbol, with the intention of terrorizing or harassing a particular person or persons, shall be subject to a term of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

Sec. 3. 13 V.S.A. § 1458(6) is amended to read:

(6) "Protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity, and perceived membership in any such group.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.