

1 Introduced by Committee on Judiciary

2 Date:

3 Subject: Crimes; hate crimes

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

7 An act relating to hate-motivated crimes and misconduct

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

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

10 § 1455. HATE-MOTIVATED CRIMES

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

17 \* \* \*

18 (b) Annual report required.

19 (1) On or before January 1, 2022 and annually thereafter, the Executive  
20 Director of the Department of State’s Attorneys and Sheriffs in consultation

1 with the Office of the Attorney General shall submit to the House and Senate  
2 Committees on Judiciary a report that details for the prior year:

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

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

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

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

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

12 (B) protect victim confidentiality when statistical information may be  
13 identifying.

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

15 § 1456. BURNING OF CROSS OR OTHER RELIGIOUS SYMBOL

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

21 Sec. 4. EFFECTIVE DATE

1        This act shall take effect on passage.