

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 428  
3 entitled “An act relating to hate-motivated crimes and misconduct” respectfully  
4 reports that it has considered the same and recommends that the Senate  
5 propose to the House that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

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

8 § 1455. HATE-MOTIVATED CRIMES

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

15 \* \* \*

16 (b) The victim’s actual or perceived protected characteristic or  
17 characteristics as provided in subsection (a) of this section need not be a  
18 substantial, predominant, or the sole reason for defendant’s conduct.

19 (c) As used in this section, “protected characteristic” means a person’s race,  
20 color, religion, national origin, sex, ancestry, age, service in the U.S. Armed

1 Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5),  
2 sexual orientation, or gender identity.

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

4 § 1456. BURNING OF CROSS OR OTHER RELIGIOUS SYMBOL

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

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.

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18 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE