

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) A person who commits, causes to be committed, or attempts to commit  
10 any crime and whose conduct is maliciously motivated, **in whole or in part**, 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 category  
14 shall be subject to the following penalties:

15 \* \* \*

16 (b) The victim’s actual or perceived protected category or categories need  
17 not be a predominant reason or the sole reason for defendant’s conduct.

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

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

2 § 1456. BURNING OF CROSS OR OTHER RELIGIOUS SYMBOL

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

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

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

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on passage.

15 (Committee vote: \_\_\_\_\_)

16 \_\_\_\_\_

17 Senator \_\_\_\_\_

18 FOR THE COMMITTEE