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H.118

An act relating to expanding the scope of hate-motivated crimes

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

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 motivated, in whole or in part, by ~~the victim's~~ another person's or a group of persons' actual or perceived membership in a protected category shall be subject to the following penalties:

(1) If the maximum penalty for the underlying crime is one year or less, the penalty for a violation of this section shall be imprisonment for not more than two years or a fine of not more than \$2,000.00, or both.

(2) If the maximum penalty for the underlying crime is more than one year but less than five years, the penalty for a violation of this section shall be imprisonment for not more than five years or a fine of not more than \$10,000.00, or both.

(3) If the maximum penalty for the underlying crime is five years or more, the penalty for the underlying crime shall apply; however, the court shall consider the motivation of the defendant as a factor in sentencing.

1 (b) ~~The victim's~~ A person's or a group of persons' actual or perceived
2 membership in a protected category or categories need not be the predominant
3 reason or the sole reason for the defendant's conduct.

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

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2025.