



State Statutes Governing Hate Crimes

Alison M. Smith

Legislative Attorney

Cassandra L. Foley

Law Librarian

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Summary

Concerns about hate crimes have become increasingly prominent among policymakers at all levels of government in recent years. The Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322, Title XXVIII §280003a) defines a “hate crime” as one in “which the defendant intentionally selects a victim, or in the case of property crime, the property that is the object of the crime” motivated by prejudice based on the “race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation” of the victim. Current federal law permits prosecution of hate crimes committed on the basis of the victim’s race, color, religion, or national origin while the victim was engaged in a federally protected activity such as voting or attending school. On October 28, 2009, the President signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (P.L. 111-84, codified at 18 U.S.C. § 249). This law expands the scope of hate crime victims to include gender identity and disability. In addition, the law broadens the circumstances under which the federal government may assert jurisdiction to prosecute such crimes. For hate crimes prosecuted federally under these provisions, the law requires that the Attorney General certify that pertinent state or local officials (1) were unable or unwilling to prosecute, (2) favored federal prosecution, or (3) prosecuted, but the investigation’s or trial’s results failed to satisfy the federal interest to combat hate crimes.

Although there is federal legislation in place, many states have enacted some form of ethnic intimidation law or bias-motivated sentence-enhancement factors in attempts to curtail hate crimes. In some instances, state statutes afford broader protection to include sexual orientation, mental or physical disability, age, and/or marital status. This report summarizes state statutes governing hate crimes and will be updated periodically as legislative actions occur.

This report compiles state statutes pertaining to hate crimes. The Violent Crime Control and Law Enforcement Act of 1994 defines hate crime in §280003a as a “crime in which the defendant intentionally selects a victim, or in the case of property crime, the property that is the object of the crime” motivated by prejudice based on the “race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation” of the victim.¹ State hate crime statutes vary in the protection offered to victims. At least 10 states and the District of Columbia have enacted hate crime laws that cover gender identity and sexual orientation. At least 21 states have criminal legislation that addresses gender-identity motivated crimes. There appear to be at least 25 states that protect potential victims of sexual orientation. Additionally, at least 22 states address bias-motivated crimes, among other factors, contingent on disability.

States have various statutory provisions covering hate crimes. These provisions include ones that: (1) criminalize destruction of religious institutions; (2) criminalize bias-motivated violence and intimidation; (3) mandate reporting of hate crimes; (4) mandate training for state police officers in recognizing and reporting hate crimes; and (5) prohibit infringement on another person’s civil rights. At least 45 states and the District of Columbia have statutes with penalties for bias-motivated crimes. States with comprehensive hate crime statutes provide specific penalty enhancements to deter hate crimes. Associated criminal statutes for each state that are more general in scope are also included in this report.

In compiling the state laws, current LexisNexis versions of state codes and statutes as well as hard copy state codes were used for research. Additionally, useful research stemmed from the use of individual state law libraries and contacts with State District Attorney’s offices, as well as human rights organizations.

¹ P.L. 103-322, 108 Stat. 2096 (1994).

Table I. State Statutes Governing Hate Crimes

Alabama		
Crime/Penalty Enhancement	Yes	<p><i>Ala. Code § 13A-5-13 (2010)</i>—Imposes additional penalties for hate crimes where the defendant knowingly directed the conduct constituting the offense at a victim because of that person’s race, sex, color, creed, physical or mental disability, ancestry, or national origin.</p> <p><i>Ala. Code § 13A-6-28 (2010)</i>—A person commits the crime of cross or the American flag burning if he or she, with the intent to intimidate any person or group of persons, burns, or causes to be burned, a cross or the American flag on the property of another, a highway, or other public place.</p>
Institutional Vandalism	Yes	<p><i>Ala. Code § 13A-11-12 (2010)</i>—A person commits the crime of desecration of venerated objects if he intentionally desecrates any public monument or structure or place of worship.</p>
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.
Alaska		
Crime/Penalty Enhancement	Yes	<p><i>Alaska Stat. § 12.55.155 (2010)</i>—The following factors shall be considered by the sentencing court if proven in accordance with this section, and may allow imposition of a sentence above the presumptive range set out in AS 12.55.125: the defendant knowingly directed the conduct constituting the offense at a victim because of that person’s race, sex, color, creed, physical or mental disability, ancestry, or national origin.</p> <p><i>Alaska Stat. § 11.76.110 (2010)</i>—A person commits the crime of interference with constitutional rights if the person injures, oppresses, threatens, or intimidates another person with intent to deprive that person of a right, privilege, or immunity in fact granted by the constitution or laws of this state.</p>
Institutional Vandalism	No	No statute found.
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.
Arizona		
Crime/Penalty Enhancement	Yes	<p><i>Ariz. Rev. Stat. § 13-701 (2010)</i>—Identifies as an aggravating sentencing factor evidence that the defendant committed the crime out of malice toward a victim because of the victim’s identity in a group or because of the defendant’s perception of the victim’s identity in a group listed in section 41-1750, subsection A, paragraph 3 [race, color, religion, national origin, sexual orientation, gender or disability].</p> <p><i>Ariz. Rev. Stat. § 13-1707 (2010)</i>—It is unlawful for a person to burn or cause to be burned a cross on the property of another person without that person’s permission or on a highway or any other public place with the intent to intimidate any person or group of persons.</p> <p><i>Ariz. Rev. Stat. § 13-1708 (2010)</i>—Unlawful symbol burning; classification It is unlawful for a person to burn or cause to be burned any symbol not addressed by section 13-1707 on the property of another person without that person’s permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred</p>

		solely from the act of burning the symbol, but shall be proven by independent evidence.
Institutional Vandalism	Yes	<i>Ariz. Rev. Stat. § 13-1604 (2010)</i> —A person commits aggravated criminal damage by intentionally or recklessly without the express permission of the owner defacing, damaging or in any way changing the appearance of any building, structure, personal property or place used for worship or any religious purpose.
Data Collection	Yes	<i>Ariz. Rev. Stat. § 41-1750 (2010)</i> —The Department of Public Safety shall collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.
Law Enforcement Training	No	No statute found.

Arkansas

Crime/Penalty Enforcement	No	No statute found.
Institutional Vandalism	Yes	<i>Ark. Code Ann. § 5-38-301 (2010)</i> — A person commits arson if he or she starts a fire or causes an explosion with the purpose of destroying or otherwise damaging any dedicated church property used as a place of worship exempt from taxes pursuant to § 26-3-301. <i>Ark. Code Ann. § 5-71-207 (2010)</i> — A person commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating a risk of public inconvenience, annoyance, or alarm, he or she, in a public place, mars, defiles, desecrates, or otherwise damages a patriotic or religious symbol that is an object of respect by the public or a substantial segment of the public. <i>Ark. Code Ann. § 5-71-215 (2010)</i> —A person commits the offense of defacing objects of public respect if he or she purposely defaces, mars, desecrates, or otherwise damages any place of worship.
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.

California

Crime/Penalty Enhancement	Yes	<i>Cal. Penal Code § 422.55 (2010)</i> —Hate crime means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. <i>Cal. Penal Code § 422.6 (2010)</i> —No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55. <i>Cal. Penal Code § 422.7 (2010)</i> —Additional punishment for hate crime committed for purpose of intimidating or interfering with constitutional rights of another. <i>Cal. Penal Code § 422.75 (2010)</i> —(a) Except in the case of a person punished under Section 422.7, a person who commits a felony that is a hate crime or attempts to commit a felony that is a hate crime, shall receive an additional term of one, two,
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or three years in the state prison, at the court's discretion. (b) Except in the case of a person punished under Section 422.7 or subdivision (a) of this section, any person who commits a felony that is a hate crime, or attempts to commit a felony that is a hate crime, and who voluntarily acted in concert with another person, either personally or by aiding and abetting another person, shall receive an additional two, three, or four years in the state prison, at the court's discretion.

Cal. Penal Code § 422.76 (2010)—Except where the court imposes additional punishment under Section 422.75 or in a case in which the person has been convicted of an offense subject to Section 1170.8, the fact that a person committed a felony or attempted to commit a felony that is a hate crime shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.

Cal. Penal Code § 11411 (2010)—Penalties for (a) any person who hangs a noose, knowing it to be a symbol representing a threat to life, on the property of another, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing the owner or occupant of that private property, or who hangs a noose, knowing it to be a symbol representing a threat to life, on the property of a primary school, junior high school, high school, college campus, public park, or place of employment, for the purpose of terrorizing any person who attends or works at the school, park, or place of employment, or who is otherwise associated with the school, park, or place of employment; (b) any person who places or displays a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika on the private property of another, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing the owner or occupant of that private property; (c) any person who engages in a pattern of conduct for the purpose of terrorizing the owner or occupant of private property or in reckless disregard of terrorizing the owner or occupant of that private property, by placing or displaying a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika, on the private property of another on two or more occasions;

**Institutional
Vandalism**

Yes

Cal. Penal Code § 422.6 (2010)—No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

Cal. Penal Code § 11413 (2010)—Any person who explodes, ignites, or attempts to explode or ignite any destructive device or any explosive, or who commits arson, in or about any of the places listed in subdivision (b), for the purpose of terrorizing another or in reckless disregard of terrorizing another is guilty of a felony, Subdivision applies to the following places: any church, temple, synagogue, mosque, or other place of worship.

**Data
Collection**

Yes

Cal. Penal Code § 13023 (2010)—The Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General any information that may be required relative to hate crimes.

**Law
Enforcement
Training**

Yes

Cal. Penal Code § 13519.6 (2010)—The Commission on Peace Officer Standards and Training shall develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers, addressing hate crimes.

Colorado

Crime/Penalty Enhancement	Yes	<i>Colo. Rev. Stat. § 18-9-121 (2010)</i> — It is the right of every person, regardless of race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of individuals and groups. A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, he or she: (a) knowingly causes bodily injury to another person; or (b) By words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property and such words or conduct are likely to produce bodily injury to that person or damage to that person's property; or (c) knowingly causes damage to or destruction of the property of another person.
Institutional Vandalism	Yes	<i>Colo. Rev. Stat. § 18-9-113 (2010)</i> —A person commits a class 1 misdemeanor if he knowingly desecrates any place of worship.
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.

Connecticut

Crime/Penalty Enhancement	Yes	<p><i>Conn. Gen. Stat. § 53a-40a (2010)</i>—When any person has been found to be a persistent offender of crimes involving bigotry or bias the court shall: impose the sentence of imprisonment authorized by said section for the next more serious degree of misdemeanor, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony as authorized by section 53a-35a.</p> <p><i>Conn. Gen. Stat. § 53-37a (2010)</i>—Any person who, with the intent to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, sexual orientation, blindness or physical disability, violates the provisions of section 46a-58 while wearing a mask, hood or other device designed to conceal the identity of such person shall be guilty of a class D felony.</p> <p><i>Conn. Gen. Stat. § 53a-181j (2010)</i>—A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression of such other person, causes serious physical injury to such other person or to a third person.</p> <p><i>Conn. Gen. Stat. § 53a-181k (2010)</i>—A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression of such other person, does any of the following: (1) Causes physical contact with such other person, (2) damages, destroys or defaces any real or personal property of such other person, or (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.</p> <p><i>Conn. Gen. Stat. § 53a-181l (2010)</i>—A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression of such other person or persons: (1) Damages, destroys or defaces</p>
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any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.

Institutional Vandalism Yes *Conn. Gen. Stat. § 46a-58 (2010)*—(a) It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, sexual orientation, blindness or physical disability. Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, shall be in violation of subsection (a) of this section. Any person who places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person on account of religion, national origin, alienage, color, race, sex, sexual orientation, blindness or physical disability, shall be in violation of subsection (a) of this section.

Data Collection Yes *Conn. Gen. Stat. § 29-7m (2010)*—The Division of State Police within the Department of Public Safety shall monitor, record and classify all crimes committed in the state which are motivated by bigotry or bias. The police department, resident state trooper or constable who performs law enforcement duties for each town shall monitor, record and classify all crimes committed within such town which are violations of section 53a-181j, 53a-181k or 53a-181l and report such information to the Division of State Police within the Department of Public Safety.

Law Enforcement Training Yes *Conn. Gen. Stat. § 7-294n (2010)*—Each police basic or review training program conducted or administered by the Division of State Police within the Department of Public Safety, the Police Officer Standards and Training Council established under section 7-294b or a municipal police department in the state shall include training relative to crimes motivated by bigotry or bias.

Delaware

Crime/Penalty Enhancement Yes *Del. Code Ann. tit. 11, § 1304 (2010)*—Imposes additional penalties for hate crimes where it is shown that a perpetrator selected the victim because of the victim's race, religion, color, disability, sexual orientation, national origin or ancestry.

Del. Code Ann. tit. 11, § 1301 (2010)—A person is guilty of disorderly conduct when Congregating with other persons in a public place while wearing masks, hoods or other garments rendering their faces unrecognizable, for the purpose of and in a manner likely to imminently subject any person to the deprivation of any rights, privileges or immunities secured by the Constitution or laws of the United States of America.

Del. Code Ann. tit. 11, § 805 (2010)—A person is guilty of cross or religious symbol burning when the person burns, or causes to be burned, any cross or other religious symbol, upon any private or public property without the express written consent of the owner of such property and without a minimum of 48 hours advanced notification of the proposed burning to the fire board or call board of the county in which the burning is to take place.

Institutional Vandalism Yes *Del. Code Ann. tit. 11, § 1331 (2010)*—A person is guilty of desecration if the person intentionally defaces, damages, pollutes or otherwise physically mistreats any public monument or structure, any place of worship, the national flag or any other object of veneration by the public or a substantial segment thereof, in a public place and in a way in which the actor knows will outrage the sensibilities of persons likely to observe or discover the actions.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

District of Columbia

Crime/Penalty Enhancement Yes *D.C. Code § 22-3701 (2010)*—Bias-related crime means a designated act that demonstrates an accused’s prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, or gender identity or expression, family responsibility, physical disability, matriculation, or political affiliation of a victim of the subject designated act.

D.C. Code § 22-3703 (2010)— A person charged with and found guilty of a bias-related crime shall be fined not more than 1 ½ times the maximum fine authorized for the designed act and imprisoned for not more than 1 ½ times the maximum term authorized for the designed act.

D.C. Code § 22-3704 (2010)—Irrespective of any criminal prosecution or the result of a criminal prosecution, any person who incurs injury to his or her person or property as a result of an intentional act that demonstrates an accused's prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, homelessness, physical disability, matriculation, or political affiliation of a victim of the subject designated act shall have a civil cause of action in a court.

D.C. Code § 22-3312.03 (2009)—No person or persons over 16 years of age, while wearing any mask, hood, or device whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the wearer With the intent, by force or threat of force, to injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws.

Institutional Vandalism Yes *D.C. Code § 22-3312.02 (2010)*—It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a religious or secular symbol on any private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, religion, or any other category listed in § 2-1401.01, or on any public property in the District of Columbia; or to place or to display in any of these locations a sign, mark, symbol, emblem, or other physical impression including, but not limited to, a Nazi swastika, a noose, or any manner of exhibit which includes a burning cross, real or simulated, where it is probable that a reasonable person would perceive that the intent is: (1) To deprive any person or class of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing to all persons within the District of Columbia equal protection of the law; (2) To injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws; (3) To threaten another person whereby the threat is a serious expression of an intent to inflict harm; or (4) To cause another person to fear for his or her personal safety, or where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability.

Data Collection Yes *D.C. Code § 22-3702 (2010)*—The Mayor shall collect and compile data on the incidence of bias-related crime.

Law Enforcement Training No No statute found.

Florida

Crime/Penalty Enhancement Yes *Fla. Stat. Ann. § 775.085 (2010)*—Enhanced penalties are provided for any felony or misdemeanor if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or advanced age of the victim.

Fla. Stat. Ann. § 775.0845 (2010)—The felony or misdemeanor degree of any criminal offense, other than a violation of ss. 876.12-876.15, shall be reclassified to the next higher degree as provided in this section if, while committing the offense, the offender was wearing a hood, mask, or other device that concealed his or her identity.

Fla. Stat. Ann. § 876.17 (2010)—It shall be unlawful for any person or persons to place or cause to be placed in a public place in the state a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is a whole or a part.

Fla. Stat. Ann. § 876.18 (2010)—It shall be unlawful for any person or persons to place or cause to be placed on the property of another in the state a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is a whole or part without first obtaining written permission of the owner or occupier of the premises to so do.

Institutional Vandalism Yes *Fla. Stat. Ann. § 806.13 (2010)*—Any person who willfully and maliciously defaces, injures, or damages by any means any church, synagogue, mosque, or other place of worship, or any religious article contained therein, commits a felony of the third degree.

Data Collection Yes *Fla. Stat. Ann. § 877.19 (2010)*—The Governor, through the Florida Department of Law Enforcement, shall collect and disseminate data on incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. All law enforcement agencies shall report monthly to the Florida Department of Law Enforcement concerning such offenses in such form and in such manner as prescribed by rules adopted by the department.

Law Enforcement Training No No statute found.

Georgia

Crime/Penalty Enhancement Yes *Ga. Code Ann. § 17-10-17 (2010)*—Enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property of the victim as the object of the offense because of bias or prejudice.

Ga. Code Ann. § 16-11-37 (2010)—A person commits the offense of a terroristic act when: he or she uses a burning or flaming cross or other burning or flaming symbol or flambeau with the intent to terrorize another or another’s household.

Institutional Vandalism Yes *Ga. Code Ann. § 16-7-26 (2010)*—A person commits the offense of vandalism to a place of worship when he maliciously defaces or desecrates a church, synagogue, or other place of public religious worship.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Hawaii

Crime/Penalty Enhancement Yes *Haw. Rev. Stat. Ann. § 706-662 (2010)*—A defendant who has been convicted of a felony may be subject to an extended term of imprisonment under section 706-661 if the defendant is a hate crime offender in that (a) the defendant is convicted of a crime under chapter 707, 708, or 711; and (b) the defendant intentionally selected a victim or, in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person.

Haw. Rev. Stat. Ann. § 846-51 (2008)—Hate crime means any criminal act in which the perpetrator intentionally selected a victim, or in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person.

Institutional Vandalism Yes *Haw. Rev. Stat. Ann. § 711-1107 (2008)*— A person commits the offense of desecration if the person intentionally desecrates place of worship or burial.

Data Collection Yes *Haw. Rev. Stat. Ann. §§ 846-51, 52, 53, 54 (2008)*- The department of the attorney general shall be responsible for the collection, storage, dissemination, and analysis of all hate crime data from all agencies that have primary investigative, action, or program responsibility for adult or juvenile offenses, including the county police departments, the county prosecutors, the family courts, and the departments or agencies responsible for administering any correctional facilities.

Law Enforcement Training No No statute found.

Idaho

Crime/Penalty Enhancement Yes *Idaho Code Ann. §§ 18-7901, 7902 (2010)*—It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person’s race, color, religion, ancestry, or national origin: (a) to cause physical injury to another person; or (c) threaten, by word, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsection (a) will occur.

Institutional Vandalism Yes *Idaho Code Ann. § 18-7902 (2010)*—It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person’s race, color, religion, ancestry, or national origin, to: (b) damage, destroy, or deface any real or personal property of another person; or (c) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (b) of this section will occur. For purposes of this section, “deface” shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

Data Collection Yes *Idaho Code Ann. § 67-2915 (2010)*—All city, county and state law enforcement units shall be required to report to the director (of the Idaho state police) all incidences of, complaints on, and arrests for malicious harassment crimes within their respective jurisdictions.

Law Enforcement Training No No statute found.

Illinois

Crime/Penalty Enhancement	Yes	<p><i>720 Ill. Comp. Laws Ann. 5/12-7.1 (2010)</i>—A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct.</p> <p><i>730 Ill. Comp. Laws Ann. 5/5-5-3.2 (2010)</i>—The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1 or Article 4.5 of Chapter V: by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality; or the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship.</p> <p><i>720 Ill. Comp. Laws Ann. 5/12-7.6 (2010)</i>—A person commits the offense of cross burning who, with the intent to intimidate any other person or group of persons, burns or causes to be burned a cross.</p>
Institutional Vandalism	Yes	<p><i>720 Ill. Comp. Laws Ann. 5/12-7.1 (2010)</i>—A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct.</p> <p><i>720 Ill. Comp. Laws Ann. 5/21-1.2 (2010)</i>—A person commits institutional vandalism when, by reason of the actual or perceived race, color, creed, religion or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she knowingly and without consent inflicts damage to any of the following properties: (1) A church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose; (2) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead; (3) A school, educational facility or community center; (4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a); or (5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a).</p>
Data Collection	Yes	<p><i>20 Ill. Comp. Laws Ann. 2605/55a, 2605/2605-390 (2010)</i>—To collect and disseminate information relating to hate crimes, all law enforcement agencies shall report monthly to the Department concerning those offenses in the form and in the manner prescribed by rules and regulations adopted by the Department. The information shall be compiled by the Department and be disseminated upon request to any local law enforcement agency, unit of local government, or State agency.</p>

Law Enforcement Training Yes *20 Ill. Comp. Laws Ann. 2605/55a, 2605/2605-390 (2010)*—The Department shall provide training for State Police officers in identifying, responding to, and reporting all hate crimes. The Illinois Law Enforcement Training Standards Board shall develop and certify a course of such training to be made available to local law enforcement officers.

Indiana

Crime/Penalty Enhancement No No statute found.

Institutional Vandalism Yes *Ind. Code Ann. § 35-43-1-2 (2010)*—A person who recklessly, knowingly, or intentionally damages: (1) a structure used for religious worship; (2) a school or community center; (3) the grounds: (A) adjacent to; and (B) owned or rented in common with; a structure or facility identified in subdivision (1) or (2); or (4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2); without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief.

Data Collection Yes *Ind. Code Ann. § 10-13-3-38 (2010)*— A law enforcement agency shall collect information concerning bias crimes.

Ind. Code Ann. § 10-13-3-1 (2010)—Bias crime means an offense in which the person who commits the offense knowingly or intentionally: (1) selected the person who was injured; or (2) damaged or otherwise affected property; by the offense because of the color, creed, disability, national origin, race, religion, or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

Law Enforcement Training No No statute found.

Iowa

Crime/Penalty Enhancement Yes *Iowa Code § 729A.1 (2010)*—Violations of an individual's rights prohibited. Persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability.

Iowa Code §§ 729A.2, 708.2C, 712.7, 716.6A, 716.8 (2010)—Hate crime means one of the following public offenses when committed against a person or a person's property because of the person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person's association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability: 1. Assault in violation of individual rights under section 708.2C. 2. Violations of individual rights under section 712.9. 3. Criminal mischief in violation of individual rights under section 716.6A. 4. Trespass in violation of individual rights under section 716.8, subsections 3 and 4.

Iowa Code § 729.5 (2010)—A person, who acts alone, or who conspires with another person or persons, to injure, oppress, threaten, or intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the state of Iowa or by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death when the person or persons intend to employ those techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

Institutional Vandalism	Yes	<i>Iowa Code § 716.6A (2010)</i> —A violation of sections 716.5 and 716.6 (relating property damaged, defaced, altered, or destroyed), which is also a hate crime as defined in section 729A.2, shall be classified and punished as an offense one degree higher than the underlying offense.
Data Collection	Yes	<i>Iowa Code § 692.15 (2010)</i> —If it comes to the attention of a sheriff, police department, or other law enforcement agency that a public offense or delinquent act has been committed in its jurisdiction, the law enforcement agency shall report information concerning the public offense or delinquent act to the Department of Public Safety. The hate crimes listed in section 729A.2 are subject to the reporting requirements of this section.
Law Enforcement Training	Yes	<p><i>Iowa Code § 80B.11 (2010)</i>—In-service training under this paragraph "c" shall include the requirement that all law enforcement officers complete a course on investigation, identification, and reporting of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The director shall consult with the civil rights commission, the department of public safety, and the prosecuting attorneys training coordinator in developing the requirements for this course and may contract with outside providers for this course.</p> <p><i>Iowa Code § 729A.4 (2010)</i>—The prosecuting attorneys training coordinator shall develop a course of instruction for law enforcement personnel and prosecuting attorneys designed to sensitize those persons to the existence of violations of individual rights and the criteria for determining whether a violation of individual rights has occurred.</p>

Kansas

Crime/Penalty Enhancement	Yes	<p><i>Kan. Stat. Ann. § 21-4716 (2009)</i>—Establishes aggravating sentencing factor that include: the offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim or the offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant's belief or perception was correct.</p> <p><i>Kan. Stat. Ann. § 21-4003 (2009)</i>—Denial of civil rights on account of the race, color, ancestry, national origin or religion is a class A nonperson misdemeanor.</p>
Institutional Vandalism	Yes	<i>Kan. Stat. Ann. § 21-4111 (2009)</i> —Criminal desecration includes by means other than by fire or explosive, damaging, defacing or destroying any place of worship.
Data Collection	Yes	<i>Kan. Stat. Ann. § 22-4604 (2009)</i> —The governor, with the assistance of the attorney general and the Kansas commission on peace officers' standards and training, shall develop a request for a proposal for a system to collect and report statistics relating to the race, ethnicity, gender, age and residency by county and state of those who come in contact with law enforcement activities.
Law Enforcement Training	Yes	<p><i>Kan. Stat. Ann. § 22-4604 (2009)</i>—The governor, with the assistance of the attorney general and the Kansas commission on peace officers' standards and training, shall develop a request for a proposal for a system to collect and report statistics relating to the race, ethnicity, gender, age and residency by county and state of those who come in contact with law enforcement activities. The results of such study shall be submitted to the governor and attorney general within 90 days after conclusion of such study. The governor shall submit the study to the legislature with one or more of the following:</p> <p>(1) An evaluation of the study; (2) an implementation plan to expand the data collection and reporting system to other law enforcement agencies and whether such system should be made permanent; and (3) recommendations to improve law enforcement training and operations to address racial, ethnic, gender, age or residency bias.</p>

Kentucky

Crime/Penalty Enhancement	Yes	<i>Ky. Rev. Stat. Ann. § 532.031 (2010)</i> —The finding that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the sentencing judge as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration. The finding by the sentencing judge that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the Parole Board in delaying or denying parole to a defendant.
Institutional Vandalism	Yes	<i>Ky. Rev. Stat. Ann. §§ 525.113, 525.110 (2010)</i> —A person is guilty of institutional vandalism when he, because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates any public monument or object or place of worship; or in a public place the national or state flag or other patriotic or religious symbol which is an object of veneration by the public or a substantial segment thereof .
Data Collection	Yes	<i>Ky. Rev. Stat. Ann. § 17.1523 (2010)</i> —The Justice and Public Safety Cabinet shall, annually, as a part of the crime reports report on crimes which appear to have been caused by or reasonably related to race, color, religion, sex, or national origin or attempts to victimize or intimidate another due to any of the foregoing causes.
Law Enforcement Training	Yes	No statute found.

Louisiana

Crime/Penalty Enhancement	Yes	<i>La. Rev. Stat. Ann. § 14:107.2 (2010)</i> —It shall be unlawful for any person to select the victim of certain offenses against person and property because of actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry of that person or the owner or occupant of that property or because of actual or perceived membership or service in, or employment with, an organization .
Institutional Vandalism	Yes	<i>La. Rev. Stat. Ann. § 14.225 (2010)</i> —A person commits the crime of institutional vandalism by knowingly vandalizing, defacing, or otherwise damaging the following: (1) any church, synagogue, or other building, structure, or place used for religious worship or other religious purpose; (2) any cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead; (3) any school, educational facility, or community center; (4) the grounds adjacent to and owned or rented by any institution, facility, building, structure, or place described in Paragraphs (1), (2) or (3) above; (5) Any personal property contained in any institution, facility, building, structure, or place described in Paragraphs (1), (2), or (3) above.
Data Collection	Yes	<i>La. Rev. Stat. Ann. § 15:1204 (2010)</i> —The Louisiana Commission on Law Enforcement and the Administration of Criminal Justice shall prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the system. The forms shall provide for information regarding crimes which are directed against individuals or groups, or their property, by reason of their actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry or by reason of their actual or perceived membership or service in, or employment with, an organization as defined in R.S. 14:107.2.
Law Enforcement Training	Yes	<i>La. Rev. Stat. Ann. § 40:2403 (2010)</i> —The Council on Peace Officer Standards and Training may establish and implement curricula and publish training materials to train peace officers to identify, respond to, and report all crimes which are directed against individuals or groups, or their property, by reason of their actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry.

Maine

Crime/Penalty Enhancement Yes *Me. Rev. Stat. tit. 5, § 4684-A (2009)*—A person has the right to engage in lawful activities without being subject to physical force or violence, damage or destruction of property, trespass on property or the threat of physical force or violence, damage or destruction of property or trespass on property motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation.

Me. Rev. Stat. tit. 17 §§ 2931 and 2932 (2009)—A person may not, by force or threat of force, intentionally injure, intimidate or interfere with, or intentionally attempt to injure, intimidate or interfere with or intentionally oppress or threaten any other person in the free exercise or enjoyment of any right or privilege, secured to that person by the Constitution of Maine or laws of the State or by the United States Constitution or laws of the United States.

Me. Rev. Stat. tit. 17-A, § 1151 (2009)—The provision permits sentences that do not diminish the gravity of offenses, with reference to the factors, among others, of: the selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of that person or of the owner or occupant of that property.

Institutional Vandalism Yea *Me. Rev. Stat. tit. 17-A, § 507 (2009)*—A person is guilty of desecration and defacement if he intentionally desecrates any public monument or structure, any place of worship or burial, or any private structure not owned by him.

Data Collection Yes *Me. Rev. Stat. tit. 25, § 1544 (2009)*—It shall be the duty of all state, county and municipal law enforcement agencies, including those employees of the University of Maine System appointed to act as policemen, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the commanding officer to comply with section 1541, subsection 3. The bureau shall establish a category for crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation or ethnicity that are supplementary to its other reported information.

Law Enforcement Training Yes *Me. Rev. Stat. tit. 25, § 2803-B (2009)*—All law enforcement agencies shall adopt written policies regarding procedures to deal with hate or bias crimes. The chief administrative officer of each agency shall certify to the board that attempts were made to obtain public comment during the formulation of policies.

Maryland

Crime/Penalty Enhancement Yes *Md. Code Ann., Crim. Law § 10-303 (2010)*—A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs.

Md. Code Ann., Crim. Law § 10-304 (2010)—Because of another's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another is homeless, a person may not: (1) (i) commit a crime or attempt to commit a crime against that person; (ii) damage the real or personal property of that person; (iii) deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person; or (iv) burn or attempt to burn an object on the real or personal property of that person; or (2) commit a violation of item (1) of this section that: (i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or (ii) results in the death of the victim.

Md. Code Ann., Crim. Law § 10-307 (2010)—A hate crime sentence imposed under this subtitle may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this subtitle.

Institutional Vandalism	Yes	<p><i>Md. Code Ann., Crim. Law § 10-302 (2010)</i>—A person may not deface, damage, or destroy, or attempt to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including: (1) a place of worship; (2) a cemetery; (3) a religious school, educational facility, or community center; and (4) the grounds adjacent to them.</p> <p><i>Md. Code Ann., Crim. Law § 10-305 (2010)</i>—A person may not deface, damage, or destroy, attempt to deface, damage, or destroy, burn or attempt to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school: (1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or (2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless.</p>
Data Collection	Yes	<p><i>Md. Code Ann., Pub. Safety § 2-307 (2010)</i>—The Department shall collect and analyze information about incidents apparently directed against an individual or group because of race, religion, ethnicity, or sexual orientation. Each local law enforcement agency and the State Fire Marshal shall provide the Department with the information.</p>
Law Enforcement Training	No	No statute found.

Massachusetts

Crime/Penalty Enhancement	Yes	<p><i>Mass. Gen. Laws ch. 265, § 37 (2010)</i>—No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States.</p> <p><i>Mass. Gen. Laws ch. 265, § 39 (2010)</i>— Provides for penalties for the commission of an assault or a battery upon a person or damages the real or personal property of a person with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, or disability.</p>
Institutional Vandalism	Yes	<p><i>Mass. Gen. Laws ch. 266 § 127A (2010)</i>—Provides penalties for anyone who willfully, intentionally and without right, or wantonly and without cause, destroys, defaces, mars, or injures a church, synagogue or other building, structure or place used for the purpose of burial or memorializing the dead, or a school, educational facility or community center or the grounds adjacent to and owned or leased by any of the foregoing or any personal property. Provides penalties for anyone who threatens to burn, deface, mar, injure, or in any way destroy a church, synagogue or other building, structure, or place of worship.</p>
Data Collection	Yes	<p><i>Mass. Gen. Laws ch. 22C §§ 33, 34, 35 (2010)</i>—The Colonel of State Police shall promulgate regulations relative to the collection of hate crime data.</p>
Law Enforcement Training	Yes	<p><i>Mass. Gen. Laws ch. 6, § 116B (2010)</i>—The municipal police training committee shall provide instruction for police officers in identifying, responding to and reporting all incidents of hate crime.</p>

Michigan

Crime/Penalty Enhancement	Yes	<i>Mich. Comp. Laws Serv. § 750.147b (2010)</i> —A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of that person’s race, color, religion, gender, or national origin, does any of the following: (a) causes physical contact with another person; (b) damages, destroys, or defaces any real or personal property of another person; (c) threatens, by word or act.
Institutional Vandalism	No	No statute found.
Data Collection	Yes	<i>Mich. Comp. Laws Serv. § 28.257a (2010)</i> —The chief of police of each city or village, the chief of police of each township having a police department, and the sheriff of each county within this state shall report to the department of state police, crimes motivated by prejudice or bias based upon race, ethnic origin, religion, gender, or sexual orientation.
Law Enforcement Training	No	No statute found.

Minnesota

Crime/Penalty Enhancement	Yes	<i>Minn. Stat. § 609.2231 (2009)</i> —Provides penalties for anyone who assaults another because of the victim’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin, <i>Minn. Stat. § 609.749 (2009)</i> —Provides aggravated violations for a person who commits any harassment and stalking crimes because of the victim’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin.
Institutional Vandalism	Yes	<i>Minn. Stat. § 609.595 (2009)</i> —Whoever intentionally causes damage described in subdivision 2, paragraph (a), because of the property owner’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin is guilty of a felony.
Data Collection	Yes	<i>Minn. Stat. § 626.5531 (2009)</i> —A peace officer must report to the head of the officer’s department every violation of chapter 609 or a local criminal ordinance if the officer has reason to believe, or if the victim alleges, that the offender was motivated to commit the act by the victim’s race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation.
Law Enforcement Training	Yes	<i>Minn. Stat. § 626.8451 (2009)</i> —The Board of Peace Officer Standards and Training must prepare a training course to assist peace officers in identifying and responding to crimes motivated by the victim’s race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation.

Mississippi

Crime/Penalty Enhancement	Yes	<i>Miss. Code Ann. §§ 99-19-301 to 99-19-307 (2010)</i> —The penalty for any felony or misdemeanor shall be subject to enhancement as provided in Sections 99-19-301 through 99-19-307 if the felony or misdemeanor was committed because of the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim.
Institutional Vandalism	Yes	<i>Miss. Code Ann. § 97-17-39 (2010)</i> —Provides penalties for anyone who shall willfully or mischievously injure or destroy any of the burial vaults, urns, memorials, vases, foundations, bases or other similar items in a cemetery, or injure or destroy any of the work, materials, or furniture of any courthouse or jail, or other public building, or schoolhouse or church, or deface any of the walls or other parts thereof, or shall write, or make any drawings or character, or do any other act, either on or in said building or the walls thereof.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Missouri

Crime/Penalty Enhancement Yes *Mo. Rev. Stat. § 557.035 (2009)*—Provides enhanced penalties for motivational factors in certain crimes ... which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims.

Institutional Vandalism Yes *Mo. Rev. Stat. § 574.085 (2009)*—A person commits the crime of institutional vandalism by knowingly vandalizing, defacing or otherwise damaging (1) any church, synagogue or other building, structure or place used for religious worship or other religious purpose; (2) any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead; (3) any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group; (4) the grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; or (5) any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Montana

Crime/Penalty Enhancement Yes *Mont. Code Ann. § 45-5-221 (2010)*—A person commits the offense of malicious intimidation or harassment when, because of another person's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities, the person purposely or knowingly, with the intent to terrify, intimidate, threaten, harass, annoy, or offend: (a) causes bodily injury to another; (b) causes reasonable apprehension of bodily injury in another.

Mont. Code Ann. § 45-5-222 (2010)—Provides sentence enhancement for a person who has pleaded guilty or nolo contendere to or who has been found guilty of any offense, except malicious intimidation or harassment, that was committed because of the victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities or that involved damage, destruction, or attempted destruction of a building regularly used for religious worship.

Institutional Vandalism Yes *Mont. Code Ann. § 45-5-221 (2010)*—A person commits the offense of malicious intimidation or harassment when, because of another person's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities, he purposely or knowingly, with the intent to terrify, intimidate, threaten, harass, annoy, or offend: damages, destroys, or defaces any property of another or any public property. For purposes of this section, "deface" includes but is not limited to cross burning or the placing of any word or symbol commonly associated with racial, religious, or ethnic identity or activities on the property of another person without his or her permission.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Nebraska

Crime/Penalty Enhancement	Yes	<p><i>Neb. Rev. Stat. Ann. § 28-110 (2010)</i>—A person in the State of Nebraska has the right to live free from violence, or intimidation by threat of violence, committed against his or her person or the destruction or vandalism of, or intimidation by threat of destruction or vandalism of, his or her property regardless of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.</p> <p><i>Neb. Rev. Stat. Ann. § 28-111 (2010)</i>—Imposes additional penalties on any person who commits one or more of the following criminal offenses against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability, unless such criminal offense is already punishable as a Class IB felony or higher classification.</p>
Institutional Vandalism	No	No statute found.
Data Collection	Yes	<p><i>Neb. Rev. Stat. Ann. § 28-114 (2010)</i>—The Nebraska Commission on Law Enforcement and Criminal Justice shall establish and maintain a central repository for the collection and analysis of information regarding criminal offenses committed against a person because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.</p>
Law Enforcement Training	No	No statute found.

Nevada

Crime/Penalty Enhancement	Yes	<p><i>Nev. Rev. Stat. Ann. § 193.1675 (2010)</i>—Additional penalty for any person who willfully commits certain crimes because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator.</p> <p><i>Nev. Rev. Stat. Ann. § 207.185 (2010)</i>—Penalty for commission of certain unlawful acts by reason of actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of another person or group of persons.</p>
Institutional Vandalism	Yes	<p><i>Nev. Rev. Stat. Ann. § 206.125 (2010)</i>—Unless a greater penalty is provided by law, a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages: (a) any church, synagogue or other building, structure or place used for religious worship or other religious purpose; (b) any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead; (c) any school, educational facility, transportation facility, public transportation vehicle or community center; (d) the grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph (a), (b) or (c); or (e) any personal property contained in any institution, facility, building, structure or place described in paragraph (a), (b) or (c), is guilty of a gross misdemeanor.</p>
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.

New Hampshire

Crime/Penalty Enhancement	Yes	<i>N. H. Rev. Stat. Ann. § 651:6 (2010)</i> —A defendant may be sentenced to an extended term of imprisonment where a defendant perpetrator was substantially motivated to commit the crime because of hostility towards the victim’s religion, race, creed, sexual orientation, national origin or sex.
Institutional Vandalism	No	No statute found.
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.

New Jersey

Crime/Penalty Enhancement	Yes	<i>N. J. Rev. Stat. § 2C:16-1 (2010)</i> — A person is guilty of the crime of bias intimidation if he commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of an offense specified in chapters 11 through 18 of Title 2C of the New Jersey Statutes; N.J.S.2C:33-4; N.J.S.2C:39-3; N.J.S.2C:39-4 or N.J.S.2C:39-5, (1) with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or (2) knowing that the conduct constituting the offense would cause an individual or group of individuals to be intimidated because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or (3) under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that (a) the offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity, or (b) the victim or the victim’s property was selected to be the target of the offense because of the victim’s race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.
Institutional Vandalism	Yes	<i>N. J. Rev. Stat. § 2C:33-9 (2010)</i> —A person commits a disorderly persons offense if he purposely desecrates any public monument, insignia, symbol, or structure, or place of worship or burial. <i>N. J. Rev. Stat. § 2C:33-11 (2010)</i> —A person is guilty of a crime of the fourth degree if he purposely defaces or damages, without authorization of the owner or tenant, any private premises or property primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons for purpose of exercising any right guaranteed by law or by the Constitution of this State or of the United States by placing thereon a symbol, an object, a characterization, an appellation, or graffiti that exposes another to threat of violence.
Data Collection	Yes	<i>N. J. Rev. Stat. § 52:9DD-9 (2010)</i> —It shall be the duty of the Human Relations Council to develop and present a biennial report to the Governor and Legislature on the status of bias and violence based upon race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive disability.
Law Enforcement Training	Yes	<i>N. J. Rev. Stat. § 52:9DD-9 (2010)</i> —It shall be the duty of the Human Relations Council to develop in conjunction with law enforcement agencies, including the Office of Bias Crimes and Community Relations in the Division of Criminal Justice, and the educational community cultural diversity training for law enforcement personnel.

New Mexico

Crime/Penalty Enhancement	Yes	<i>N.M. Stat. Ann. § 31-18B-3 (2010)</i> —Provides enhanced penalties for crimes committed because of the victim’s actual or perceived race, religion, color, national origin, ancestry, age, disability, gender, sexual orientation or gender identity, whether or not the offender’s belief or perception was correct.
Institutional Vandalism	Yes	<i>N.M. Stat. Ann. § 30-15-4 (2010)</i> —Desecration of a church consists of willfully, maliciously and intentionally defacing a church or any portion thereof.
Data Collection	Yes	<i>N.M. Stat. Ann. § 31-18B-4 (2010)</i> —Every district attorney and every state, county and municipal law enforcement agency, to the maximum extent possible, shall provide the federal bureau of investigation with data concerning the commission of a crime motivated by hate, in accordance with guidelines established pursuant to the federal Hate Crime Statistics Act.
Law Enforcement Training	Yes	<i>N.M. Stat. Ann. § 31-18B-5 (2010)</i> —The New Mexico Law Enforcement Academy Board shall develop a course of instruction, learning and performance objectives and training standards, in conjunction with appropriate groups and individuals that have an interest in and expertise regarding crimes motivated by hate.

New York

Crime/Penalty Enhancement	Yes	<p><i>N.Y. Penal Law § 240.30 (2010)</i>—A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten or alarm another person, he or she: strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct .</p> <p><i>N.Y. Penal Law § 240.31 (2010)</i>—A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she: commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years.</p> <p><i>N.Y. Penal Law § 240.70 (2010)</i>—A person is guilty of criminal interference with religious worship when by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such person was or is seeking to exercise the right of religious freedom at a place of religious worship.</p> <p><i>N.Y. Penal Law § 240.71 (2010)</i>—A person is guilty of criminal interference with health care services or religious worship in the first degree when he or she commits the crime of criminal interference with religious worship in the second degree and has been previously convicted of the crime of criminal interference with religious worship in the first or second degree or aggravated interference with health care services in the first or second degree.</p> <p><i>N.Y. Penal Law § 485.05 (2010)</i>—A person commits a hate crime when he or she commits a specified offense and either: (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national</p>
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origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

N.Y. Penal Law § 485.10 (2010)—When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

Institutional Vandalism Yes *N.Y. Penal Law § 240.31 (2010)*—A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she: damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property; sets on fire a cross in public view; or etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

N.Y. Penal Law § 240.70 (2010)—A person is guilty of criminal interference with religious worship when he or she intentionally damages the property of a place of religious worship.

Data Collection Yes *N.Y. Exec. Law § 837 (2010)*—The Division of Criminal Justice Services, in cooperation with the chief administrator of the courts as well as any other public or private agency, including law enforcement agencies, collect and analyze statistical and all other information and data with respect to the number of hate crimes reported to or investigated by the division of state police, and all other police or peace officers, the number of persons arrested for the commission of such crimes, the offense for which the person was arrested, the county within which the arrest was made and the accusatory instrument filed, the disposition of the accusatory instrument filed, including, but not limited to, as the case may be, dismissal, acquittal, the offense to which the defendant pled guilty, the offense the defendant was convicted of after trial, and the sentence imposed.

Law Enforcement Training No No statute found.

North Carolina

Crime/Penalty Enhancement Yes *N.C. Gen. Stat. § 14-3 (2010)*—Enhances punishment for offenses committed because of victim’s race, color, religion, nationality, or country of origin.

N.C. Gen. Stat. § 14-12.14 (2010)—It shall be unlawful for any person or persons, while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, to place or cause to be placed at or in any place in the State any exhibit of any kind whatsoever, with the intention of intimidating any person or persons, or of preventing them from doing any act which is lawful, or of causing them to do any act which is unlawful. For the purposes of this section, the term “exhibit” includes items such as a noose.

N.C. Gen. Stat. § 14-401.14 (2010)—(a) If a person shall, because of race, color,

religion, nationality, or country of origin, assault another person, or damage or deface the property of another person, or threaten to do any such act, he shall be guilty of a Class I misdemeanor. (b) A person who assembles with one or more persons to teach any technique or means to be used to commit any act in violation of subsection (a) of this section is guilty of a Class I misdemeanor.

Institutional Vandalism Yes *N.C. Gen. Stat. § 14-49 (2010)*—Any person who willfully and maliciously damages, aids, counsels, or procures the damaging of any church, chapel, synagogue, mosque, masjid, or other building of worship by the use of any explosive or incendiary device or material is guilty of a Class E felony.

N.C. Gen. Stat. § 14-62.2 (2010)—If any person shall wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of any church, chapel, or meetinghouse, the person shall be punished as a Class E felon.

N.C. Gen. Stat. § 14-144 (2010)—Provides penalties if any person shall, by any other means than burning or attempting to burn, unlawfully and willfully demolish, destroy, deface, injure or damage any of the houses or other buildings mentioned in Article 15 (Arson and Other Burnings) of this Chapter; or shall by any other means than burning or attempting to burn unlawfully and willfully demolish, pull down, destroy, deface, damage or injure any church, uninhabited house, outhouse or other house or building not mentioned in such article; or shall unlawfully and willfully burn, destroy, pull down, injure or remove any fence, wall or other enclosure, or any part thereof, surrounding or about any yard, garden, cultivated field or pasture, or about any church or graveyard, or about any factory or other house in which machinery is used,, or about any factory or other house in which machinery is used.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

North Dakota

Crime/Penalty Enhancement Yes *N.D. Cent. Code, § 12.1-14-04 (2008)*—A person is guilty of a class B misdemeanor if , whether or not acting under color of law, he, by force, or threat of force or by economic coercion, intentionally injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin in order to intimidate him or any other person from exercising or attempting to exercise his right to full and equal enjoyment of any facility open to the public.

Institutional Vandalism Yes *N.D. Cent. Code § 12.1-21-01 (2010)*—A person is guilty of arson, a class B felony, if he starts or maintains a fire or causes an explosion with intent to destroy an entire or any part of a building or inhabited structure of another

N.D. Cent. Code § 12.1-21-02 (2010)—A person is guilty of an offense if he intentionally starts or maintains a fire or causes an explosion and thereby recklessly places an entire or any part of a building or inhabited structure of another in danger of destruction.

N.D. Cent. Code § 12.1-21-08 (2010)—"Inhabited structure" means a structure or vehicle: where people assemble for purposes of business, government, education, religion.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Ohio

Crime/Penalty Enhancement	Yes	<i>Ohio Rev. Stat. Ann. § 2927.12 (2010)</i> —Enhances penalty for ethnic intimidation when certain offenses are committed by reason of the victim’s race, color, religion, or national origin.
Institutional Vandalism	Yes	<i>Ohio Rev. Stat. Ann. § 2927.11 (2010)</i> —No person, without privilege to do so, shall purposely deface, damage, pollute, or otherwise physically mistreat a place of worship, its furnishings, or religious artifacts or sacred texts within the place of worship or within the grounds upon which the place of worship is located or any other object of reverence or sacred devotion.
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.

Oklahoma

Crime/Penalty Enhancement	Yes	<p><i>Okla. Stat. tit. 21, § 850 (2010)</i>—No person shall maliciously and with the specific intent to intimidate or harass another person because of that person’s race, color, religion, ancestry, national origin or disability: assault or batter another person; damage, destroy, vandalize or deface any real or personal property of another person; or threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.</p> <p>No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person’s race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephonic, computerized, or electronic message. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person’s race, color, religion, ancestry, national origin or disability, broadcast, publish, or distribute, cause or allow to be broadcast, published or distributed, any message or material.</p> <p><i>Okla. Stat. tit. 21, § 1174 (2010)</i>—It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place.</p>
Institutional Vandalism	Yes	<i>Okla. Stat. tit. 21, § 1765 (2010)</i> —Any person who willfully breaks, defaces, or otherwise injures any house of worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship, shall be guilty of a felony.
Data Collection	Yes	<i>Okla. Stat. tit. 21, § 850 (2010)</i> —The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section.
Law Enforcement Training	No	No statute found.

Oregon

Crime/Penalty Enhancement	Yes	<i>Or. Rev. Stat. § 166.155 (2010)</i> —A person commits the crime of intimidation in the second degree if the person: (a) tampers or interferes with property, having no right to do so nor reasonable ground to believe that the person has such right, with the intent to cause substantial inconvenience to another because of the person’s perception of the other’s race, color, religion, national origin or sexual orientation; (b) intentionally subjects another to offensive physical contact because of the person’s perception of the other’s race, color, religion, national origin or
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sexual orientation; or (c) intentionally, because of the person's perception of race, color, religion, national origin or sexual orientation of another or of a member of the other's family, subjects such other person to alarm by threatening: (A) to inflict serious physical injury upon or to commit a felony affecting such other person, or a member of the person's family; or (B) to cause substantial damage to the property of the other person or of a member of the other person's family.

Or. Rev. Stat. § 166.165 (2010)—Two or more persons acting together commit the crime of intimidation in the first degree, if the persons: (a)(A) intentionally, knowingly or recklessly cause physical injury to another person because of the actors' perception of that person's race, color, religion, national origin or sexual orientation; or (B) with criminal negligence cause physical injury to another person by means of a deadly weapon because of the actors' perception of that person's race, color, religion, national origin or sexual orientation; (b) intentionally, because of the actors' perception of another person's race, color, religion, national origin or sexual orientation, place another person in fear of imminent serious physical injury; or (c) commit such acts as would constitute the crime of intimidation in the second degree, if undertaken by one person acting alone.

Institutional Vandalism	Yes	<i>Or. Rev. Stat. § 166.075 (2010)</i> —A person commits the crime of abuse of venerated objects if the person intentionally abuses a public monument or structure, a place of worship or the national or state flag.
Data Collection	Yes	<i>Or. Rev. Stat. § 181.550 (2010)</i> —All law enforcement agencies shall report to the Department of State Police statistics concerning crimes motivated by prejudice based on the perceived race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental disability, age, economic or social status or citizenship of the victim.
Law Enforcement Training	Yes	<i>Or. Rev. Stat. § 181.642 (2010)</i> —The Board on Public Safety Standards and Training shall ensure that all police officers and certified reserve officers are trained to: investigate, identify and report crimes motivated by prejudice based on the perceived race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status or citizenship of the victim.

Pennsylvania

Crime/Penalty Enhancement	Yes	<i>18 Pa. Cons. Stat. § 2710 (2010)</i> —A person commits the offense of ethnic intimidation if, with malicious intention toward the race, color, religion or national origin of another individual or group of individuals, he commits an offense under any other provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of section 3307 (relating to institutional vandalism) or under section 3503 (relating to criminal trespass) with respect to such individual or his or her property or with respect to one or more members of such group or to their property. an offense under this section shall be classified one degree higher in the classification specified in section 106 (relating to classes of offenses) than the classification of the other offense.
Institutional Vandalism	Yes	<i>18 Pa. Cons. Stat. § 3307 (2010)</i> —A person commits the offense of institutional vandalism if he knowingly desecrates, vandalizes, defaces or otherwise damages: (1) any church, synagogue or other facility or place used for religious worship or other religious purposes; (2) any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead; (3) any school, educational facility, community center, municipal building, courthouse facility, State or local government building or vehicle or juvenile detention center; (4) the grounds adjacent to and owned or occupied by any facility set forth in paragraph (1), (2) or (3); or (5) any personal property located in any facility set forth in this subsection. <i>18 Pa. Cons. Stat. § 5509 (2010)</i> —A person commits a misdemeanor of the second degree if he intentionally desecrates any public monument or structure, or place of worship or burial.

Data Collection Yes *71 Pa. Cons. Stat. § 250 (2010)*—The Pennsylvania State Police shall have the power and its duty shall be to collect information relating to crimes and incidents related to the race, color, religion or national origin of individuals or groups, which shall be reported monthly by all local law enforcement agencies and the State Fire Marshal.

Law Enforcement Training No No statute found.

Rhode Island

Crime/Penalty Enhancement Yes *R.I. Gen. Laws § 12-19-38 (2010)*—Enhances the penalty where the defendant intentionally selected the person against whom the offense is committed, or selected the property that is damaged, or otherwise affected by the offense because of his or her hatred or animus toward the actual or perceived race, religion, color, disability, national origin or ethnicity, gender, or sexual orientation of that person or the owner or occupant of that property.

Institutional Vandalism Yes *R.I. Gen. Laws § 11-44-31 (2010)*—Provides the penalties imposed when a person willfully and maliciously or mischievously, injure or destroy or write upon, paint, or otherwise damage or deface: (1) any church, synagogue, or other building, structure, or place used for religious worship or other religious purpose; (2) any cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead; (3) any building used for educational purposes or as a community meeting place and which is owned by an organization exempt from taxation under 26 U.S.C. § 501; (4) any public building owned and/or operated by the government of the United States or by the government of the state of Rhode Island or its political subdivisions; (5) the grounds adjacent to and owned or rented by any institution, facility, building, structure, or place described in subdivisions (1), (2), (3), or (4) of this section; or (6) any personal property contained in any institution, facility, building, structure, or place described in subdivisions (1), (2), (3), (4), or (5) of this section.

Data Collection Yes *R.I. Gen. Laws § 42-28-46 (2010)*—The state police shall, by January 1, 1994, develop a system monitoring the occurrence of crimes committed in the state which the evidence of the offense demonstrates was motivated by racial, religious, ethnic bigotry, or bias on any other matter defined as a “hate crime” herein. All police departments within the state shall report monthly the occurrence of such crimes to the state police.

Law Enforcement Training Yes *R.I. Gen. Laws § 42-28.2-8.1 (2010)*—The commission on standards and training shall prepare and publish mandatory training standards to provide instruction for police officers in identifying, responding to and reporting all incidents of “hate crimes” pursuant to § 42-28-46.

South Carolina

Crime/Penalty Enhancement Yes *S.C. Code Ann. § 16-5-10 (2009)*—It is unlawful for two or more persons to band or conspire together or go in disguise upon the public highway or upon the premises of another with the intent to injure, oppress, or violate the person or property of a citizen because of his political opinion or his expression or exercise of the same or attempt by any means, measures, or acts to hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State.

S.C. Code Ann. § 16-7-120 (2009)—It shall be unlawful for any person to place or to cause to be placed in a public place in the State a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is the whole or a part or to place or cause to be placed on the property of another in the State a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is the whole or a part, without first obtaining written permission of the owner or occupier of the premises so to do.

Institutional Vandalism Yes *S.C. Code Ann. § 16-11-535 (2009)*—Whoever shall willfully, unlawfully, and maliciously vandalize, deface, damage, or destroy or attempt to vandalize, deface, damage, or destroy any place, structure, or building of worship or aid, agree with, employ, or conspire with any person to do or cause to be done any of the acts mentioned above is guilty of a felony.

S.C. Code Ann. § 16-11-110 (2009)—A person who willfully and maliciously causes an explosion, sets fire to, burns, or causes to be burned or aids, counsels, or procures the burning that results in damage to a dwelling house, church or place of worship, a public or private school facility, a manufacturing plant or warehouse, a building where business is conducted, an institutional facility, or any structure designed for human occupancy to include local and municipal buildings, whether the property of himself or another, is guilty of arson.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

South Dakota

Crime/Penalty Enhancement Yes *S.D. Codified Laws §§ 22-19B-1, 22-19B-2 (2010)*—No person may maliciously and with the specific intent to intimidate or harass any person or specific group of persons because of that person's or group of persons' race, ethnicity, religion, ancestry, or national origin: (1) cause physical injury to another person; or (2) deface any real or personal property of another person; or (3) damage or destroy any real or personal property of another person; or (4) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts prohibited in subdivision (1), (2), or (3) of this section will occur. Deface, includes cross-burnings or the placing of any word or symbol commonly associated with racial, religious, or ethnic terrorism on the property of another person without that person's permission.

Institutional Vandalism No No statute found.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Tennessee

Crime/Penalty Enhancement Yes *Tenn. Code Ann. § 40-35-114 (2010)*—If appropriate for the offense and if not already an essential element of the offense, the court shall consider, but is not bound by, the following advisory factors in determining whether to enhance a defendant's sentence: the defendant intentionally selected the person against whom the crime was committed or selected the property that was damaged or otherwise affected by the crime, in whole or in part, because of the defendant's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, ancestry, or gender of that person or the owner or occupant of that property, however, this subdivision should not be construed to permit the enhancement of a sexual offense on the basis of gender selection alone.

Tenn. Code Ann. § 39-17-309 (2010)—It is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment and bodily injury caused by the activities of groups and individuals. It is an offense for a person to wear a mask or disguise with the intent to commit the offense of intimidating others from exercising civil rights

Institutional Vandalism Yes *Tenn. Code Ann. § 39-17-311 (2010)*—A person commits an offense who intentionally desecrates a place of worship or burial.
Tenn. Code Ann. § 39-14-301 (2010)—Arson of a place of worship is a Class B felony.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Texas

Crime/Penalty Enhancement Yes *Tex. Code Crim. Proc. Ann. art. 42.014 (2010)*—If the judge or the jury, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed or intentionally selected property damaged or affected as a result of the offense because of the defendant’s bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference, the sentencing judge may, as a condition of punishment, require attendance in an educational program to further tolerance and acceptance of others.

Tex. Penal Code Ann. § 12.47 (2010)—If an affirmative finding under Article 42.014, Code of Criminal Procedure, is made in the trial of an offense other than a first degree felony or a Class A misdemeanor, the punishment for the offense is increased to the punishment prescribed for the next highest category of offense.

Institutional Vandalism Yes *Tex. Penal Code Ann. § 28.03 (2010)*—The offense of criminal mischief is a state jail felony if the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is less than \$ 20,000.

Tex. Penal Code Ann. § 28.08 (2010)—A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner with: paint; an indelible marker; or an etching or engraving device. An offense under this section is a state jail felony if: (1) the marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs; and (2) the amount of the pecuniary loss to real property or to tangible personal property is less than \$ 20,000.

Data Collection Yes *Tex. Penal Code Ann. § 411.046 (2010)*—The bureau of identification and records shall establish and maintain a central repository for the collection and analysis of information relating to crimes that are motivated by prejudice, hatred, or advocacy of violence, including, but not limited to, incidents for which statistics are or were kept under P.L. 101-275, as that law existed on July 3, 1996.

Law Enforcement Training No No statute found.

Utah

Crime/Penalty Enhancement Yes *Utah Code Ann. § 76-3-203.3 (2010)*—Provides the penalty for hate crimes where a person who commits any primary offense with the intent to intimidate or terrorize another person or with reason to believe that his action would intimidate or terrorize that person is subject to Subsection (2)(b).

Utah Code Ann. § 76-3-203.4 (2010)—The sentencing judge or the Board of Pardons and Parole shall consider in their deliberations as an aggravating factor the public harm resulting from the commission of the offense, including the degree to which the offense is likely to incite community unrest or cause members of the

		community to reasonably fear for their physical safety or to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.
Institutional Vandalism	Yes	<i>Utah Code Ann. § 76-6-101 (2010)</i> —"Habitable structure" means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is actually present or not. <i>Utah Code Ann. § 76-6-103 (2010)</i> —A person is guilty of aggravated arson if by means of fire or explosives he intentionally and unlawfully damages: (a) a habitable structure.
Data Collection	Yes	<i>Utah Code Ann. § 53-10-202 (2010)</i> —The Bureau of Criminal Identification shall establish a statewide uniform crime reporting system that shall include: statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate.
Law Enforcement Training	No	No statute found.

Vermont

Crime/Penalty Enhancement	Yes	<i>Vt. Stat. Ann. tit. 13, § 1455 (2010)</i> —Imposes additional penalties on a person who commits, causes to be committed or attempts to commit any crime and whose conduct is maliciously motivated by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, handicap as defined by 21 V.S.A. § 495d(5), sexual orientation or gender. <i>Vt. Stat. Ann. tit. 13, § 1456 (2010)</i> —Provides the penalty for 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.
Institutional Vandalism	No	No statute found.
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.

Virginia

Crime/Penalty Enhancement	Yes	<i>Va. Code Ann. § 18.2-57 (2010)</i> —Imposes additional penalties if a person intentionally selects the person against whom an simple assault or assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin. <i>Va. Code Ann. § 18.2-423 (2010)</i> —It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place. <i>Va. Code Ann. § 18.2-423.1 (2010)</i> —It shall be unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a swastika on any church, synagogue or other building or place used for religious worship, or on any school, educational facility or community center owned or operated by a church or religious body. <i>Va. Code Ann. § 18.2-423.2 (2010)</i> —Any person who, with the intent of intimidating any person or group of persons, displays a noose on the private property of another without permission is guilty of a Class 6 felony. Any person who, with the intent of intimidating any person or group of persons, displays a noose on a
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highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony.

Institutional Vandalism	Yes	<p><i>Va. Code Ann. § 18.2.127 (2010)</i>—Provides the penalties for any person who willfully or maliciously destroys, mutilates, defaces, injures, or removes any object or structure permanently attached or affixed within any church or on church property, any tomb, monument, gravestone, or other structure placed within any cemetery, graveyard, or place of burial.</p> <p><i>Va. Code Ann. § 18.2.138 (2010)</i>—Provides the penalties for any person who willfully and maliciously breaks any window or door of the Capitol, any courthouse, house of public worship, college, school house, city or town hall, or other public building or library.</p>
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Data Collection	Yes	<p><i>Va. Code Ann. § 52-8.5 (2010)</i>—The Superintendent shall establish and maintain within the Department of State Police a central repository for the collection and analysis of information regarding hate crimes and groups and individuals carrying out such acts.</p>
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Law Enforcement Training	No	No statute found.
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Washington

Crime/Penalty Enhancement	Yes	<p><i>Wash. Rev. Code Ann. §§ 9A.36.078, 9A.36.080 (2010)</i>—(1) A person is guilty of malicious harassment if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap: (a) causes physical injury to the victim or another person; (b) causes physical damage to or destruction of the property of the victim or another person; or (c) threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute malicious harassment if it is apparent to the victim that the person does not have the ability to carry out the threat. (2) In any prosecution for malicious harassment, unless evidence exists which explains to the trier of fact's satisfaction that the person did not intend to threaten the victim or victims, the trier of fact may infer that the person intended to threaten a specific victim or group of victims because of the person's perception of the victim's or victims' race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap if the person commits one of the following acts: (a) burns a cross on property of a victim who is or whom the actor perceives to be of African American heritage; or (b) defaces property of a victim who is or whom the actor perceives to be of Jewish heritage by defacing the property with a swastika.</p>
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Institutional Vandalism	Yes	<p><i>Wash. Rev. Code Ann. § 9.61.160 (2010)</i>—It shall be unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated.</p>
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Data Collection	Yes	<p><i>Wash. Rev. Code Ann. § 36.28A.030 (2010)</i>—The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection and classification of information regarding violations of RCW 9A.36.080. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information relating to violations of RCW 9A.36.080 and any other crimes of bigotry or bias apparently directed against other persons</p>
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because the people committing the crimes perceived that their victims were of a particular race, color, religion, ancestry, national origin, gender, sexual orientation, or had a mental, physical, or sensory handicap.

Law Enforcement Training Yes *Wash. Rev. Code Ann. § 43.101.290 (2010)*—The criminal justice training commission shall provide training for law enforcement officers in identifying, responding to, and reporting all violations of RCW 9A.36.080 and any other crimes of bigotry or bias.

West Virginia

Crime/Penalty Enhancement Yes *W. Va. Code Ann. § 61-6-21 (2010)*— All persons within the boundaries of the State of West Virginia have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation or sex. The fact that a person committed a felony or misdemeanor, or attempted to commit a felony, because of the victim’s race, color, religion, ancestry, national origin, political affiliation or sex, shall be considered a circumstance in aggravation of any crime in imposing sentence.

Institutional Vandalism No No statute found.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Wisconsin

Crime/Penalty Enhancement Yes *Wis. Stat. § 939.645 (2010)*—If a person does all of the following, the penalties for the underlying crime are increased as provided in sub. (2): (a) Commits a crime under chs. 939 to 948 and (b) Intentionally selects the person against whom the crime under par. (a) is committed or selects the property that is damaged or otherwise affected by the crime under par. (a) in whole or in part because of the actors belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property, whether or not the actors belief or perception was correct.

Institutional Vandalism Yes *Wis. Stat. § 943.012 (2010)*—Whoever intentionally causes damage to, intentionally marks, draws or writes with ink or another substance on or intentionally etches into any physical property of another, without the persons consent and with knowledge of the character of the property, is guilty of a Class I felony if the property consists of one or more of the following: (1) Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose. (2) Any cemetery, mortuary or other facility used for burial or memorializing the dead. (3) Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry or by an institution of any such group. (4) Any personal property contained in any property under subs. (1) to (3) if the personal property has particular significance or value to any group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry and the actor knows the personal property has particular significance or value to that group.

Data Collection No No statute found.

Law Enforcement Training No No statute found.

Wyoming

Crime/Penalty Enhancement	Yes	<i>Wyo. Stat. Ann. § 6-9-102 (2010)</i> —No person shall be denied the right to life, liberty, pursuit of happiness or the necessities of life because of race, color, sex, creed or national origin.
Institutional Vandalism	No	No statute found.
Data Collection	No	No statute found.
Law Enforcement Training	No	No statute found.

Source: LexisNexis State Statutes.

Author Contact Information

Alison M. Smith
Legislative Attorney
amsmith@crs.loc.gov, 7-6054

Cassandra L. Foley
Law Librarian
cfoley@crs.loc.gov, 7-4179

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This report was originally prepared by Charlene A. Austin, Law Clerk, under the general supervision of Paul Starett Wallace Jr., Specialist in American Public Law.