

HOUSE RESEARCH

Bill Summary

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Subject: Crimes motivated by bias

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Overview

This bill creates enhanced penalties for crimes motivated by bias. Currently, the following crimes have enhanced penalties if the crime was motivated by bias: assault, criminal damage to property, violation of a restraining order, and criminal harassment. This bill would create a general enhancement provision.

Section

1 Increased penalties for crimes motivated by bias.

Subd. 1. Crimes motivated by bias. Creates enhanced penalties if a crime was committed because of the victim's, property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin.

Subd. 2. Penalties. Increases penalties for crimes committed under subdivision 1.

- If the crime committed is a felony, the statutory maximum is increased by 5 years.
- If the crime committed is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than 2 years and/or to payment of a fine of not more than \$10,000.
- If the crime committed is a misdemeanor, the person is guilty of a gross

Section

misdemeanor.

Subd. 3. Exception. Provides that enhanced penalties under this section do not apply if proof of bias is already required for a conviction of a crime.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 2** **Assaults motivated by bias.** Increases the penalty for an assault motivated by bias that is committed within 5 years of a previous violation of the same statute. Currently, the maximum sentence is imprisonment for one year and a day and/or a \$3,000 fine. The new sentence is a maximum of two years' imprisonment and a \$10,000 fine.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 3** **Criminal damage to property in the second degree.** Increases the penalty for criminal damage to property motivated by bias. Currently, the maximum sentence is imprisonment for one year and a day and/or a \$3,000 fine. The new sentence is a maximum of two years' imprisonment and/or a \$5,000 fine.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]