Overview

This bill creates a new section of law to provide enhanced penalties for certain offenses motivated by bias. The bill also requires courts to order juveniles who are adjudicated delinquent for a bias offense or whose petition for a bias offense is continued to obtain education on bias-motivated offenses and perform community service. The bill also requires the sentencing guidelines commission to collect information on the number of convictions under this section and to report this information to the legislature annually.

1  **Bias-motivated offense.** Requires a court to order a child adjudicated delinquent for an offense motivated by bias:

   to receive appropriate education concerning bias-motivated offenses and the effect of these offenses on victims and society; and

   to perform appropriate community service.

   This education and community service is in addition to any other disposition ordered.

2  **Continuance.** Requires the court to impose the same requirements on a child as stated in section 1 when the court continues the case to proceed without an adjudication of delinquency or when the court continues it for dismissal.

3  **Offenses motivated by bias; penalty enhancements.**

    **Subd. 1. Definition.** Defines "bias-motivated offense" to mean any of the following designated offenses when the actor intentionally selects the victim or the property against which the offense is committed, in whole or in part, because of the victim's, the property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin. The designated offenses are:

    assault in the fifth degree;

    interfering with religious observance;
arson in the third degree;
damage to property;
trespass;
civil disorder;
riot in the third degree;
disorderly conduct;
public nuisance;
harassment and stalking;
obscene or harassing telephone calls; and
harassing letters, telegrams, or packages.

Subd. 2. Penalty enhancement. Enhances penalties for a person convicted of a bias-motivated offense, as follows:

- if the underlying offense is punishable as a misdemeanor, the person may be sentenced as though the offense is punishable as a gross misdemeanor;
- if the underlying offense is punishable as a gross misdemeanor, the person may be sentenced as though the offense is punishable as a one-year felony;
- if the underlying offense is a violation of the harassment and stalking law, the offense may be treated as a five-year felony (instead of a gross misdemeanor); and
- if the underlying offense is assault in the fifth degree, the offense may be treated as a one-year felony if the violation occurs within five years of a previous conviction for assault committed with intent to cause fear in another of immediate bodily harm or death or of an assault motivated by bias.

Subd. 3. Collection of information. Requires the sentencing guidelines commission to collect information on the number of convictions under this section and the sentences imposed. Requires the commission to report this information to the legislature by January 15, 2001, and each January 15 thereafter.

- Criminal damage to property. Strikes references to the enhanced penalty for bias crimes found in the criminal damage to property law, consistent with the creation of the new enhanced penalties for bias crimes created in section 3.

- Aggravated violations. Strikes reference to an enhanced penalty for bias crimes found in the harassment law, consistent with the creation of the new enhanced penalties for bias crimes created in section 3.

- Crime of violence. Adds assaults under the new enhancement provision for bias crimes created in section 3 to the list of crimes of violence for determining who will be ineligible to possess pistols or semiautomatic military-style assault weapons.

- Repealer. Repeals language related to enhanced penalties for misdemeanor assault (section 609.2231, subdivision 4) and criminal damage to property (section 609.595, subdivision 1a), consistent with the new bias crime created in section 3.

- Effective date. August 1, 2000, for crimes committed on or after that date.