

HOUSE BILL No. 1209

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3.

Synopsis: Bias motivated crimes. Provides that a bias motivated crime is a crime in which the person who commits the crime knowingly or intentionally selects: (1) the individual against whom the crime was committed; or (2) any property damaged or otherwise affected by the crime; in whole or in part because of the actual or perceived race, color, religion, ethnicity, national origin, sexual orientation, gender, gender identity or expression, or disability of the individual or a group of individuals, whether or not the person's belief or perception was correct. Amends the law that requires law enforcement agencies to collect and report information concerning bias motivated crimes.

Effective: July 1, 2021.

Porter

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1209

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-13-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this
3 chapter, "bias **motivated crime**" means ~~an offense a crime~~ in which
4 the person who commits the ~~offense crime~~ knowingly or intentionally
5 (1) ~~selected the person who was injured; or~~
6 (2) ~~damaged or otherwise affected property;~~
7 ~~by the offense because of the color, creed, disability, national origin,~~
8 ~~race, religion, or sexual orientation of the injured person or of the~~
9 ~~owner or occupant of the affected property or because the injured~~
10 ~~person or owner or occupant of the affected property was associated~~
11 ~~with any other recognizable group or affiliation: **selects:**~~
12 (1) **the individual against whom the crime was committed; or**
13 (2) **any property damaged or otherwise affected by the crime;**
14 **in whole or in part because of the actual or perceived race, color,**
15 **religion, ethnicity, national origin, sexual orientation, gender,**
16 **gender identity or expression, or disability of the individual or a**
17 **group of individuals, whether or not the person's belief or**



- 1 **perception was correct.**
 2 SECTION 2. IC 10-13-3-38 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) ~~A~~ **Each** law
 4 enforcement agency shall collect information concerning bias
 5 **motivated** crimes.
 6 (b) At least two (2) times each year, ~~a~~ **each** law enforcement agency
 7 shall submit information collected under subsection (a) to the Indiana
 8 central repository for criminal history information ~~information shall be~~
 9 ~~reported in the manner and form prescribed~~ **using the National**
 10 **Incident-Based Reporting System (NIBRS) format as required by**
 11 the department.
 12 (c) **Each law enforcement agency shall submit data regarding**
 13 **the commission of bias motivated crimes to the Federal Bureau of**
 14 **Investigation in accordance with guidelines established under 28**
 15 **U.S.C. 534.**
 16 ~~(e)~~ (d) At least one (1) time each year, the Indiana central repository
 17 for criminal history information shall submit a report that includes a
 18 compilation of information obtained under subsection (b) to each law
 19 enforcement agency and to the legislative council. A report submitted
 20 to a law enforcement agency and the legislative council under this
 21 subsection may not contain the name of a person who:
 22 (1) committed or allegedly committed a bias **motivated** crime; or
 23 (2) was the victim or the alleged victim of a bias **motivated**
 24 crime.
 25 A report submitted to the legislative council under this subsection must
 26 be in an electronic format under IC 5-14-6.
 27 ~~(d)~~ (e) Except as provided in subsection ~~(e)~~; (f), information
 28 collected, submitted, and reported under this section must be consistent
 29 with guidelines established for the acquisition, preservation, and
 30 exchange of identification records and information by:
 31 (1) the Attorney General of the United States; or
 32 (2) the Federal Bureau of Investigation;
 33 under 28 U.S.C. 534 and the Hate Crime Statistics Act, as amended (28
 34 U.S.C. 534 note).
 35 ~~(e)~~ (f) Information submitted under subsection (b) and reports
 36 issued under subsection ~~(e)~~ (d) shall, in conformity with guidelines
 37 prescribed by the department,
 38 ~~(1)~~ be separated in reports on the basis of whether it is an alleged
 39 crime, a charged crime, or a crime for which a conviction has
 40 been obtained. ~~and~~
 41 ~~(2)~~ be divided in reports on the basis of whether, in the opinion of
 42 the reporting individual and the data collectors, bias was the



1 primary motivation for the crime or only incidental to the crime.

