

1 AN ACT relating to hate crimes.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 532.031 is amended to read as follows:

4 (1) A person may be found by the sentencing judge to have committed an offense  
5 specified below as a result of a hate crime if the person intentionally because of  
6 race, color, religion, sexual orientation, or national origin of another individual or  
7 group of individuals or because of a person's actual or perceived employment as a  
8 state, city, county, or federal peace officer, member of an organized fire department,  
9 or emergency medical services personnel, violates a provision of any one (1) of the  
10 following:

11 (a) **KRS Chapter 507 or 507A, or the attempt to commit or the solicitation of a**  
12 **crime under those chapters;**

13 **(b)** KRS 508.010, 508.020, 508.025, or 508.030;

14 **(c)**~~(b)~~ KRS 508.050 or 508.060;

15 **(d)**~~(c)~~ KRS 508.100 or 508.110;

16 **(e)**~~(d)~~ KRS 509.020;

17 **(f)**~~(e)~~ KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.100,  
18 or 510.110;

19 **(g)**~~(f)~~ KRS 512.020, 512.050, or 512.060;

20 **(h)**~~(g)~~ KRS 513.020, 513.030, or 513.040; or

21 **(i)**~~(h)~~ KRS 525.020, 525.050, 525.060, 525.070, or 525.080.

22 (2) At sentencing, the sentencing judge shall determine if, by a preponderance of the  
23 evidence presented at the trial, a hate crime was a primary factor in the commission  
24 of the crime by the defendant. If so, the judge shall make a written finding of fact  
25 and enter that in the court record and in the judgment rendered against the  
26 defendant.

27 (3) The finding that a hate crime was a primary factor in the commission of the crime

1 by the defendant may be utilized by the sentencing judge as the sole factor for  
2 denial of probation, shock probation, conditional discharge, or other form of  
3 nonimposition of a sentence of incarceration.

4 (4) The finding by the sentencing judge that a hate crime was a primary factor in the  
5 commission of the crime by the defendant may be utilized by the Parole Board in  
6 delaying or denying parole to a defendant.

7 (5) As used in this section:

8 (a) "Emergency medical services personnel" has the same meaning as in KRS  
9 311A.010; and

10 (b) "Member of an organized fire department, or emergency medical services  
11 personnel" includes volunteers, if the violation occurs while the volunteer is  
12 performing duties with an organized fire department or as emergency medical  
13 services personnel.