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H.491

Introduced by Representative Morris of Bennington

Referred to Committee on

Date:

Subject: Crimes; hate crimes

Statement of purpose of bill as introduced: This bill proposes to prohibit  
damaging property for the purpose of intimidating a person because of the  
victim's actual or perceived personal characteristics.

An act relating to hate crimes

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 1455 is amended to read:

§ 1455. HATE-MOTIVATED CRIMES

(a) 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 U.S. Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual  
orientation, or gender identity shall be subject to the following penalties:

(1) If the maximum penalty for the underlying crime is one year or less,  
the penalty for a violation of this section shall be imprisonment for not more  
than two years or a fine of not more than \$2,000.00, or both.

1           (2) If the maximum penalty for the underlying crime is more than one  
2 year but less than five years, the penalty for a violation of this section shall be  
3 imprisonment for not more than five years or a fine of not more than  
4 \$10,000.00, or both.

5           (3) If the maximum penalty for the underlying crime is five years or  
6 more, the penalty for the underlying crime shall apply; however, the court shall  
7 consider the motivation of the defendant as a factor in sentencing.

8           (b)(1) No person shall knowingly deface, damage, or destroy the real or  
9 personal property of any other person for the purpose of intimidating or  
10 interfering with the free exercise or enjoyment of any right or privilege secured  
11 to him or her by the laws of this State or by the Constitution of this State or the  
12 United States, in whole or in part because of the victim's actual or perceived  
13 race, color, religion, national origin, sex, ancestry, age, service in the U.S.  
14 Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual orientation,  
15 or gender identity.

16           (2) A person who violates subdivision (1) of this subsection shall be  
17 imprisoned not more than one year or fined not more than \$1,000.00, or both.

18 Sec. 2. EFFECTIVE DATE

19           This act shall take effect on passage.