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State Statutes Governing Hate Crimes

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Summary

Most state hate crimes laws are similar to a model proposed by the Anti-Defamation League which covers not only anti-Semitic crimes, but all hate crimes. The model law also includes an institutional vandalism section which increases the criminal penalties for vandalism which covers houses of worship, cemeteries, schools, and community centers. Almost every other state has some form of legislation which can be used to prosecute such crimes.

The essence of the Anti-Defamation League (ADL) legal approach is the penalty-enhancement concept which was upheld in the landmark decision by the Supreme Court in *Wisconsin v. Mitchell*, 508 U.S. 476 (1993). The Court was unanimous in upholding the constitutionality of the Wisconsin penalty-enhancement hate crime statute which was based on the ADL's model. In *Mitchell*, the Court noted that expressions of hate are protected by the First Amendment's free speech clause and they are not by themselves criminalized. However, criminal activity which has been motivated by hate may be made subject to an enhanced sentence. In essence, the defendant's sentence may be enhanced if he intentionally selects his victim based upon his perception of the victim's race, religion, national origin, sexual orientation or gender.

Adjustments in state law, regarding the respective fact finding authority of the jury and the court in criminal cases in light of *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and *Booker v. United States*, 125 S. Ct. 738 (2005), are beyond the scope of this report. This report will be updated periodically as legislative actions within the states occur.

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State Statutes Governing Hate Crimes

This report compiles state statutes pertaining to hate crimes. The Violent Crime Control and Law Enforcement Act of 1994 defines hate crime in §280003a as a “crime in which the defendant intentionally selects a victim, or in the case of property crime, the property that is the object of the crime” motivated by prejudice based on the “race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation” of the victim, P.L. 103-322, 108 Stat. 2096 (1994).

At least 45 states and the District of Columbia have statutes with penalties for bias-motivated crimes. States with comprehensive hate crime statutes provide specific penalty enhancements to deter hate crimes. Associated criminal statutes for each state that are more general in scope were also included. States have at least one of the following types of legislation: statutory provisions that outlaw destruction of religious institutions, criminalize bias-motivated violence and intimidation, mandate training for state police officers in recognizing and reporting hate crimes, and also prohibit infringement on another person’s civil rights.¹

Approximately half the states are required by law to compile statistics on hate crimes. Law enforcement agencies must collect information and report on bias crimes to, among other entities, the FBI under the Hate Crime Statistics Act of 1990, 28 U.S.C. 534 note. Hate crime statutes that do offer protection for victims vary in terms of whether the protection extends to include gender, sexual orientation, or disability in addition to the standard factors of race, color, religion, and national origin.

At least 10 states and the District of Columbia, have enacted hate crime laws that cover gender identity and sexual orientation. At least 21 states have criminal legislation that brings attention to gender identity motivated crimes. There appear to be at least 25 states that protect potential victims of sexual orientation. Additionally, at least 22 states address bias-motivated crimes, among other factors, contingent on disability.

In compiling the state laws, current Lexis versions of state codes and statutes as well as hard copy state codes were used for research. Additionally, useful research stemmed from the use of individual State Law Libraries and contacts with State District Attorney’s offices, as well as human rights organizations.

This report was prepared by Charlene A. Austin, Law Clerk, under the general supervision of Paul S. Wallace, Specialist in American Public Law.

¹ See CRS Report RL32850, *Hate Crimes: Legal Issues*.

State Statues Governing Hate Crimes

Alabama		
Penalty Enhancement	Yes	Ala. Code § 13A-5-13 – Imposes additional penalties for hate crimes “where it is shown that a perpetrator committing the underlying offense was motivated by the victim’s actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.”
Institutional Vandalism	Yes	Ala. Code § 13A-11-12 (1994)–Desecration of “venerated objects” includes places of worship.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Alaska		
Penalty Enhancement	Yes	Alaska Stat. § 12.55.155(c)(22) – Aggravating factors considered by the court include the selection of a victim “because of that person’s race, sex, color, creed, physical or mental disability, ancestry, or national origin.”
Institutional Vandalism	Yes	Alaska Stat. § 34.50.020(2002)–Penalizes the destruction of real or personal property by minors which belong to a religious or charitable organization.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Arizona		
Penalty Enhancement	Yes	Ariz. Rev. Stat. Ann. §13-702[C][14] – Identifies as an aggravating sentencing factor that the defendant committed an offense out of malice toward the victim’s real or perceived identification with a group listed in §41-1750[A][3].
Institutional Vandalism	Yes	Arizona Stat. § 13-1604(2001)–A person commits aggravated criminal damage by intentionally or recklessly damaging, defacing, or tampering with the property of another without the express permission of the owner.
Data Collection	Yes	Ariz. Rev. Stat. Ann. §41-1750[A][3] – The Arizona Highway Patrol is responsible for the centralized collection of data relating to crimes manifesting a malice on the basis of

		race, color, religion, national origin, sexual orientation, gender or disability.
Law Enforcement Training	No	No statute located under this heading.
Arkansas		
Penalty Enforcement	No	
Institutional Vandalism	Yes	Ark. Code Ann. § 5-71-215(3) – Covers damage of “any place of worship, cemetery, or burial monument.” Ark. Code Ann. § 5-71-207(8) – Disorderly conduct includes damage of a “patriotic or religious symbol that is an object of respect by the public or a substantial segment thereof.” Ark. Code. Ann. §5-38-301(a)(5) – Outlaws burning churches.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.

California		
Penalty Enhancement	Yes	<p>Cal. Penal Code § 422.75 – “...[A] person who commits a felony that is a hate crime or attempts to commit a felony that is a hate crime, shall receive an additional term of one, two, or three years in the state prison, at the court’s discretion.”</p> <p>Cal. Penal Code § 422.76 – Commission of a felony because of specified belief or characteristics of the victim shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.</p> <p>Cal. Penal Code § 628.1 – “Hate crime” means an act or attempted act against the person or property of another individual or institution which in any way manifest evidence of hostility toward the victim because of his or her actual or perceived race, religion, disability, gender, nationality, or sexual orientation. This includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols, or fire bombings.</p> <p>Cal. Penal Code § 666.7 – “The term “sentence enhancement” means an additional term of imprisonment in the state prison added to the base term for the underlying offense. A sentence enhancement is imposed because of the nature of the offense at the time the offense was committed or because the defendant suffered a qualifying prior conviction before committing the current offense.”</p> <p>Cal. Penal Code § 422.7 – Additional Punishment for hate crime committed for purpose of intimidating or interfering with constitutional rights of another.</p> <p>Cal. Penal. Code § 1170.75 – Treats as an aggravating factor that the crime of conviction was motivated by malice towards the victim’s race, color, religion, nationality, country of origin, ancestry, disability, gender, or sexual orientation.</p>
Institutional Vandalism	Yes	<p>See above Cal. Penal Code § 628.1.</p> <p>Cal. Penal Code § 594.3 – Criminalizes vandalism of places of worship and</p>

		interference with religious worship and if shown to have been committed by reason of the race, color, religion, or national origin of another individual or group of individuals and to have been committed for the purpose of intimidating and deterring persons from freely exercising their religious beliefs, is guilty of a felony punishable by imprisonment in the state prison. Cal. Penal Code § 11413 – Outlaws burning churches or other places of worship.
Data Collection	Yes	Cal. Penal Code § 628.1 – Mandates development of a standard reporting form for hate crimes for use by all school districts and county offices of education.
Law Enforcement Training	Yes	Cal. Penal Code § 13519.6 – Covers hate crimes training for peace officers.
Colorado		
Penalty Enhancement	Yes	Colo. Rev. Stat. § 18-9-121 – “It is the right of every person, regardless of race, color, ancestry, religion, or national origin, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of individuals and groups.”
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Connecticut		
Penalty Enhancement	Yes	Conn. Gen. Stat. Ann. § 53a-181j to 53-181l – Covers intimidation based on bigotry or bias in the first degree as a class C felony.
Institutional Vandalism	Yes	Conn. Gen. Stat. Ann. § 46a-58 – Covers deprivation of rights, desecration of property, and cross burning.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.

Delaware		
Penalty Enhancement	Yes	11 Del. Code Ann. § 1304 – Imposes additional penalties for hate crimes where it is shown that a perpetrator committing the underlying offense was motivated by the “victim's race, religion, color, disability, sexual orientation, national origin or ancestry.”
Institutional Vandalism	Yes	11 Del. C. § 1331 (2005)-“A person is guilty of desecration if the person intentionally defaces, damages, pollutes or otherwise physically mistreats any public monument or structure, any place of worship, the national flag or any other object of veneration by the public or a substantial segment thereof, in a public place and in a way in which the actor knows will outrage the sensibilities of persons likely to observe or discover the actions.”
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
District of Columbia		
Penalty Enhancement	Yes	<p>D.C. Code § 22-3701 – Covers definitions of “bias-related crime” and Designated act.</p> <p>D.C. Code § 22-3703 – “A person charged with and found guilty of a bias-related crime shall be fined not more than 1 ½ times the maximum fine authorized for the designated act and imprisoned for not more than 1 ½ times the maximum term authorized for the designated act.”</p> <p>D.C. Code § 22-3704 – Imposes additional penalties for hate crimes where it is shown that a perpetrator committing the underlying offense was motivated by the “victim's actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, or political affiliation.”</p> <p>D.C. Code § 22-4004 – The perpetrator's “designated act shall have a civil cause of action in a court of competent jurisdiction for appropriate relief.”</p>
Institutional Vandalism	Yes	D.C. Code § 22-3312.02 – Covers defacing or burning cross or religious symbol and display of certain emblems.

Data Collection	Yes	D.C. Code § 22-3702 – “The Metropolitan Police force shall afford each crime victim the opportunity to submit with the complaint a written statement that contains information to support a claim that the designated act constitutes a bias-related crime.”
Law Enforcement Training	No	No statute located under this heading.
Florida		
Penalty Enhancement	Yes	Fla. Stat. Ann. § 775.085 – Covers general penalties of crimes motivated by the “victim's race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim.” Fla. Stat. § 775.0845 – Covers general penalties for wearing mask while committing offense
Institutional Vandalism	Yes	Fla. Stat. § 806.13 – Criminalizes damages to places of worship and real or personal property belonging to another. Section also includes penalties for minors.
Data Collection	Yes	Fla. Stat. § 877.19 – “The Florida Department of Law Enforcement shall collect and disseminate data on incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin.”
Law Enforcement Training	No	No statute located under this heading.
Georgia		
Penalty Enhancement	No	Ga. Code §§ 17-10-17 to 17-10-19 – Authorizes penalty enhancements for crimes committed because of bias or prejudice.
Institutional Vandalism	Yes	Ga. Code § 16-7-26 – Vandalism to a place of worship.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.

Hawaii		
Penalty Enhancement	Yes	Hawaii Rev. Stat. § 706-662 – “Criteria for extended terms of imprisonment when (6)(b) the defendant intentionally selected a victim, or in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person.”
Institutional Vandalism	Yes	Hawaii Rev. Stat. § 711-1107 – “A person commits the offense of desecration if the person intentionally desecrates: (a) Any public monument or structure; or (b) A place of worship or burial; (c) In a public place the national flag or any other object of veneration by a substantial segment of the public.”
Data Collection	Yes	<p>Hawaii Rev. Stat. § 846-51 – “Covers definitions of hate crime reporting.”</p> <p>Hawaii Rev. Stat. § 846-52 – “The department of the attorney general shall be responsible for the collection, storage, dissemination, and analysis of all hate crime data from all agencies that have primary investigative, action, or program responsibility for adult or juvenile offenses...”</p> <p>Hawaii Rev. Stat. § 846-53 – “Agencies that have investigative, detention, custodial, adjudicative, or program responsibility for adult or juvenile offenses shall cooperate with the attorney general in establishing the hate crime reporting system .”</p> <p>Hawaii Rev. Stat. § 846-54 – “The attorney shall summarize and analyze reports of hate crimes data that are received, and shall compile and transmit an annual report of hate crime data to the governor, the judiciary, the department of public safety, and the legislature.”</p>
Law Enforcement Training	No	No statute located under this heading.
Idaho		
Penalty Enhancement	Yes	Idaho Code § 18-7092 – “It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin.”

Institutional Vandalism	Yes	Idaho Code § 18-7902 – Malicious harassment prohibited which includes injury to person or property of another because of that person’s race, color, religion, ancestry, or national origin.
Data Collection	Yes	Idaho Code § 67-2915 – Provides for statistical reporting of malicious harassment crimes.
Law Enforcement Training	No	No statute located under this heading.
Illinois		
Penalty Enhancement	Yes	720 Ill. Comp. Laws Ann. § 5/12-7.1 – Outlaws hate crimes (violent crimes committed because of animus towards victim’s actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin). 730 Ill. Comp. Laws Ann. § 5/5-5-3.2 – List the aggravating factors that may be considered by the court, including the selection of a victim because of the victim’s actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin.
Institutional Vandalism	Yes	720 Ill. Comp. Laws Ann. § 5/21-1.2 – Criminalizes damage to places of worship, schools, educational facilities or community centers committed because of or by reason of the race, color, creed, religion or national origin of another.
Data Collection	Yes	20 Ill. Comp. Laws Ann. § 2605/55a31 – Provides for the collection and dissemination of hate crimes data.
Law Enforcement Training	Yes	20 Ill. Comp. Laws Ann. § 2605/55a31 – Mandates training for state police officers in identifying, responding to, and reporting hate crimes.
Indiana		
Penalty Enhancement	No	No statute located under this heading.
Institutional Vandalism	Yes	Ind. Code Ann. § 35-43-1-2(b) – Outlaws property damage to places of worship, schools or community centers.
Data Collection	Yes	Ind. Code Ann. § 10-13-3-38 – “A law enforcement agency shall collect information concerning bias crimes.”

		Ind. Code Ann. § 10-13-3-1(b) – “Bias crime” means an offense in which the person who commits the offense knowingly or intentionally damaged or otherwise affected property because of the color, creed, disability, national origin, race, religion, or sexual orientation of the owner or occupant of the affected property.
Law Enforcement Training	No	No statute located under this heading.
Iowa		
Penalty Enhancement	Yes	Iowa Code Ann. § 708.2C, 712.7, 716.6A, 716.8 – Outlaws hate crime as defined in § 729A.2 (crimes committed because of the victim’s race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability).
Institutional Vandalism	Yes	Iowa Code Ann. § 716.6A – Increases the penalty for institutional vandalism one degree higher than the underlying offense which is also a hate crime as defined in § 729A.2.
Data Collection	Yes	Iowa Code Ann. § 692.15(7) – Mandates reporting of hate crimes.
Law Enforcement Training	Yes	Iowa Code Ann. § 729A.4 – Covers sensitivity training for law enforcement personnel.
Kansas		
Penalty Enhancement	Yes	Kan. Stat. Ann. § 21-4716(c)(2)(C) – Establishes as an aggravating sentencing factor a crime that was motivated by the victim’s race, color, religion, ethnicity, national origin, or sexual orientation.
Institutional Vandalism	Yes	Kan. Stat. Ann. § 21-4111 – Covers institutional vandalism and desecration of religious institutions.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Kentucky		
Penalty Enhancement	Yes	Ky. Rev. Stat. § 532.031 – “A person may be found by the sentencing judge to have committed an offense specified below as a result of a hate crime if the person

		intentionally because of race, color, religion sexual orientation, or national origin of another individual or group of individuals...” Ky. Rev. Stat. § 346.055 – Victim of hate crime deemed victim of criminally injurious conduct.
Institutional Vandalism	Yes	Ky. Rev. Stat. § 525.113 – “A person is guilty of institutional vandalism when he, because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates objects...” Ky. Rev. Stat. § 525.110 – Covers desecration of venerated objects in the second degree.
Data Collection	Yes	Ky. Rev. Stat. § 17.1523 – “Uniform offense report to provide for indication of bias-related crime.”
Law Enforcement Training	Yes	Ky. Rev. Stat. § 15.331 – Covers basic law enforcement training to include training on bias-related crime.
Louisiana		
Penalty Enhancement	Yes	La. Rev. Stat. §14:107.2 – “It shall be unlawful for any person to select the victim of the following offenses against person and property because of actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry...”
Institutional Vandalism	Yes	La. Rev. Stat. §14.225 – Criminalizes knowingly vandalizing, defacing, or otherwise damaging places used for religious worship, schools, or community centers.
Data Collection	Yes	La. Rev. Stat. 15:1204.2B(4) – Mandates the reporting of data regarding crimes directed against individuals or groups, or their property, by reason of their actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry.
Law Enforcement Training	Yes	La. Rev. Stat. § 40:2403 – Covers Council on Peace Officer Standards and Training.
Maine		
Penalty Enhancement	Yes	17 Me. Rev. Stat. § 1151 – Covers general sentencing provisions for crimes motivated because of the victim's “race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation of that

		<p>person or of the owner or occupant of that property.”</p> <p>17 Me. Rev. Stat. § 2931, 2932 – Outlaws interference with the exercise or enjoyment of civil rights.</p>
Institutional Vandalism	Yea	17 Me. Rev. Stat. § 507 – Covers desecration and defacement of places of worship.
Data Collection	Yes	25 Me. Rev. Stat. § 1544 – Provides for reporting on crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation or ethnicity.
Law Enforcement Training	No	No statute located under this heading.
Maryland		
Penalty Enhancement	Yes	<p>Md. Crim. Code Ann. § 10-305 – Covers specific penalties associated with hate crimes.</p> <p>Md. Crim. Code Ann. § 10-306 – “Prosecution of a person under this subtitle does not preclude prosecution and imposition of penalties for another crime in addition to the penalties imposed under this subtitle.”</p>
Institutional Vandalism	Yes	<p>Md. Crim. Code Ann. § 10-301 – Covers damaging property of religious entity.</p> <p>Md. Crim. Code Ann. § 10-302 – “A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs.”</p> <p>Md. Crim. Code Ann. § 10-303 – Covers “harassment; destruction of property because of another's race, color, religious beliefs, or national origin...”</p> <p>Md. Crim. Code Ann. § 10-304 – Covers damage to associated building.</p>
Data Collection	Yes	Md. Crim. Code Ann. 88B, § 9(b)– Mandates the collection and analysis of information relating to incidents directed against an individual or group because of the individual’s or group’s race, religion, ethnicity, or sexual orientation.
Law Enforcement Training	No	No statute located under this heading.
Massachusetts		
Penalty Enhancement	Yes	Mass. Gen. Laws Ann. ch. 265, § 37 – Outlaws interference with the exercise or

		<p>enjoyment of civil rights.</p> <p>Mass. Gen. Laws Ann. ch. 265, § 39 – Covers Intimidation because of Race, Color, Religion or National Origin; Assault or Battery; Damage to Property; Fines; Imprisonment; Diversity Awareness Program.</p>
Institutional Vandalism	Yes	<p>Mass. Gen. Laws Ann. ch. A266 § 126A – Criminalizes defacement of real or personal property</p> <p>Mass. Gen. Laws Ann. ch. 266 § 127 – Criminalizes anyone who destroys or injures the personal property, dwelling house or building of another.</p>
Data Collection	Yes	<p>Mass. Gen. Laws Ann. ch. 22C § 33 – Provides for the promulgation of regulation relative to the collection of hate crime data</p> <p>Mass. Gen. Laws Ann. ch.22C § 34 – Provides for the summary and analysis of hate crime data and the publication of annual reports.</p>
Law Enforcement Training	Yes	<p>Mass. Gen. Laws Ann. ch. 6, § 116B – “The municipal police training committee shall provide instruction for police officers in identifying, responding to and reporting all incidents of hate crime....”</p>

Michigan		
Penalty Enhancement	Yes	Mich. Comp. Laws. Ann. § 750.147b – Outlaws ethnic intimidation on the basis of race, color, religion, gender, or national origin.
Institutional Vandalism	No	No statute located under this heading.
Data Collection	Yes	Mich. Comp. Laws. Ann. § 28.257a – Requires that ethnic intimidation offenses be reported to the central record repository.
Law Enforcement Training	No	No statute located under this heading.
Minnesota		
Penalty Enhancement	Yes	Minn. Stat. Ann. § 609.2231[subd.4], 609.5595[subd. 1a], 609.749[subd. 3(a)] – Covers assault, property damage and harassment motivated by victim’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin. Minn. Stat. Ann. ch. 244 App. [II][2][b][11] – Establishes an aggravating sentencing factor for offenses motivated by the animus noted above.
Institutional Vandalism	Yes	Minn. Stat. Ann. § 609.595 – Covers damage to property.
Data Collection	Yes	Minn. Stat. Ann. § 626.5531 – Covers reporting of crimes motivated by bias.
Law Enforcement Training	Yes	Minn. Stat. Ann. § 626.8451 – Covers training in identifying and responding to certain crimes.
Mississippi		
Penalty Enhancement	Yes	Miss. Code Ann. § 99-19-307 – Imposes additional penalties for hate crimes “in the event it is found beyond a reasonable doubt that the offense was committed by reason of the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim.” Miss. Code Ann. § 99-19-305 – Covers sentencing proceedings; required findings for enhanced penalty. Miss. Code Ann. § 99-19-301 – Covers penalties subject to enhancement.
Institutional Vandalism	Yes	Miss. Code Ann. § 97-17-39 – Describes penalties for injuring, destroying, or defacing

		certain public buildings, schools or churches, or property thereof.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Missouri		
Penalty Enhancement	Yes	Mo. Ann. Stat. § 557.035 – Provides enhanced penalties for motivational factors in certain crimes...which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims.”
Institutional Vandalism	Yes	Mo. Ann. Stat. §574.085 – Criminalizes vandalism or damages to places used for religious worship or other religious purpose, schools, community centers, and any personal property contained therein.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Montana		
Penalty Enhancement	Yes	Mont. Code Ann. § 45-5-222 – Sentence enhancement-offenses committed because of victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities.
Institutional Vandalism	Yes	Mont. Code. Ann. § 45-5-221 – Criminalizes damages to another’s property motivated by race, creed, religion, color, national origin, or involvement in civil rights or human rights activities.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Nebraska		
Penalty Enhancement	Yes	Neb. Rev. Stat. § 28-111 – Imposes additional penalties for “any person who commits one or more of the following criminal offenses against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability....” Neb. Rev. Stat. § 28-113 – A victim of hate crime “may bring a civil action for equitable relief, general and special damages, reasonable attorney's fees, and costs.”

Institutional Vandalism	No	No statute located under this heading.
Data Collection	Yes	Neb. Rev. Stat. § 28-114 – Provides for the establishment of a central repository for the collection and analysis of information regarding criminal offenses committed against a person because of the person’s race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.
Law Enforcement Training	No	No statute located under this heading.
Nevada		
Penalty Enhancement	Yes	Nev. Rev. Stat. § 207.185 – Penalty for commission of certain unlawful acts by reason of actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of another person or group of persons. Nev. Rev. Stat. § 193.1675 – Additional penalty: Commission of crime because of certain actual or perceived characteristics of victim. Nev. Rev. Stat. § 41.690 – “Cause of action for damages resulting from criminal violation if perpetrator was motivated by certain characteristics of victim.”
Institutional Vandalism	Yes	Nev. Rev. Stat. § 206.125 – Damage of property used for religious or educational purposes, for burial or memorializing dead or as community center; damage of property contained therein.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
New Hampshire		
Penalty Enhancement	Yes	N. H. Rev. Stat. Ann. § 651:6 – Imposes extended term of imprisonment where a perpetrator was “substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, sexual orientation, national origin or sex.”
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.

New Jersey		
Penalty Enhancement	Yes	<p>N. J. Stat. Ann. § 2C:44-3 – Provides that a court may enhance penalties for crimes committed with a purpose to intimidate an individual or group because of race, color, gender, handicap, religion, sexual orientation or ethnicity.</p> <p>N. J. Stat. Ann. § 2C:16-1 – Outlaws bias intimidation on the basis of the victim’s race, color, religion, gender, handicap, sexual orientation or ethnicity.</p>
Institutional Vandalism	Yes	N. J. Stat. Ann. § 2C:33-11 – Criminalizes purposeful defacement or damage to any private premises or property primarily used for religious, educational, residual, memorial, charitable, or cemetery purposes, by placing a symbol or object that exposes another to threat of violence.
Data Collection	Yes	N. J. Stat. Ann. § 52:9DD-9 – Covers efforts to promote prejudice reduction and prevent and deter crimes based upon the victim’s race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive ability.
Law Enforcement Training	Yes	N. J. Stat. Ann. § 52:9DD-9 – Covers development of cultural diversity training for law enforcement personnel.
New Mexico		
Penalty Enhancement	Yes	N.M. Stat. Ann. § 31-18B-1 – This act 31-18B-1 to 31-18B-5 NMSA 1978 may be cited as the “Hate Crimes Act.” Will allow a year of prison to be added to each felony charge proved by the prosecutors.
Institutional Vandalism	Yes	N.M. Stat. Ann. § 30-15-4 – Criminalizes desecration of a church.
Data Collection	Yes	N.M. Stat. Ann. § 31-18B-4 - Shall provide the FBI with data concerning a crime motivated by hate in accordance with guidelines established pursuant to the Federal Hate Crime Statistics Act.
Law Enforcement Training	Yes	N.M. Stat. Ann. § 31-18B-5 - Provides for law enforcement training concerning the detection, investigation and reporting of a crime motivated by hate.

New York		
Penalty Enhancement	Yes	N.Y. Penal § 485.10 – When a person commits a hate crime, the penalty shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense. N.Y. Penal § 240.30, 240.31 – Outlaws aggravating harassment on the basis of the victim’s real or perceived race, color, national origin, ancestry, gender, religion, religious practices, age, disability or sexual orientation.
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
North Carolina		
Penalty Enhancement	Yes	N.C. Gen. Stat. § 14-3 – Enhances punishment for offenses committed because of victim's race, color, religion, nationality, or country of origin.
Institutional Vandalism	Yes	N.C. Gen. Stat. § 14-49 – Covers wilful and malicious damage to buildings of worship by use of explosive. N.C. Gen. Stat. § 14-144 – Covers damage to buildings of worship by another means than burning or attempt to burn. N.C. Gen. Stat. § 14-62.2 – Covers church burning.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
North Dakota		
Penalty Enhancement	Yes	N.D. Cent. Code, § 12.1-14-04 – “A person is guilty of a class B misdemeanor if , whether or not acting under color of law, he, by force, or threat of force or by economic coercion, intentionally 1. injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin...”
Institutional Vandalism	No	No statute located under this heading.

Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Ohio		
Penalty Enhancement	Yes	Ohio Rev. Stat. Ann. § 2927.12 – Enhances penalty for ethnic intimidation and certain offenses committed by reason of the victim’s race, color, religion, or national origin.
Institutional Vandalism	Yes	Ohio Rev. Stat. Ann. § 2927.11 – Covers damage to places of worship, their furnishings, or religious artifacts or sacred texts with the place of worship.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Oklahoma		
Penalty Enhancement	Yes	21 Okl. Stat. Ann. § 850 – “No person shall maliciously and with the specific intent to intimidate or harass another person because of that person’s race, color, religion, ancestry, national origin or disability.”
Institutional Vandalism	Yes	21 Okl. Stat. Ann. § 1765 – Covers wilful injury to any house of worship or any part thereof, or property therein.
Data Collection	Yes	21 Okl. Stat. Ann. § 850F – Mandates the development of a standard system for state and local law enforcement agencies to report incidents of crime that are apparently directed against members of racial, ethnic, religious groups or other groups specified in the section.
Law Enforcement Training	No	No statute located under this heading.
Oregon		
Penalty Enhancement	Yes	Ore. Rev. Stat. §§ 166.155, 166.165 – Covers intimidation because of the perpetrator’s perception of that person’s race, color, religion, national origin or sexual orientation.
Institutional Vandalism	Yes	Ore. Rev. Stat. § 166.075 – Defines crime of abuse of venerated objects as the intentional abuse of a place of worship.
Data Collection	Yes	Ore. Rev. Stat. § 181.550 – “All law enforcement agencies shall report to the Department of State Police statistics concerning crimes.”
Law Enforcement Training	Yes	Ore. Rev. Stat. § 181.642 – Mandates training

Training		on the investigation, identification and reporting of crimes motivated by prejudice based on the perceived race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status or citizenship of the victim.
Pennsylvania		
Penalty Enhancement	Yes	18 Pa. Stat. Ann. § 2710 – Enhances penalty for “[a] person commits the offense of ethnic intimidation if, with malicious intention toward the actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals....”
Institutional Vandalism	Yes	18 Pa. Stat. Ann. § 3307 – Covers desecration of places used for religious worship or other religious purposes, schools, and community centers. 18 Pa. Stat. Ann. § 5509 – Criminalizes desecration of venerated objects.
Data Collection	Yes	71 Pa. Stat. Ann. § 250(I) – Gives power and the duty for the State Police to collect information relating to crimes and incidents related to the race, color, religion or national origin of individuals and groups.
Law Enforcement Training	No	No statute located under this heading.
Rhode Island		
Penalty Enhancement	Yes	R.I. Gen. Laws § 12-19-38. Hate Crime Sentencing Act - Enhances the penalty where the defender selects a victim because of hatred toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender of that person.
Institutional Vandalism	Yes	R.I. Gen. Laws § 11-44-31 – Covers the desecration of places of public assemblage, including places used for religious worship or other religious purposes, and buildings used for educational purposes or as a community meeting place.
Data Collection	Yes	R.I. Gen. Laws § 42-28-46 – Provides for the development of a system monitoring the occurrence of, and collecting data regarding

		crimes motivated by racial, religious, ethnic bigotry or bias on any other matter defined as a hate crime.
Law Enforcement Training	Yes	R.I. Gen. Laws § 42-28.2-8.1 – The commission on standards and training shall prepare and publish mandatory training standards to provide instruction for police officers in identifying, responding to and reporting all incidents of “hate crimes.”
South Carolina		
Penalty Enhancement	No	No statute located under this heading.
Institutional Vandalism	Yes	S.C. Code Ann. § 16-11-535 – Covers wilful injury to any place of worship. S.C. Code Ann. § 16-11-110(B) – Covers church burning.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
South Dakota		
Penalty Enhancement	Yes	S.D. Cod. Laws § 22-19B-1 – “No person may maliciously and with the specific intent to intimidate or harass another person because of that person’s race, color, religion, ancestry or national origin.”
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Tennessee		
Penalty Enhancement	Yes	Tenn. Code Ann. § 40-35-114 – Imposes additional penalties for hate crimes when “the defendant intentionally selects the person against whom the crime is committed or selects the property that is damaged....because of the actor’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, ancestry of gender of that person or of the owner or occupant of that property.” Tenn. Code Ann. § 39-17-309 – Outlaws civil rights intimidation based on the same factors.
Institutional Vandalism	Yes	Tenn. Code Ann. § 40-35-114
Data Collection	No	No statute located under this heading.

Law Enforcement Training	No	No statute located under this heading.
Texas		
Penalty Enhancement	Yes	Tex. Code Crim. Proc. Art. 42.014 – Finding that offense was committed because of bias or prejudice. Tex. Penal Code §12.47 – Authorizes sentencing enhancement on the basis of that finding.
Institutional Vandalism	Yes	Tex. Penal Code § 28.08 – Cover graffiti or other markings on place of worship. Tex. Penal Code § 28.03(f) – Covers damage or destruction to a place of worship
Data Collection	Yes	Tex. Gov. Code § 411.046 – Provides for the establishment and maintenance of a central repository for the collection and analysis of information relating to crimes that are motivated by prejudice, hatred, or advocacy of violence.
Law Enforcement Training	No	No statute located under this heading.
Utah		
Penalty Enhancement	Yes	Utah Code Ann. § 76-3-203.3 – Penalty for hate crimes - Civil rights violation. Covers an act which causes the victim to fear for his physical safety or damages the property of that person or another.
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.

Vermont		
Penalty Enhancement	Yes	13 Vt. Stat. Ann. § 1455 – Imposes additional penalties for “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 armed forces of the United States, handicap, sexual orientation or gender identity.”
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Virginia		
Penalty Enhancement	Yes	Va. Code Ann. § 18.2-57 – Imposes additional penalties “if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin.”
Institutional Vandalism	Yes	Va. Code Ann. § 18.2.127 – Covers willful or malicious injury to places of worship. Va. Code Ann. § 18.2.138 – Covers destruction of property within places of worship.
Data Collection	Yes	Va. Code Ann. § 52-8.5 – Covers reporting hate crimes.
Law Enforcement Training	No	No statute located under this heading.
Washington		
Penalty Enhancement	Yes	Wash. Rev. Code § 9A.36.080 – “A person is guilty of malicious harassment if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.”
Institutional Vandalism	Yes	Wash. Rev. Code § 9A.36.080(2)(a) – Covers Cross burnings. Wash. Rev. Code § 9.61.160 – Covers threats to bomb or injure places of worship or public assembly.

Data Collection	Yes	Wash. Rev. Code § 36.28A.030 – Provides for creation of central repository for the collection and classification of information regarding crimes of bigotry or bias.
Law Enforcement Training	Yes	Wash. Rev. Code § 43.101.290 – Mandates training in identifying, responding to, and reporting crimes of bigotry and bias.
West Virginia		
Penalty Enhancement	Yes	W. Va. Code Ann. § 61-6-21 – Covers prohibiting violations of an individual's civil rights and makes commission of a crime because of the victim's race, color, religion, ancestry, national origin, political affiliation or sex an aggravating circumstance in imposing sentence.
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.
Wisconsin		
Penalty Enhancement	Yes	Wis. Stat. Ann. § 939.645 – “If a person does all of the following, the penalties for the underlying crime are increased....(b)Intentionally selects the person against whom the crime under par. (a) is committed or selects the property that is damaged or otherwise affected by the crime under par. (a) in whole or in part because of the actors belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property...”
Institutional Vandalism	Yes	Wis. Stat. Ann. § 943.012 – Covers criminal damage to or graffiti on religious and other property.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.

Wyoming		
Penalty Enhancement	Yes	Wyo. Stat. § 6-9-102 – Outlaws civil rights violations on the basis of race, color, sex, creed, or national origin..
Institutional Vandalism	No	No statute located under this heading.
Data Collection	No	No statute located under this heading.
Law Enforcement Training	No	No statute located under this heading.