

76-3-203.3 Penalty for hate crimes -- Civil rights violation.

As used in this section:

- (1) "Primary offense" means those offenses provided in Subsection (4).
- (2)
 - (a) A person who commits any primary offense with the intent to intimidate or terrorize another person or with reason to believe that his action would intimidate or terrorize that person is subject to Subsection (2)(b).
 - (b)
 - (i) A class C misdemeanor primary offense is a class B misdemeanor; and
 - (ii) a class B misdemeanor primary offense is a class A misdemeanor.
- (3) "Intimidate or terrorize" means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.
- (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
 - (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106, 76-5-107, and 76-5-108;
 - (b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104, and Subsection 76-6-106(2)(b);
 - (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
 - (d) any misdemeanor theft offense under Section 76-6-412;
 - (e) any offense of obstructing government operations under Sections 76-8-301, 76-8-302, 76-8-304, 76-8-305, 76-8-306, 76-8-307, 76-8-308, and 76-8-313;
 - (f) any offense of interfering or intending to interfere with activities of colleges and universities under Title 76, Chapter 8, Part 7, Colleges and Universities;
 - (g) any misdemeanor offense against public order and decency as defined in Title 76, Chapter 9, Part 1, Breaches of the Peace and Related Offenses;
 - (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Telephone Abuse;
 - (i) any cruelty to animals offense under Section 76-9-301; and
 - (j) any weapons offense under Section 76-10-506.
- (5) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

Amended by Chapter 229, 2007 General Session