

**76-3-203.4 Hate crimes -- Aggravating factors.**

- (1) The sentencing judge or the Board of Pardons and Parole shall consider in their deliberations as an aggravating factor the public harm resulting from the commission of the offense, including the degree to which the offense is likely to incite community unrest or cause members of the community to reasonably fear for their physical safety or 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.
- (2) The sentencing judge or the Board of Pardons and Parole shall also consider whether the penalty for the offense is already increased by other existing provisions of law.
- (3) 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.

Enacted by Chapter 184, 2006 General Session