

1 **PROHIBITION OF CROSS BURNING ON**
2 **PROPERTY**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Neil A. Hansen**

7 **LONG TITLE**

8 **General Description:**

9 This bill prohibits the burning of a cross on another's property, a highway, or any other
10 public place with the intent to intimidate a person.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that cross burning on another's property, a highway, or any other public
- 14 place is a third degree felony;
- 15 ▶ provides definitions; and
- 16 ▶ reflects a 2003 U.S. Supreme Court decision regarding a Virginia law prohibiting
- 17 cross burning.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **76-9-102.5**, Utah Code Annotated 1953

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **76-9-102.5** is enacted to read:



28 **76-9-102.5. Definitions -- Cross burning.**

29 (1) As used in this section:

30 (a) "Highway" means every way or place, of whatever nature, generally open to the use
31 of the public for the purpose of vehicular travel.

32 (b) "Intimidate" means an act that causes another person to fear for his physical safety.

33 (2) It is a third degree felony for any person or persons, with the intent of intimidating
34 any person or group of persons, to burn, or cause to be burned, or attempt to burn or cause to be
35 burned, a cross on the property of another, a highway, or any other public place.

Legislative Review Note

as of 1-20-04 10:50 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0246

Prohibition of Cross Burning on Property

30-Jan-04

11:12 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst