

HOUSE BILL NO. 430

INTRODUCED BY HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT SUBSTITUTING A GENERAL MALICIOUS INTIMIDATION OR HARASSMENT CRIME FOR THE CRIME OF MALICIOUS INTIMIDATION OR HARASSMENT BECAUSE OF A PERSON'S RACE, CREED, RELIGION, COLOR, NATIONAL ORIGIN, OR INVOLVEMENT IN CIVIL OR HUMAN RIGHTS ACTIVITIES; ~~INCREASING THE PENALTY FOR THE OFFENSE; REQUIRING A YEARLY REPORT BY THE ATTORNEY GENERAL ON OFFENSES CHARGED AND THE CIRCUMSTANCES AND DISPOSITION OF EACH CASE;~~ AMENDING SECTION 45-5-221, MCA; AND REPEALING SECTION 45-5-222, MCA."

~~WHEREAS, hate crimes are used to intimidate, terrify, harass, and communicate bigotry; and~~
~~WHEREAS, people have been victims of hate crimes because of their race, creed, ethnic background, sexual orientation, gender, political ideology, physical or mental disability, economic status, and occupation; and~~
~~WHEREAS, each person and group of people in Montana have the right to be free from intimidation, terror, harassment, and bigotry; and~~
~~WHEREAS, the prosecution of hate crimes should not be burdened with inherent problems of proof; and~~
~~WHEREAS, the penalties for hate crimes should be increased.~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-221, MCA, is amended to read:

"45-5-221. Malicious intimidation or harassment ~~relating to civil or human rights~~ -- penalty. (1)

A person commits the offense of malicious intimidation or harassment when, ~~because of another person's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities, he~~ the person purposely or knowingly, with the intent to terrify, intimidate, threaten, or harass, ~~annoy, or offend~~:

(a) causes bodily injury to another;

(b) causes reasonable apprehension of bodily injury in another; or

(c) damages, destroys, or defaces any property of another or any public property.

~~(2) For purposes of this section, "deface" includes but is not limited to cross burning or the placing of~~

1 any word or symbol commonly associated with racial, religious, or ethnic identity or activities on the property of
2 another person without his or her permission:

3 ~~(3)~~(2) A person convicted of the offense of malicious intimidation or harassment shall be imprisoned
4 in the state prison for a term not to exceed ~~5~~ 6 5 years or be fined an amount not to exceed ~~\$5,000~~ \$25,000
5 \$5,000, or both.

6 ~~(3) The attorney general shall compile a yearly report of offenses charged under this section, the facts~~
7 ~~and circumstances underlying each charged offense, and the disposition of each case. The report is a public~~
8 ~~document, and copies must be made available to the public."~~

9
10 NEW SECTION. **Section 2. Repealer.** Section 45-5-222, MCA, is repealed.

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