

HOUSE BILL NO. 430  
INTRODUCED BY C. 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 any word or symbol commonly associated with racial, religious, or ethnic identity or activities on the property of~~

~~another person without his or her permission.~~

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

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

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 Section 45-5-222, MCA, is repealed.

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