

ANTI-DEFAMATION LEAGUE STATE HATE CRIME STATUTORY PROVISIONS



State	Penalty Enhancement *1	Penalty Enhancement for Crimes Motivated by:						Civil Action	Data Collection *3	Police Training *4	Institutional Vandalism	Cross Burning
		Race, Religion, Ethnicity	Sexual Orientation	Gender	Gender Identity	Disability	Other *2					
Alabama	AL ST § 13A-5-13 (1993)	✓				✓					AL ST § 13A-11-12 (1977)	AL ST § 13A-6-28 (2003)
Alaska	AS § 12.55.155 (1996)	✓		✓		✓						
Arizona	AZ ST § 13-701	✓	✓	✓		✓		AZ ST § 41-1750	AZ ST § 41-1750	AZ ST § 13-1604 (1994)	AZ § 13-1707	
Arkansas							AR ST § 16-123-106			AR ST § 5-38-301 AR ST § 5-71-215		
California	CA PENAL § 422.55 CA PENAL § 422.7 CA PENAL § 422.75	✓	✓	✓	✓	✓	CAL. CIV. CODE § 52	CA PENAL § 13023 (2005)	CA PENAL § 13519.6 (2005)	CA PENAL § 594.3 (2005) CA PENAL § 11413	CA PENAL § 11411 (1982)	
Colorado	CO ST § 18-9-121 (1988)	✓	✓		✓	✓	CO ST § 13-21-106.5 (1991)			CO ST § 18-9-113		
Connecticut	CT ST § 53a-40a CT ST § 53a181(i-k)	✓	✓	✓	✓	✓	CT ST § 52-571c (1995)	CT ST § 29-7m	CT ST § 4a-2c (1999) CT ST § 7-294n (2001)	CT ST § 46a-58 (1984)	CT ST § 46a-58 (1984)	
Delaware	DE ST TI 11 § 1304(1995)	✓	✓	✓	✓	✓				DE ST TI 11 § 1331	DE ST TI 11 § 805	
DC	D.C. Code § 22-3703	✓	✓	✓	✓	✓	D.C. Code § 22-3704	D.C. Code § 22-3702		D.C. Code § 22-3312.01 (1983)	D.C. Code § 22-3312.02 (1983)	
Florida	FL ST § 775.085 (1992)	✓	✓			✓	FL ST § 775.085 (1992)	FL ST § 877.19 (1996)		FL ST § 806.13 (1995)	FL ST § 876.17 (1951)	
Georgia										GA ST § 16-7-26 (1968)	GA ST § 16-11-37 (1974)	
Hawaii	HI ST § 706-662 (1972)	✓	✓	✓	✓	✓		HI ST § 846-52 (2001) HI ST § 846-53 (2001) HI ST § 846-54 (2001)		HI ST § 711-1107 (1993)		
Idaho	ID ST § 18-7902 (1983) ID ST § 18-7903 (1983)	✓					ID ST § 18-7903 (1983)	ID ST § 67-2915		ID ST § 18-7902 (1983)	ID ST § 18-7902 (1983)	
Illinois	IL ST CH 720 § 5/12-7.1 (1996)	✓	✓	✓	✓	✓	IL ST CH 720 § 5/12-7.1 (1996)	IL ST CH 20 § 2605/2605-390 (2000)	IL ST CH 20 § 2605/2605-390 (2000)	IL ST CH 720 § 5/21-1.2	IL ST CH 720 § 5/12-7.6	
Indiana								IN ST 10-13-3-38 (2003)		IN ST § 35-43-1-2		
Iowa	IA ST § 792A.2	✓	✓	✓		✓	IA ST § 729A.5 (1992)	IA ST § 692.15 (1996)	IA ST § 729A.4 (1992)			
Kansas	KS ST 21-6815	✓	✓							KS ST 21-6205		
Kentucky	KY ST § 532.031 (1998)	✓	✓					KY ST § 17.1523 (2007)	KY ST § 15.334	KY ST § 525.110 (1992) KY ST § 525.113 (1998)		
Louisiana	LA R.S. 14:107.2 (B)(C)	✓	✓	✓		✓	LA R.S. 9:2799.2 (1986)	LA R.S. 15:1204.4 (1997)	LA R.S. 40:2403	LA R.S. 14:225	LA R.S. 14:40.4 (2003)	
Maine	ME ST T. 17-A § 1151 (1995)	✓	✓	✓		✓	ME ST T. 5 § 4682	ME ST T. 25 § 1544		ME ST T. 17-A § 507 (1976)		
Maryland	MD CRIM LAW § 10-304 (2002)	✓	✓	✓	✓	✓		MD PUBLIC SAFETY § 2-307 (2003)		MD CRIM LAW § 10-302 (2002) MD CRIM LAW § 10-305 (2002)		
Massachusetts	MA ST 265 § 39 (1997)	✓	✓			✓	MA ST 266 § 127B (1989)	MA ST 22C § 33 (1991) MA ST 22C § 34 (1991) MA ST 22C § 35 (1991)	MA ST 6 § 116B (2002)	MA ST 266 § 98 (1960) MA ST 266 § 127A (1989)		
Michigan	MI ST 750.147b (1989)	✓		✓			MI ST 750.147b (1989)	MI ST 28.257a		MI ST 750.147b (1989)		
Minnesota	MN ST § 609.2231 (1989)	✓	✓	✓	✓	✓	MN ST § 611A.79	MN ST 626.5531	MN ST § 626.8451	MN ST § 609.595		
Mississippi	MS ST § 99-19-301 (1994)	✓		✓						MS ST § 97-17-39 (1993)		

*1. The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

*2. "Other" includes political affiliation (CA, DC, IA, LA, SC, WV), age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NH, NM, NY, TN, TX, VT)

*3. States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, HI, IL, IA, MD, MI, MN, NV, NM, OR, TX and WA; those which include gender are AZ, CA, DC, HI, IL, IA, MI, MN, NJ, RI, TX, and WA.

*4. Some other states have administrative regulations mandating such training.

*5 The Utah statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights.

State	Penalty Enhancement *1	Penalty Enhancement for Crimes Motivated by:						Civil Action	Data Collection *3	Police Training *4	Institutional Vandalism	Cross Burning
		Race, Religion, Ethnicity	Sexual Orientation	Gender	Gender Identity	Disability	Other *2					
Missouri	MO ST 557.035 (1999)	✓	✓	✓	✓	✓	✓	MO ST 537.523.1 (1988)			MO ST 574.085	MO ST 565.095 (2004)
Montana	MT ST 45-5-222 (1982)	✓									MT ST 45-5-221 (1989)	
Nebraska	NE ST § 28-111	✓	✓	✓		✓	✓	NE ST § 28-113 (1997)	NE ST § 28-114		NE ST § 28-111	
Nevada	NV ST 193.1675 (1997) NV ST 207.185 (1995)	✓	✓	✓	✓	✓	✓	NRS 41.690	NRS 179A.175		NV ST 206.125	
New Hampshire	NH ST § 651:6 (1995)	✓	✓	✓		✓	✓					
New Jersey	NJ ST 2C:16-1 (2008)	✓		✓	✓	✓	✓	NJ ST 2A:53A-21 (1995)	NJ ST 52:9DD-9	NJ ST 52:9DD-9	NJ ST 2C:33-9 (1979) NJ ST 2C:33-11	
New Mexico	NM ST § 31-18B-3 (1978)	✓	✓	✓	✓	✓	✓		NM ST § 31-18B-4	NM ST § 31-18B-5 (2003)	NM ST § 30-15-4	
New York	NY PEN § 485.05 NY PEN § 485.10 (2000)	✓	✓	✓		✓	✓	NY CVR § 79-n	NY EXC § 837 (2009)		NY PEN § 240.31	
North Carolina	NC ST § 14-3 (1993) NC ST § 14-401.14 NC ST § 99D-1	✓		✓				NC ST § 99D-1			NC ST § 14-144 (1995) NC ST § 14-62.2 NC ST § 14-49	NC ST § 14-12.12
North Dakota	ND ST § 12-1-14-04	✓		✓								
Ohio	OH ST § 2927.12 (1987)	✓						OH ST § 2307.70 (1990)			OH ST § 2927.11 (1986)	
Oklahoma	OK ST T. 21 § 850 (1992)	✓				✓		OK ST T. 21 § 850 (1992)	OK ST T. 21 § 850 (1992)		OK ST T. 21 § 1765 (1921)	OK ST T. 21 § 1174
Oregon	OR ST § 166.165 OR ST § 166.155 (1989)	✓	✓	✓	✓	✓	✓	OR ST § 30.198	OR ST § 181.550	OR ST § 181.642	OR ST § 166.075 (1971)	
Pennsylvania	18 PA ST § 2710 (1982)	✓						42 PA ST § 8309 (1997)	317 PA ST § 53.11		18 PA ST § 5509 18 PA ST § 3307 (1994)	
Rhode Island	RI ST § 12-19-38 (1998)	✓	✓	✓		✓		RI ST § 9-1-35 (1985)	RI ST § 42-28-46 (1994)	RI ST § 42-28.2-8.1 (1993)	RI ST § 11-44-31 (1986)	
South Carolina											SC ST § 16-11-535	SC ST § 16-7-120
South Dakota	SD ST § 22-19B-1 (1993)	✓						SD ST § 20-9-32			SD ST § 22-19B-2	SD ST § 22-19B-2
Tennessee	TN ST § 40-35-114 (1989)	✓	✓	✓		✓	✓	TN ST § 4-21-701			TN ST § 39-17-311 TN ST § 39-14-301 (1989)	
Texas	TX PENAL § 12.47 (1993)	✓	✓	✓		✓	✓	TX CRIM PRO Art. 42.037	TX GOVT § 411.046 (1991)		TX PENAL § 28.03 TX PENAL § 28.08	
Utah *5	UT Code § 76-3-203.3								UT Code § 53-10-202			
Vermont	VT ST T. 13 § 1455 (1990)	✓	✓	✓	✓	✓	✓	VT ST T. 13 § 1457 VT ST T. 13 § 1466 (1990)				VT ST T. 13 § 1456 (1990)
Virginia	VA ST § 18.2-57	✓						VA ST § 8.01-42.1	VA ST § 52-8.5 (1988)		VA ST § 18.2-127 VA ST § 18.2-138	VA ST § 18.2-423
Washington	WA ST 9A.36.080 (1993)	✓	✓	✓	✓	✓	✓	WA ST 9A.36.083 (1993)	WA ST 36.28A.030	WA ST 43.101.290	WA ST 9A.36.080 WA ST 9.61.160	WA ST 9A.36.080 (1993)
West Virginia	WV ST § 61-6-21 (1993)	✓		✓			✓	WV ST § 5-11-20				
Wisconsin	WI ST 939.645 (1996)	✓	✓			✓		WI ST 895.443			WI ST 943.012 (1996)	
Wyoming												
TOTALS	46	45	31	31	17	32	22	33	30	14	43	19

*1. The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

*2. "Other" includes political affiliation (CA, DC, IA, LA, SC, WV), age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NH, NM, NY, TN, TX, VT)

*3. States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, HI, IL, IA, MD, MI, MN, NV, NM, OR, TX and WA; those which include gender are AZ, CA, DC, HI, IL, IA, MI, MN, NJ, RI, TX, and WA.

*4. Some other states have administrative regulations mandating such training.

*5 The Utah statute ties penalties for hate crimes to violations of the victim's constitutional or civil rights.