

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 § 422.7 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 § 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 § 805	
DC	D.C. Code § 22-3703	✓	✓	✓	✓	✓	D.C. Code § 22-3704	D.C. Code § 22-3702		D.C. Code § 22-3312.02 (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 § 18-7903 (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 § 712.9 (1992)	✓	✓	✓		✓	IA ST § 729A.5 (1992)	IA ST § 692.15 (1996)	IA ST § 729A.4 (1992)			
Kansas	KS ST 21-4716 (1994)	✓	✓			✓				KS ST 21-4111		
Kentucky	KY ST § 532.031 (1998)	✓	✓					KY ST § 17.1523 (2002)	KY ST § 15.334	KY ST § 525.110 (1992) KY ST § 525.113 (1998)		
Louisiana	LA R.S. 14:107.2 (1997)	✓	✓	✓		✓	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 § 10-306 (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 § 609.749 (1995) MN ST § 609.2231 (1989)									MN ST § 609.595 MN ST § 609.5631		
Mississippi	MS ST § 99-19-301 (1994)	✓		✓						MS ST § 97-17-39 (1993)		

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Missouri	MO ST 557.035 (1999)	✓	✓	✓	✓	✓	✓	MO ST 537.523 (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)	✓	✓			✓		NV ST 41.690	NV ST 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	NJ ST 2C:33-10 (1995)
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 PENAL § 485.10 (2000)	✓	✓	✓		✓	✓		NY EXEC § 837 (2009)		NY PENAL § 240.31	
North Carolina	NC ST § 14-3 (1993) NC ST § 14-401.14	✓		✓				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 § 166.155 (1989) OR ST § 166.165 (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)	37 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 § 42-28-8.1 (1993)	RI ST § 11-44-31 (1986)	
South Carolina											SC ST § 16-11-535 SC ST § 16-11-110	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 § 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 9.61.160	WA ST 9A.36.080 (1993)
West Virginia	WV ST § 61-6-21 (1993)	✓		✓			✓		WV ST § 81-11-8.2.4			
Wisconsin	WI ST 939.645 (1996)	✓	✓			✓		WI ST 895.443			WI ST 943.012 (1996)	
Wyoming												
TOTALS	46	45	31	27	14	31	20	31	31	14	43	20

*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, WV), age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, 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.

More information about ADL's resources on hate crimes can be found at the League's Web site: <http://www.adl.org/>