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HOUSE BILL NO. 2143

Offered January 23, 1995

A BILL to amend and reenact §§ 18.2-57, 18.2-121 and 52-8.5 of the Code of Virginia, relating to "hate crimes"; penalty.

Patrons—Almand, Connally, Cunningham, Darner, Keating, Puller, Van Landingham and Van Yahres;
Senator: Holland, E.M.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-57, 18.2-121 and 52-8.5 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-57. Assault and battery; penalty.

Any person who ~~shall commit~~ *commits* a simple assault or assault and battery ~~shall be~~ *is* guilty of a Class 1 misdemeanor. However, if a person intentionally selects the person against whom the offense is committed because of his race, *gender, sexual preference*, religious conviction, color or national origin, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.

§ 18.2-121. Entering property of another for purpose of damaging it, etc.; penalty.

It shall be unlawful for any person to enter the land, dwelling, outhouse or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user or the occupant thereof to use such property free from interference.

Any person violating the provisions of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor. However, if a person intentionally selects the property entered because of the race, *gender, sexual preference*, religious conviction, color or national origin of the owner, user or occupant of the property, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.

§ 52-8.5. Reporting terroristic acts.

A. The Superintendent shall establish and maintain within the Department of State Police a central repository for the collection and analysis of information regarding terroristic acts and groups and individuals carrying out such acts.

B. State, county and municipal law-enforcement agencies shall report to the Department all terroristic acts occurring in their jurisdictions in a form, time and manner prescribed by the Superintendent. Such reports shall not be open to public inspection except insofar as the Superintendent shall permit.

C. For purposes of this section, "terroristic act" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, *gender, sexual preference*, religion or ethnic origin or which is committed for the purpose of restraining that person from exercising his rights under the Constitution or laws of this Commonwealth or of the United States, (ii) any illegal act directed against any persons or their property because of those persons' race, *gender, sexual preference*, religion or national origin, and (iii) all other incidents, as determined by law-enforcement authorities, intended to intimidate or harass any individual or group because of race, *gender, sexual preference*, religion or national origin.

INTRODUCED

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