

SECOND REGULAR SESSION

SENATE BILL NO. 1278

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLAND.

Read 1st time March 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4979S.011

AN ACT

To repeal section 557.035, RSMo, relating to hate crimes, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 557.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 557.035, to read as follows:

557.035. 1. **For all violations of subsection 1 of section 569.040, RSMo, or subsection 1 of section 569.050, RSMo, in which the building or inhabitable structure damaged is a church or place where people assemble for worship, and which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class A felony.**

2. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class C felony.

[2.] 3. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050, RSMo; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

may charge the crime or crimes under this section, and the violation is a class D felony.

[3.] **4.** The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

[4.] **5.** For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

(2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.

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