

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 328, 87, 100 & 55
90TH GENERAL ASSEMBLY

Reported from the Committee on Criminal Law, May 5, 1999, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 & 55 Do Pass.

ANNE C. WALKER, Chief Clerk

L0566.07C

AN ACT

To repeal sections 574.090 and 574.093, RSMo 1994, relating to the ethnic intimidation, and to enact in lieu thereof one new section relating to criminal intimidation, with penalty provisions.

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

Section A. Sections 574.090 and 574.093, RSMo 1994, are repealed and one new section enacted in lieu thereof, to be known as section 557.035, to read as follows: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 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 the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class C felony.

2. 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; which the state believes to be knowingly motivated because of the actual or perceived race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge such motivation under this section, and if such motivation is proven, the violation is a class D felony.

3. 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 identity not traditionally associated with one's biological gender.

[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national

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

origin of another individual or group of individuals, he violates 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.

2. Ethnic intimidation in the first degree is a class C felony.]

[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates 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.

2. Ethnic intimidation in the second degree is a class D felony.]

Unofficial

Bill

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