

February 17, 2009

H 207. SAFER COMMUNITIES ACT. Filed 2/17/09. *TO MAKE OUR COMMUNITIES SAFER BY EXPANDING THE SCOPE OF THE ETHNIC INTIMIDATION ACT AND INCREASING THE CRIMINAL PENALTIES FOR COMMITTING AN ACT OF ETHNIC INTIMIDATION.*

Under current law, GS 14-3 provides for increased punishment of certain offenses committed with ethnic animosity and identifies acts committed because of the victim's race, color, religion, nationality, or country of origin as the basis for increasing the applicable criminal penalties.

Amends GS 14-3 to expand the list of offenses committed with ethnic animosity to encompass those based upon gender, age, sexual orientation, and disability. Provides that if an offense is committed because of the victim's *real or perceived* race, color, religion, nationality, gender, sexual orientation, disability, age, or country of origin, and the offense is (1) a Class 2 or Class 3 misdemeanor, then the offender is guilty of a class 1 misdemeanor or (2) a Class A1 or Class 1 misdemeanor, the offender is guilty of a Class H felony. Amends the catchline for GS 14-3 to reflect the proposed changes. Adds a definition for the term "sexual orientation" that specifies that the term does not include a physical or sexual attraction to a minor by an adult. Provides that this definition applies to GS 14-401.14 and GS 15A-1340.16(d)(17).

Amends 14-401.14 regarding assault on a person, damage to property of another person, or threats of assault or damage to property to provide that a person committing any of those offenses based on *real or perceived* race, color, religion, nationality, gender, sexual orientation, disability, age, or country of origin is guilty of a Class 1 misdemeanor.

Adds the identical language listing the expanded factors added to the basis for ethnic animosity to the list of aggravating factors to be considered in sentencing under GS 15A-1340.16(d)(17).

Effective December 1, 2009, and applies to offenses committed on or after that date.

Intro. by Harrison, Insko, Cotham.

GS 14, 15A