

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 736

Short Title: Expand Scope of Hate Crimes. (Public)

Sponsors: Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird, Malone, and Metcalf.

Referred to: Judiciary I.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO HONOR THE MEMORY OF MATTHEW SHEPARD BY EXPANDING  
THE SCOPE OF THE HATE CRIME LAWS AND INCREASING THE  
CRIMINAL PENALTY FOR COMMITTING A HATE CRIME.

Whereas, Matthew Shepard was seemingly a victim of a hate crime, his sexual orientation being the apparent reason for his murder; and

Whereas, Matthew Shepard was recently a resident of this State and lived in Raleigh for about a year; and

Whereas, violent crime is abhorrent, and violent criminal acts based on a person's group membership are particularly unacceptable in a civil society; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-3 reads as rewritten:

**"§ 14-3. Punishment of misdemeanors, infamous offenses, offenses committed in secrecy and malice, or with deceit and intent to defraud, or with ~~ethnic animosity~~ animosity based upon ethnicity, gender or gender expression, age, sexual orientation, or disability; punishment of felony committed with animosity based upon ethnicity, gender or gender expression, age, sexual orientation, or disability.**

(a) Except as provided in subsections (b) and (c), every person who shall be convicted of any misdemeanor for which no specific classification and no specific punishment is prescribed by statute shall be punishable as a Class 1 misdemeanor. Any misdemeanor that has a specific punishment, but is not assigned a classification by the General Assembly pursuant to law is classified as follows, based on the maximum punishment allowed by law for the offense as it existed on the effective date of Article 81B of Chapter 15A of the General Statutes:

(1) If that maximum punishment is more than six months imprisonment, it is a Class 1 misdemeanor;

- 1 (2) If that maximum punishment is more than 30 days but not more than  
2 six months imprisonment, it is a Class 2 misdemeanor; and  
3 (3) If that maximum punishment is 30 days or less imprisonment or only a  
4 fine, it is a Class 3 misdemeanor.

5 Misdemeanors that have punishments for one or more counties or cities pursuant to a  
6 local act of the General Assembly that are different from the generally applicable  
7 punishment are classified pursuant to this subsection if not otherwise specifically  
8 classified.

9 (b) If a misdemeanor offense as to which no specific punishment is prescribed be  
10 infamous, done in secrecy and malice, or with deceit and intent to defraud, the offender  
11 shall, except where the offense is a conspiracy to commit a misdemeanor, be guilty of a  
12 Class H felony.

13 (c) If any Class 2 or Class 3 misdemeanor is committed because of the victim's  
14 real or perceived race, color, religion, nationality, gender or gender expression, sexual  
15 orientation, disability, age, or country of origin, the offender shall be guilty of a Class 1  
16 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed because of  
17 the victim's real or perceived race, color, religion, nationality, gender or gender  
18 expression, sexual orientation, disability, age, or country of origin, the offender shall be  
19 guilty of a Class I felony.

20 (d) If any felony is committed because of the victim's real or perceived race,  
21 color, religion, nationality, gender or gender expression, sexual orientation, disability,  
22 age, or country of origin, the offender shall be punished at the sentencing level that is  
23 one level higher than that authorized by the offender's prior record level."

24 **SECTION 2.** G.S. 14-401.14(a) reads as rewritten:

25 "(a) If a person shall, because of real or perceived race, color, religion, nationality,  
26 gender or gender expression, sexual orientation, disability, age, or country of origin,  
27 assault another person, or damage or deface the property of another person, or threaten  
28 to do any such act, ~~he~~ the offender shall be guilty of a Class 1 misdemeanor."

29 **SECTION 3.** G.S. 15A-1340.16(d)(17) reads as rewritten:

30 "(17) The offense for which the defendant stands convicted was committed  
31 against a victim because of the victim's real or perceived race, color,  
32 religion, nationality, gender or gender expression, sexual orientation,  
33 disability, age, or country of origin."

34 **SECTION 4.** This act becomes effective December 1, 2003, and applies to  
35 offenses committed on or after that date.