

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1836

S.P. 668

In Senate, February 8, 1994

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**An Act to Enhance Criminal Penalties for Hate Crimes.**

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Submitted by the Department of the Attorney General pursuant to Joint Rule 24.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator LAWRENCE of York.  
Cosponsored by Representative FAIRCLOTH of Bangor.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1159 is enacted to read:

§1159. Sentence enhancement; crimes based upon individual characteristics

1. The sentencing class for any Class B, Class C, Class D or Class E crime defined in chapter 9, 11, 13, 15, 17, 21, 27 or 33 is one class higher than it would otherwise be if the State pleads and proves that the actor intentionally selected the person against whom the crime was committed or selected the property that was damaged or otherwise affected by the crime because of the race, religion, color, disability, sexual orientation, sex, national origin or ancestry of that person or the owner or occupant of that property. In the case of murder or any Class A crime defined in chapter 9, 11, 13, 17, 27 or 33, if the State pleads and proves that the actor intentionally selected the person against whom the crime was committed or selected the property that was damaged or otherwise affected by the crime because of race, religion, color, disability, sexual orientation, sex, national origin or ancestry of that person or the owner or occupant of that property, that proven fact must be given serious consideration by the court in exercising its sentencing discretion.

2. This section does not apply to any crime if proof of race, religion, color, disability, sexual orientation, sex, national origin or ancestry is required for a conviction for that crime.

STATEMENT OF FACT

The purpose of this bill is to enhance criminal penalties for hate crimes. The legislation is modeled after the Wisconsin law recently upheld by the United States Supreme Court in Wisconsin v. Mitchell.

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This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.