

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 802

H.P. 592

House of Representatives, March 14, 1995

An Act to Enhance Criminal Penalties for Hate Crimes.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.
Cosponsored by Representative SAXL of Portland and
Representatives: ADAMS of Portland, DORE of Auburn, MITCHELL of Vassalboro,
MITCHELL of Portland, POVICH of Ellsworth, RICHARDSON of Portland, ROWE of
Portland, SAXL of Bangor, TOWNSEND of Portland, TREAT of Gardiner, WATSON of
Farmingdale, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BUSTIN of
Kennebec, FAIRCLOTH of Penobscot, LAWRENCE of York.

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

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

6 **§1159. Sentence enhancement; crimes based upon individual characteristics**

8 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.

26 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.

32 **STATEMENT OF FACT**

34 **The purpose of this bill is to enhance the sentencing classes concerning criminal penalties for hate crimes. The legislation is modeled after the Wisconsin law upheld by the United States Supreme Court in Wisconsin v. Mitchell, 113 S.Ct. 2194 (1993).**