

Description of Legislation

1. Summary of Legislation

Amends G.S. 15A-1340.4 to make the fact that defendant acted based on the victim's race, color, religion, nationality, or country of origin an aggravating factor for sentencing purposes. Amends G.S. 14-3 to make a Class H felony the commission misdemeanors so motivated. Changes punishment to provide that any misdemeanor with punishment that is less than general misdemeanor that is committed with ethnic animosity is increased to general misdemeanor and if general misdemeanor punishment is increased to Class J felony.

2. Effective Date

October 1, 1991

3. Fund or Tax Affected

General

4. Principal Department/Program Affected

Judicial Department, Department of Correction

Cost or Revenue Impact on State

FY FY
91-92 92-93

1. Non-Recurring Costs/Revenues

2. Recurring Costs/Revenues

No estimate available

3. Fiscal/Revenue Assumptions

The Judicial Department contacted the Anti-Defamation League and the North Carolinians Against Racist and Religious Violence organizations to determine the incidence of racial and religious violence, which includes acts of intimidation, property damage, vandalism, harassment, assault, and cross burnings. It appears that rarely are perpetrators of these incidents caught and few are convicted. The following statistics on incidents of racial and religious violence were reported to the North Carolina organization, or revealed to that organization through news articles, during the past six years:

<u>Year</u>	<u>No. Incidents</u>	<u>Incidents due to</u>	
		<u>Race or Religion</u>	<u>Anti-Gay</u>
1990	78	52	26
1989	51	42	9
1988	53	47	6
1987	45	37	8
1986	37	37	0
1985	30	1	1

The Judicial Department estimates no fiscal impact as a result of this bill. It is not possible to determine the effect, if any, on the Department of Correction.

Congress passed the Hate Crimes Statistics Reporting Act of 1990 and the Office of the Attorney General has been awarded a grant of \$100,000 to train law enforcement officers to detect and report hate crimes. It is possible, that with increased recognition and reporting of such crimes, the number of reported incidents may rise dramatically in the next two years.

Cost/Revenue Impact on County or Local Government

	<u>FY</u>	<u>FY</u>
	91-92	92-93
1. Non-Recurring Costs/Revenues		
2. Recurring Costs/Revenues		
3. Fiscal/Revenue Assumptions		

Sources of Data for Fiscal Note

Judicial Department

Technical Considerations/Comments

Official
Fiscal Research Division
Publication



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