

April 20, 2005

H 1322. SAFER COMMUNITIES ACT. 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. Amends GS 14-3(c), which increases punishment for certain misdemeanors if they are committed because of the victim's race, color, religion, nationality, or country of origin, to include gender, sexual orientation, disability, and age; in addition, subsection to apply to "real or perceived" race, color, etc. Adds new GS 14-3(d) to provide that if any felony is committed because of the reasons set out in GS 14-3(c), as amended by bill, then defendant must be punished at sentencing level that is one level higher than that authorized by defendant's prior record level. Adds "real or perceived" language to GS 14-401.14 (ethnic intimidation crime) and adds the categories of gender, sexual orientation, disability, and age. Amends GS 15A-1340.16(d)(17) (aggravating factor for felony sentencing involving offense committed for ethnic and other reasons) to add "real or perceived" language and the categories of gender, sexual orientation, disability, and age. For all of the amended statutes, "sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity or expression, but does not include physical or sexual attraction to minor by adult. Effective December 1, 2005, and applicable to offenses committed on or after that date.

Intro. by Insko.

Ref. to Rules

GS 14, 15A