

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30076-LH-38 (01/30)

Short Title: Hate Crime/Increase Scope & Penalty. (Public)

Sponsors: Representative R. Moore.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF FELONIOUS ASSAULT AS A HATE CRIME, TO EXPAND THE POPULATION PROTECTED BY CURRENT MISDEMEANOR HATE CRIMES, AND TO AMEND THE AGGRAVATING FACTOR REGARDING HATE CRIMES TO INCLUDE PERSONS TARGETED DUE TO GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.11. Felonious assault as a hate crime.

(a) The following definitions apply in this section:

(1) Gender identity. – Actual or perceived gender-related characteristics.

(2) Serious bodily injury. – Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ or that results in prolonged hospitalization.

(b) Anyone who, because of the actual or perceived race, color, religion, nationality, country of origin, gender, sexual orientation, gender identity, or disability of another person, assaults that person and inflicts serious bodily injury to the person or attempts to assault that person and inflict serious bodily injury to the person is guilty of committing the offense of felonious assault as a hate crime.

(c) Except as provided otherwise by this section, an offense committed under this section is a Class F felony.

(d) An offense committed under this section is a Class E felony if either of the following applies:

(1) Death results from the offense.

(2) The offense includes a violation or attempted violation of any of the following:

a. G.S. 14-39 (kidnapping).

b. G.S. 14-27.21 (first degree forcible rape).

c. G.S. 14-27.22 (second degree forcible rape).

d. G.S. 14-27.26 (first degree forcible sexual offense).

e. G.S. 14-27 (second degree forcible sexual offense).

(e) Evidence of expressions or associations of the accused may not be introduced as substantive evidence at trial unless the evidence specifically relates to the crime charged under this



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1 section. Nothing in this section shall affect the rules of evidence governing the impeachment of a
2 witness."

3 **SECTION 2.** G.S. 14-3 reads as rewritten:

4 "**§ 14-3. Punishment of misdemeanors, infamous offenses, offenses committed in secrecy and**
5 **malice, or with deceit and intent to defraud, or ~~with ethnic animosity~~ as a hate**
6 **crime.**

7 ...
8 (c) If any Class 2 or Class 3 misdemeanor is committed because of the victim's actual or
9 perceived race, color, religion, nationality, ~~or~~ country of origin, gender, sexual orientation, gender
10 identity, or disability, the offender shall be guilty of a Class 1 misdemeanor. If any Class A1 or
11 Class 1 misdemeanor offense is committed because of the victim's actual or perceived race, color,
12 religion, nationality, ~~or~~ country of origin, gender, sexual orientation, gender identity, or disability,
13 the offender shall be guilty of a Class H felony."

14 **SECTION 3.** G.S. 14-401.14 reads as rewritten:

15 "**§ 14-401.14. ~~Ethnic intimidation; teaching any technique to be used for ethnic~~**
16 **intimidation. Intimidation by hate crime; teaching any technique to be used in the**
17 **commission of a hate crime.**

18 (a) If a person shall, because of actual or perceived race, color, religion, nationality, ~~or~~
19 country of origin, gender, sexual orientation, gender identity, or disability, assault another person,
20 or damage or deface the property of another person, or threaten to do any such act, ~~he~~ the person
21 shall be guilty of a Class 1 misdemeanor.

22 (b) A person who assembles with one or more persons to teach any technique or means to
23 be used to commit any act in violation of subsection (a) of this section is guilty of a Class 1
24 misdemeanor."

25 **SECTION 4.** G.S. 15A-1340.16(d)(17) reads as rewritten:

26 "(d) Aggravating Factors. – The following are aggravating factors:

27 ...
28 (17) The offense for which the defendant stands convicted was committed against a
29 victim because of the victim's actual or perceived race, color, religion,
30 nationality, ~~or country of origin~~ country of origin, gender, sexual orientation,
31 gender identity, or disability."

32 **SECTION 5.** This act becomes effective December 1, 2017, and applies to offenses
33 committed on or after that date.