

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 961
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30378-ML-68

Short Title: Criminal Intent Sentence Enhancement.

(Public)

Sponsors: Representative Charles Smith.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A SENTENCE ENHANCEMENT FOR FELONY OFFENSES
COMMITTED BECAUSE OF A VICTIM'S CHARACTERISTIC AND TO MAKE A
CONFORMING CHANGE TO AN AGGRAVATING FACTOR FOR AN OFFENSE
COMMITTED BECAUSE OF A VICTIM'S CHARACTERISTIC.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

SECTION 1. This act shall be known as "The Hate Crimes Prevention Act."

**PART II. ESTABLISH SENTENCE ENHANCEMENT FOR FELONY OFFENSES
COMMITTED BECAUSE OF A VICTIM'S CHARACTERISTIC**

SECTION 2. Part 2 of Article 81B of Chapter 15A of the General Statutes is
amended by adding a new section to read:

**"§ 15A-1340.16H. Enhanced sentence for offense committed because of victim's
characteristic.**

(a) If a person is convicted of a felony and it is found that the offense was committed
against the victim because of the victim's race, ethnicity, color, religion, nationality, country of
origin, or gender, then the person shall be sentenced at a felony class level one class higher than
the principal felony for which the person was convicted.

(b) An indictment or information for the felony shall allege in that indictment or
information the facts that qualify the offense for an enhancement under this section. One pleading
is sufficient for all felonies that are tried at a single trial.

(c) The State shall prove the issue set out in subsection (a) of this section beyond a
reasonable doubt during the same trial in which the defendant is tried for the felony unless the
defendant pleads guilty or no contest to that issue. If the defendant pleads guilty or no contest to
the felony but pleads not guilty to the issue set out in subsection (a) of this section, then a jury
shall be impaneled to determine that issue."

**PART III. CONFORMING CHANGE TO AGGRAVATING FACTOR FOR AN
OFFENSE COMMITTED BECAUSE OF A VICTIM'S CHARACTERISTIC**

SECTION 3. G.S. 15A-1340.16(d)(17) reads as rewritten:

"(17) The offense for which the defendant stands convicted was committed against
a victim because of the victim's race, ethnicity, color, religion, nationality, ~~or~~
country of ~~origin~~ origin, or gender."



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1 **PART IV. EFFECTIVE DATE**

2 **SECTION 4.** This act becomes effective December 1, 2025, and applies to offenses
3 committed on or after that date.