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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4678

03/07/2024 Authored by Kresha and Novotny
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; increasing certain criminal penalties for crimes committed
1.3 because of the victim's political affiliation or beliefs; amending Minnesota Statutes
1.4 2023 Supplement, sections 609.2231, subdivision 4; 609.2233; 609.595,
1.5 subdivisions 1a, 2; 609.749, subdivision 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2023 Supplement, section 609.2231, subdivision 4, is
1.8 amended to read:

1.9 Subd. 4. Assaults motivated by bias. (a) Whoever assaults another in whole or in
1.10 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
1.11 religion, sex, gender, sexual orientation, gender identity, gender expression, age, political
1.12 affiliation or beliefs, national origin, or disability as defined in section 363A.03, or because
1.13 of the victim's actual or perceived association with another person or group of a certain
1.14 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender
1.15 identity, gender expression, age, political affiliation or beliefs, national origin, or disability
1.16 as defined in section 363A.03, may be sentenced to imprisonment for not more than 364
1.17 days or to payment of a fine of not more than \$3,000, or both.

1.18 (b) Whoever violates the provisions of paragraph (a) within five years of a previous
1.19 conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment
1.20 for not more than one year and a day or to payment of a fine of not more than \$3,000, or
1.21 both.

1.22 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to crimes
1.23 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 609.2233, is amended to read:

2.2 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
 2.3 **STATUTORY MAXIMUM SENTENCE.**

2.4 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
 2.5 part because of the victim's or another person's actual or perceived race, color, ethnicity,
 2.6 religion, sex, gender, sexual orientation, gender identity, gender expression, age, political
 2.7 affiliation or beliefs, national origin, or disability as defined in section 363A.03, or because
 2.8 of the victim's actual or perceived association with another person or group of a certain
 2.9 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender
 2.10 identity, gender expression, age, political affiliation or beliefs, national origin, or disability
 2.11 as defined in section 363A.03, is subject to a statutory maximum penalty of 25 percent
 2.12 longer than the maximum penalty otherwise applicable.

2.13 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
 2.14 committed on or after that date.

2.15 Sec. 3. Minnesota Statutes 2023 Supplement, section 609.595, subdivision 1a, is amended
 2.16 to read:

2.17 Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally
 2.18 causes damage described in subdivision 2, paragraph (a), is guilty of a felony and may be
 2.19 sentenced to imprisonment for not more than one year and a day or to payment of a fine of
 2.20 not more than \$3,000, or both, if the damage:

2.21 (1) was committed in whole or in substantial part because of the property owner's or
 2.22 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
 2.23 gender identity, gender expression, age, political affiliation or beliefs, national origin, or
 2.24 disability as defined in section 363A.03;

2.25 (2) was committed in whole or in substantial part because of the victim's actual or
 2.26 perceived association with another person or group of a certain actual or perceived race,
 2.27 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 2.28 age, political affiliation or beliefs, national origin, or disability as defined in section 363A.03;
 2.29 or

2.30 (3) was motivated in whole or in substantial part by an intent to intimidate or harm an
 2.31 individual or group of individuals because of actual or perceived race, color, ethnicity,
 2.32 religion, sex, gender, sexual orientation, gender identity, gender expression, age, political
 2.33 affiliation or beliefs, national origin, or disability as defined in section 363A.03.

3.1 (b) In any prosecution under paragraph (a), the value of property damaged by the
3.2 defendant in violation of that paragraph within any six-month period may be aggregated
3.3 and the defendant charged accordingly in applying this section. When two or more offenses
3.4 are committed by the same person in two or more counties, the accused may be prosecuted
3.5 in any county in which one of the offenses was committed for all of the offenses aggregated
3.6 under this paragraph.

3.7 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
3.8 committed on or after that date.

3.9 Sec. 4. Minnesota Statutes 2023 Supplement, section 609.595, subdivision 2, is amended
3.10 to read:

3.11 **Subd. 2. Criminal damage to property in the third degree.** (a) Except as otherwise
3.12 provided in subdivision 1a, whoever intentionally causes damage to another person's physical
3.13 property without the other person's consent may be sentenced to imprisonment for not more
3.14 than 364 days or to payment of a fine of not more than \$3,000, or both, if: (1) the damage
3.15 reduces the value of the property by more than \$500 but not more than \$1,000 as measured
3.16 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle
3.17 and the defendant knew the vehicle was a public safety motor vehicle.

3.18 (b) Whoever intentionally causes damage to another person's physical property without
3.19 the other person's consent may be sentenced to imprisonment for not more than 364 days
3.20 or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value
3.21 of the property by not more than \$500 and:

3.22 (1) was committed in whole or in substantial part because of the property owner's or
3.23 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
3.24 gender identity, gender expression, age, political affiliation or beliefs, national origin, or
3.25 disability as defined in section 363A.03;

3.26 (2) was committed in whole or in substantial part because of the victim's actual or
3.27 perceived association with another person or group of a certain actual or perceived race,
3.28 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
3.29 age, political affiliation or beliefs, national origin, or disability as defined in section 363A.03;
3.30 or

3.31 (3) was motivated in whole or in substantial part by an intent to intimidate or harm an
3.32 individual or group of individuals because of actual or perceived race, color, ethnicity,

4.1 religion, sex, gender, sexual orientation, gender identity, gender expression, age, political
 4.2 affiliation or beliefs, national origin, or disability as defined in section 363A.03.

4.3 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
 4.4 by the defendant in violation of that paragraph within any six-month period may be
 4.5 aggregated and the defendant charged accordingly in applying this section. When two or
 4.6 more offenses are committed by the same person in two or more counties, the accused may
 4.7 be prosecuted in any county in which one of the offenses was committed for all of the
 4.8 offenses aggregated under this paragraph.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
 4.10 committed on or after that date.

4.11 Sec. 5. Minnesota Statutes 2023 Supplement, section 609.749, subdivision 3, is amended
 4.12 to read:

4.13 Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts
 4.14 is guilty of a felony and may be sentenced to imprisonment for not more than five years or
 4.15 to payment of a fine of not more than \$10,000, or both:

4.16 (1) commits any offense described in subdivision 2 in whole or in substantial part because
 4.17 of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
 4.18 sexual orientation, gender identity, gender expression, age, political affiliation or beliefs,
 4.19 national origin, or disability as defined in section 363A.03, or because of the victim's actual
 4.20 or perceived association with another person or group of a certain actual or perceived race,
 4.21 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 4.22 age, political affiliation or beliefs, national origin, or disability as defined in section 363A.03;

4.23 (2) commits any offense described in subdivision 2 by falsely impersonating another;

4.24 (3) commits any offense described in subdivision 2 and a dangerous weapon was used
 4.25 in any way in the commission of the offense;

4.26 (4) commits any offense described in subdivision 2 with intent to influence or otherwise
 4.27 tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial
 4.28 officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the
 4.29 court, because of that person's performance of official duties in connection with a judicial
 4.30 proceeding; or

4.31 (5) commits any offense described in subdivision 2 against a victim under the age of
 4.32 18, if the actor is more than 36 months older than the victim.

5.1 (b) A person who commits any offense described in subdivision 2 against a victim under
5.2 the age of 18, if the actor is more than 36 months older than the victim, and the act is
5.3 committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to
5.4 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
5.5 or both.

5.6 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
5.7 committed on or after that date.