

FIRST REGULAR SESSION

HOUSE BILL NO. 829

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILSON (130).

Read 1st time March 17, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1698L.02I

AN ACT

To repeal section 557.035, RSMo, and to enact in lieu thereof one new section relating to hate crimes, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 557.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 557.035, to read as follows:

557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of [race, color, religion, national origin, sex, sexual orientation or disability of] the victim or victims **identification with any specified group, perceived or otherwise**, the state may charge the crime or crimes under this section, and the violation is a class C felony.

2. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050, RSMo; which the state believes to be knowingly motivated because of [race, color, religion, national origin, sex, sexual orientation or disability of] the victim or victims **identification with any specified group, perceived or otherwise**, the state may charge the crime or crimes under this section, and the violation is a class D felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 [4. For the purposes of this section, the following terms mean:

17 (1) "Disability", a physical or mental impairment which substantially limits one or more
18 of a person's major life activities, being regarded as having such an impairment, or a record of
19 having such an impairment; and

20 (2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
21 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
22 associated with one's gender.]