

**Second Regular Session**

**Sixty-second General Assembly**

LLS NO. 00-0638.01 Chris Forsyth

SENATE BILL 00-032

**STATE OF COLORADO**

BY SENATOR Rupert;  
also REPRESENTATIVE Tate.

A BILL FOR AN ACT

101 CONCERNING EXPANSION OF THE CRIME OF ETHNIC INTIMIDATION, AND, IN  
102 CONNECTION THEREWITH, CHANGING THE NAME OF THE CRIME TO  
103 A HATE CRIME.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Expands the crime of ethnic intimidation to include intimidating a person because of that person's physical or mental disability, age, or sexual orientation. Changes the name of the crime of ethnic intimidation to a hate crime.

Makes conforming amendments.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2       **SECTION 1.** 18-9-121 (1), the introductory portion to 18-9-121  
3 (2), and 18-9-121 (3) and (4), Colorado Revised Statutes, are amended,  
4 and the said 18-9-121 is further amended BY THE ADDITION OF A  
5 NEW SUBSECTION, to read:

6       **18-9-121. Hate crimes.** (1) The general assembly hereby finds  
7 and declares that it is the right of every person, regardless of race, color,  
8 ancestry, religion, ~~or~~ national origin, PHYSICAL OR MENTAL DISABILITY,

1 AGE, OR SEXUAL ORIENTATION, to be secure and protected from fear,  
2 intimidation, harassment, and physical harm caused by the activities of  
3 individuals and groups. The general assembly further finds that the  
4 advocacy of unlawful acts against persons or groups because of a person's  
5 or group's race, color, ancestry, religion, ~~or~~ national origin, PHYSICAL OR  
6 MENTAL DISABILITY, AGE, OR SEXUAL ORIENTATION, for the purpose of  
7 inciting and provoking bodily injury or damage to property, poses a threat  
8 to public order and safety and should be subject to criminal sanctions.

9 (2) A person commits ~~ethnic intimidation~~ A HATE CRIME if, with  
10 the intent to intimidate or harass another person because of that person's  
11 race, color, religion, ancestry, ~~or~~ national origin, PHYSICAL OR MENTAL  
12 DISABILITY, AGE, OR SEXUAL ORIENTATION, he or she:

13 (3) ~~Ethnic intimidation~~ COMMISSION OF A HATE CRIME as  
14 described in paragraph (b) or (c) of subsection (2) of this section is a class  
15 1 misdemeanor. ~~Ethnic intimidation~~ COMMISSION OF A HATE CRIME as  
16 described in paragraph (a) of subsection (2) of this section is a class 5  
17 felony; except that ~~ethnic intimidation~~ COMMISSION OF A HATE CRIME as  
18 described in said paragraph (a) is a class 4 felony if the offender is  
19 physically aided or abetted by one or more other persons during the  
20 commission of the offense.

21 (4) The criminal penalty provided in this section for ~~ethnic~~  
22 ~~intimidation~~ COMMISSION OF A HATE CRIME does not preclude the victim  
23 of such action from seeking any other remedies otherwise available under  
24 law.

25 (5) FOR PURPOSES OF THIS SECTION:

26 (a) "PHYSICAL OR MENTAL DISABILITY" REFERS TO A DISABILITY AS

1 USED IN THE DEFINITION OF THE TERM "PERSON WITH A DISABILITY" IN  
2 SECTION 18-6.5-102 (3).

3 (b) "SEXUAL ORIENTATION" MEANS A PERSON'S ACTUAL OR  
4 PERCEIVED ORIENTATION TOWARD HETEROSEXUALITY, HOMOSEXUALITY,  
5 BISEXUALITY, OR TRANSSEXUALITY.

6 **SECTION 2.** 13-21-106.5 (1) and (2), Colorado Revised Statutes,  
7 are amended to read:

8 **13-21-106.5. Civil damages for destruction or bodily injury**  
9 **caused by a hate crime.** (1) The victim, or a member of the victim's  
10 immediate family, is entitled to recover damages from any person,  
11 organization, or association who commits or incites others to commit ~~the~~  
12 ~~offense of ethnic intimidation~~ A HATE CRIME as defined in section  
13 18-9-121 (2), C.R.S. Such person, organization, or association shall be  
14 civilly liable to the victim or a member of the victim's immediate family  
15 for the actual damages, costs, and expenses incurred in connection with  
16 said action. For purposes of this section, "immediate family" includes the  
17 victim's spouse and the victim's parent, sibling, or child who is living with  
18 the victim.

19 (2) A conviction for ~~criminal ethnic intimidation~~ COMMISSION OF  
20 A HATE CRIME pursuant to section 18-9-121, C.R.S., shall not be a  
21 condition precedent to maintaining a civil action pursuant to the  
22 provisions of this section.

23 **SECTION 3.** 24-4.1-302 (1) (cc.3), Colorado Revised Statutes,  
24 is amended to read:

25 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
26 purpose, including the expansion of the rights of any defendant:

1 (1) "Crime" means any of the following offenses as defined by the  
2 statutes of the state of Colorado, whether committed by an adult or a  
3 juvenile:

4 (cc.3) ~~Ethnic intimidation~~ HATE CRIME, in violation of section  
5 18-9-121, C.R.S.;

6 **SECTION 4. Exception to the requirements of section 2-2-703,**  
7 **Colorado Revised Statutes.** The general assembly hereby finds that the  
8 amendments to section 18-9-121, Colorado Revised Statutes, enacted in  
9 this act will result in the minor fiscal impact of one additional offender  
10 being convicted and sentenced to the department of corrections during the  
11 five years following passage of the act. Because of the relative  
12 insignificance of this degree of fiscal impact, these amendments to  
13 section 18-9-121, Colorado Revised Statutes, are an exception to the  
14 five-year appropriation requirements specified in section 2-2-703,  
15 Colorado Revised Statutes.

16 **SECTION 5. No appropriation.** Because of its minor fiscal  
17 impact, the general assembly has determined that this act can be  
18 implemented within existing appropriations, and therefore no separate  
19 appropriation of state moneys is necessary to carry out the purposes of  
20 this act.

21 **SECTION 6. Effective date - applicability.** This act shall take  
22 effect July 1, 2000, and shall apply to offenses committed on or after said  
23 date.

24 **SECTION 7. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.