

Hate Crime and Hate Incidents in the Commonwealth



2005



**Compiled by the Justice & Safety Center at
Eastern Kentucky University
on behalf of the
Kentucky Justice & Public Safety Cabinet**



Foreword

Dear Policymaker:

On behalf of the Kentucky Justice and Public Safety Cabinet, we are pleased to publish our fourth report on the scope of hate crime and hate incidents in the Commonwealth of Kentucky. The Kentucky Justice and Public Safety Cabinet is charged in KRS 15A.040 with collecting and analyzing data on hate crime. This report reflects the Cabinet's effort to provide state officials with a collection of statewide hate crime data in order to document the scope of this type of crime across Kentucky and the nation.

Hate Crime and Hate Incidents in the Commonwealth, 2005, incorporates both official statistics from law enforcement, as well as anecdotal data provided by state and national human rights organizations. With knowledge that official data is a better indicator of how well we are reporting hate crime rather than its actual incidence, the anecdotal data is used to provide a more complete picture of statewide hate crime and hate incidents. Information and tables in the fourth edition of Hate Crime and Hate Incidents in the Commonwealth have been updated where appropriate.

We would like to express our appreciation to the organizations contributing data to this report. Without their assistance, this publication would not have been possible. We look forward to continued efforts to broaden our understanding of the scope and implications of hate crime in the Commonwealth and encourage you to contact the Kentucky Justice and Public Safety Cabinet at (502)564-3251 if you have any questions regarding this report.

Sincerely,

B.G. Norman E. Arflack, Secretary
Kentucky Justice and Public Safety Cabinet



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Executive Summary

The Kentucky Justice and Public Safety Cabinet is charged in KRS 15A.040 with studying and making recommendations on a wide range of criminal justice issues. This report reflects the Cabinet's efforts to provide state officials with a collection of statewide hate crime data, both official and anecdotal, in order to document the scope of this type of crime across Kentucky and the nation.

It is apparent that the number of hate incidents being reported through official channels does not reflect the full scope of hate crime and hate incidents within the Commonwealth. Due to questions raised regarding law enforcement reporting and underreporting by victims, it is generally believed that the data is a better reflection of how well crime is being reported than providing any estimate of its actual incidence.

In an attempt to better document the incidence of hate crime, this report includes official federal data reported in the Uniform Crime Reports (UCR) and state level data reported by the Kentucky State Police. It also includes anecdotal information from local newspapers across the state, the Kentucky Commission on Human Rights, the Southern Poverty Law Center, and the Anti-Defamation League.

By incorporating combined sources of data, it is the goal of the Cabinet to provide a comprehensive picture of hate crime in the Commonwealth. It is anticipated that this report will serve to inform both public and state policy as it relates to the incidence and prevalence of bias-motivated crime.

Statewide Hate Crime Trends and Information Highlights

- According to the Southern Poverty Law Center (SPLC), the number of hate groups operating in the United States rose from 762 in 2004 to 803 in 2005, capping a 33% increase over the past five years.
- In 2005, the SPLC indicated that there were 524 hate sites on the Internet, up over 100% from 250 in 1999.
- Partners Against Hate reports that 33% of hate crime perpetrators are under the age of 18 years old and 29% are between 18 and 24 years old; 30% of all victims of bias-motivated aggravated assaults and 34% of all victims of bias-motivated simple assault are under 18 (Partners Against Hate, 2002).
- Of the over 17,000 city, county, tribal, state, and federal law enforcement agencies participating in the national UCR Program, 12,417 participated in the UCR hate crime reporting program, representing 82.7% of the nation's population.



- In the U.S., 7,163 incidents were reported involving 8,380 offenses. National reports show that in 2005, 56.0% of all hate crime offenses were racially motivated while 15.7% were motivated by religion (See Figure 5.a); 48.3% of all hate crimes occurred at a residence/home or a highway/road/alley/street (See Table 5.2); approximately 82% of all hate crimes in the United States in 2005 involved the offenses of intimidation, destruction/damage/vandalism, or simple assault (See Table 5.3).
- The UCR Program reported a total of 44 hate crime incidents in 2005 in Kentucky, down from 71 incidents in 2004. In 2005, race was the most common motivation for hate crimes reported to the Kentucky State Police (63.8%). The second most common hate crime motivation was ethnicity, representing 19.1% of incidents (See Table 5.6). In 2005, nearly half of all hate crimes in Kentucky occurred in a residence/home (46.8%) (See Table 5.7). More than three-fourths (76.6%) of hate crimes reported to the Kentucky State Police were for intimidation and destruction/damage/vandalism (See Table 5.8). In terms of victim type, the majority of hate crime victims in 2005 in Kentucky were individuals (80.8%). The government was the victim in 12.8% of incidents (See Table 5.10).
- Anecdotal evidence of the prevalence and frequency of hate crime is provided by articles published by local newspapers from across the state including Covington's *The Kentucky Post*, Louisville's *The Courier-Journal*, and the *Lexington Herald-Leader*.
- In 2005, Kentucky Commission on Human Rights (KCHR) handled 3,200 inquiries by people in Kentucky who had potentially been victims of discrimination. In the past decade, the number of discrimination complaints followed up on by KCHR has approximately tripled, reaching 441 in 2005 (See Table 6.1). The majority of complaints closed are found to have no probable cause; the next most common outcome is a conciliation agreement (See Table 6.2). The 26 conciliation agreements reached in 2005 resulted in \$57,000 compensation for complainants.
- The Southern Poverty Law Center reported a total of three hate incidents in 2003, eight hate incidents in 2004, and three hate incidents in 2005 in Kentucky.
- The Anti-Defamation League reported a total of six extremist events in 2003, six extremist events in 2004, and four extremist events in 2005 in Kentucky.



I. History and Limitations of Hate Crime Data Collection

On April 23, 1990, as a result of heightened public awareness regarding the incidence of hate crime, Congress passed the Hate Crime Statistics Act, requiring the collection of data on crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity (U.S.C., Section 534). The Hate Crime Statistics Act was subsequently amended in 1994 to include crimes motivated by bias against persons with mental and/or physical disabilities and again in 1996, to permanently extend the data collection mandate. While there is variation across states regarding the offenses covered under hate crime legislation, the offenses covered by the Hate Crimes Statistics Act include homicide, non-negligent manslaughter, forcible rape, assault, intimidation, arson, and destruction, damage, or vandalism of property (Appendix A).

The responsibility for collecting and managing hate crime data is delegated to the FBI's Uniform Crime Reporting (UCR) Program. Upon enactment of the Hate Crime Statistics Act, the collection of hate crime statistics was attached to the already established UCR data collection procedures in order to avoid increasing the burden on law enforcement. The UCR Program captures information on the types of biases that motivate crimes, the nature of the offenses, and profiles of both the victims and offenders.

The UCR Program relies on the voluntary participation of state and local law enforcement agencies across the country; therefore, the data compiled through the program may be a better reflection of how well hate crime is being reported rather than its actual incidence. When the UCR Program issued its first report on hate crimes in 1993, fewer than one in five of the nation's law enforcement agencies were providing data on such crimes. Participation has since increased and in 2005, over 17,000 city, county, tribal, state, and federal law enforcement agencies participated in the national UCR Program. Of these agencies, 12,417 participated in the UCR's hate crime reporting program, representing 82.7% of the nation's population.

Since the release of the first federal hate crime report, there has continued to be wide disparity between data provided by law enforcement agencies and information compiled by human rights and private organizations. According to a monograph published by the Bureau of Justice Assistance in 1997, the national statistics remain suspect since a number of police agencies do not submit hate crime data or have not recorded hate crime incidents. It was further noted that "even if all states were reporting these incidents, it would be difficult to gauge the level of the hate crime problem in this country because bias-motivated crimes are typically underreported by both law enforcement agencies and victims" (1997, p. xii).

The underreporting of hate crime is fueled by a number of factors. Victims may decide not to report a crime because of fear of retribution by the offender, fear of the police, fear that the report will not be taken seriously, fear of revictimization by the system, or fear of the resulting public response or stigma. Barriers to law enforcement reporting may include lack of training or supervision, lack of clear departmental or official policy, individual officer perceptions of minority communities, and varying interpretations of what constitutes a hate crime.



II. The Nature of Hate Crime

The collection and publication of nationwide hate crime statistics has generated an increased awareness and a greater understanding of the devastating number of crimes motivated by hate or bias. As background for a review of statewide data on hate crime and hate incidents, it is important to provide a discussion of the nature of hate crime.

Based on the federal definition used by the Federal Bureau of Investigations, a hate crime or bias crime is defined as “a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias against race, religion, disability, sexual orientation, or ethnicity/national origin.” In order to protect individual civil liberties, however, hate itself cannot be considered a crime. Criminal acts motivated by bias can be easily confused with forms of expression that are constitutionally protected. While a person’s biases may compel them to pronounce their dislike for a particular group, as in the case of hate groups, this does not meet the definition of a hate crime. This, coupled with the fact that it is often difficult to pinpoint the motivation behind a crime, makes the identification and prosecution of hate crimes a challenging task.

It has proven especially difficult to improve law enforcement response to hate crime because of the unique nature of the crime. Victims of hate crime have many reasons to be hesitant to report the crime. In the case of homosexual, bisexual, or transgender victims, such individuals may be reluctant to come forward for fear of they will be “outed” to friends, family, co-workers, and others to whom their sexual orientation is unknown. Cultural and language barriers discourage some victims from reporting hate crime. This is especially true for illegal immigrants who fear deportation if they contact the authorities (Leadership Conference on Civil Rights Education Fund, 2004). Many of the aforementioned victims may also fear retaliation from perpetrators sharing a similar bias for which they were previously targeted. Drawing attention to their situation may single them out as a potential target for a future hate crime. Finally, for most victims, the crime is a humiliating and emotionally devastating event, and it is difficult to recount the event to others (Bureau of Justice Assistance, 1997).

Hate crime tends to generate a degree and type of fear that is significantly different from other types of crime. The potential for serious, long-term emotional damage is great. The FBI’s *Training Guide for Hate Crime Data Collection* explains that victims of hate crime have experienced a violation of the Constitutional protections guaranteed to all Americans for no reason other than, “the color of their skin, the religion they profess, the heritage of their parents, the disability they possess, or their sexual orientation” (1996, p. 4). Such violations prove to be extremely unsettling to the victim because there is nothing that can be done to change the identity for which they are being persecuted. It should also be noted that bias-motivated crimes are often more likely to involve the element of physical assault and tend to result in more serious injuries than non-bias crimes. Overall, approximately 11% of all crimes involve assaults against persons, with the rest directed at property. For bias crimes, assaults consistently average more than 30% of the total cases reported (Levin, 1992).

Hate crime incidents not only victimize the individual, but also victimize the community of people who share the characteristic for which the individual was targeted. Even an isolated incident may fester and result in widespread tension and an underlying current of hostility and anger (Leadership Conference on Civil Rights Education Fund, 2004). In this manner, hate crimes are crimes that send a message of fear and terror throughout entire communities. *A Policymaker's Guide to Hate Crimes* reveals the following concerning the impact of bias-motivated offenses:

“A hate crime victimizes not only the immediate target but every member of the group that the immediate target represents. A bias-motivated offense can cause a broad ripple of discomfiture among members of a targeted group, and a violent hate crime can act like a virus, quickly spreading feelings of terror and loathing across an entire community. Apart from their psychological impacts, violent hate crimes can create tides of retaliation and counter-retaliation. Therefore, criminal acts motivated by bias may carry far more weight than other types of criminal acts.” (Bureau of Justice Assistance, 1997, p. x)

Perpetrators of Hate Crime

Despite popular belief, most hate crimes are not committed by members of an organized hate group, but rather by individual citizens acting upon racial or other stereotypes. These acts tend to be “spur-of-the-moment” and are frequently facilitated by the use of alcohol or drugs. Hate crimes are committed by a diverse set of offenders such as groups of teenagers intent on thrill-seeking, individuals who are reacting to a perceived threat to their way of life, or individuals suffering from mental disorders. While a number of factors may contribute to creating a climate of hate including fear, alienation, economic prejudice, negative stereotypes, and increasing cultural diversity, a single incident may exacerbate existing tensions in a community and trigger the potential for a series of hate crimes and escalating violence.

Although hate crimes are not typically committed by organized hate groups, hate groups often commit some of the most brutal hate crimes. Throughout history, people have formed hate groups, united in their hatred for those of different races, religions, sexual orientations, and ethnicities/national origins. Organized hate groups are generally defined by federal authorities as groups whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, religion, gender, handicap, sexual orientation, or ethnicity group which differs from that of the members of the organization. These groups range from loosely organized and informal organizations to highly structured international organizations. The Southern Poverty Law Center's (SPLC) Intelligence Project tracks active hate and patriot groups across the nation and maintains a state-by-state directory of where such groups have been established. While not exhaustive, the list identifies known groups based on information from hate or patriot groups' publications, citizens' reports, law enforcement agencies, field sources, news reports, and the Internet (See Appendix D).



According to the SPLC, the number of hate groups operating in the United States rose from 762 in 2004 to 803 in 2005, capping a 33% increase over the past five years. SPLC's Intelligence Project also reported an increase in the use of aggressive maneuvers to garner national media attention in 2005. The anti-gay Westboro Baptist Church repeatedly made the national news for picketing the funerals of U.S. soldiers whose deaths, the group argues, are God's punishment to America for tolerating homosexuality. Campaigns such as Operation Schoolyard, an attempt in the 2004-2005 school year to distribute 100,000 free racist music CDs to schoolchildren, infuriated the public and made headlines across the nation. Increased Hispanic immigration and the war in Iraq are also thought to have fueled the recent growth of hate groups.

Though the overall number of neo-Nazi groups in America scarcely changed from 2004 to 2005, there was a great deal of change within the movement. Once the leading hate group in the U.S., the National Alliance lost a number of chapters last year, falling from 59 chapters in 2004 to 22 chapters in 2005. Some former Alliance members have joined with relatively new groups such as White Revolution and National Vanguard while others have joined the National Socialist Movement.

The Ku Klux Klan (KKK), the most active hate group within the state of Kentucky, increased its number of chapters nationwide from 162 in 2004 to 179 in 2005. The Imperial Klans of America and the Brotherhood of the Klans represent the largest KKK organizations in the U.S. In Kentucky, the most prevalent KKK organization is the Imperial Klans of America which has chapters in the cities of Brandenburg, Brooks, Dawson Springs, Louisville, and Shepardsville. Other KKK organizations are based in Fairdale, Leitchfield, Lexington, and Louisville (Appendix D).

According to Joe Roy, a chief investigator for the SPLC, there are probably 600,000 to 700,000 adherents to the Christian Identity movement throughout the United States (Eigelbach, 2005, A8). Groups affiliated with the Christian Identity movement are racist and anti-Semitic, espousing the beliefs that Jews are biologically descended from Satan and non-whites are soulless "mud people." In recent years, doctrinal disputes, the lack of a central church structure, and a shift among white supremacists towards agnosticism and racist variations of neo-Paganism have weakened the Identity movement and reduced the number of its adherents (SPLC, 2005). The Christian Identity movement has groups in Kentucky, specifically Lord's Work in Austin and Fellowship of God's Covenant People in Burlington. In October 2005, Fellowship of God's Covenant People held the Feast of Tabernacles, a retreat in Union, Kentucky (ADL, 2005).

Terrorism and Hate Crime

As society confronts the challenge of homeland security, it is important not only to acknowledge the threat of international terrorist groups but also the threat posed by domestic terrorist groups that have long been a part of the country's social landscape. In an address to the Anti-Defamation League in November 2005, Director of the FBI Robert S. Mueller stated, "it is the same groups preaching hate and intolerance here in our country that plant the seeds that grow into terrorism." As threats of domestic and international terrorism continue to pervade, it is



imperative that law enforcement remains vigilant in the investigation and prosecution of hate groups.

The FBI's Counterterrorism Division divides domestic terrorist groups into three basic categories, right-wing, left-wing, or special interest. Such groups generally unite according to shared beliefs relating to American political and social concerns (*Terrorism in the United States*, 1999, p.6). Organized hate groups are often classified as domestic terrorist groups. There are no uniform guidelines for determining how such groups are classified and in many cases the group fits both the profile of a hate group and a domestic terrorist group. The FBI defines domestic terrorism as "activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state; appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States" [U.S. Code, Title 18 § 2331(5)]. The activities of organized hate groups often fall within these parameters. The overlap between domestic terrorism and organized hate groups is one that warrants further exploration.

Hate on the Internet

Advances in communications technology have been accompanied by the proliferation of hate sites on the Internet. According to FBI Director Robert S. Mueller, "unfortunately, as technology evolves, criminals and terrorists also evolve. The threat of today, and of the future, is a dangerous convergence of terrorists, hostile foreign governments, and criminal groups operating over the Internet and through interconnected, sophisticated networks." In 2005, the SPLC indicated that there were 524 hate sites on the Internet, up over 100% from 250 in 1999.

The Internet has given extremists access to a potential audience of millions, including the vulnerable population of impressionable youth (Kaplan & Moss, 2003, p. 5). Hate groups have well-developed websites that may appeal particularly to youth. Several groups develop and sell products that are especially appealing to youth, such as CDs, jewelry, books, and other items (Tiven, 2003, p.21). This is especially important to consider since a significant number of perpetrators of hate crimes are young. Partners Against Hate (2002) reports that 33% of hate crime perpetrators are under the age of 18 years old and 29% are between 18 and 24 years old. Unfortunately, many victims of hate crime are young as well, often suffering at the hands of their peers. In fact, 30% of all victims of bias-motivated aggravated assaults and 34% of all victims of bias-motivated simple assault are under 18 (Partners Against Hate, 2002).

The Internet provides an accessible and inviting interface that allows extremists new ways to communicate, no longer with words alone but through pictures, graphics, sounds, animation, and video (Tiven, 2003, p.13). Websites, chat rooms, discussion boards, email messages, and instant messages are all part of a virtual playground for extremists to disperse their messages of hate to the masses. The ability to use these techniques to entice Internet users has proven to be a very successful recruitment tool for hate groups. Groups may twist their message to appear as though they are legitimate activists who have been unfairly characterized as extremists. Some post provocative messages on online discussion forums devoted to mainstream, legitimate topics with



the hope of attracting new supporters (Tiven, 2003, p.17). Groups operating in Kentucky are no exception. Examples include the Kentucky based websites for hate groups such as the Imperial Klans of America, Knights of the KKK, <http://www.kkkk.net/kentucky1/index.htm>, and Warriors of the White World, <http://www.warriorsofthewhiteworld.com/>, and for patriot groups such as Take Back Kentucky, <http://www.takebackkentucky.com/index.html>, and the Kentucky State Militia, <http://www.kysm.org/>. Such groups are actively using the Internet to share their message, recruit new members, and improve the coordination and communication among current members.

Hate on the Internet is particularly hard to address because of the First Amendment's protection of individual speech and freedom of expression. In 1997, in *Reno v. ACLU*, the Supreme Court overturned the Communications Decency Act, established in 1996 to regulate the freedom of speech on the Internet. This landmark decision extended the First Amendment's protection of free speech to speech on the Internet. Legal action can, however, be taken against hate speech that contains a direct, credible threat against an identifiable individual. Unfortunately, the anonymity of the Internet makes it especially difficult to track down the source of threatening messages. As a result of these unique circumstances, very few criminal cases concerning hate speech on the Internet have ever been prosecuted (Kaplan & Moss, 2003, p. 5).

Human rights organizations such as the Anti-Defamation League and the Southern Poverty Law Center devote a great deal of time and effort to combating the spread of hate on the web. Such organizations track the movement of hate groups and extremists on the Internet and are quick to alert authorities if illegal activity is detected. Christopher Wolf (2003), Chairman of the Anti-Defamation League's Internet Taskforce, explains, "Where the activities of hate groups were once limited by geographical boundaries, the Internet allows even the smallest fringe group to spread hate and freely recruit members online by tapping into the worldwide audience that the Web provides."

It is important for policymakers to consider the role the Internet plays in advancing the cause of hate groups. An unregulated environment such as the Internet is a haven for bigots and extremists looking for an open forum to spread their beliefs. It is an inexpensive and efficient way to promote their message with few, if any, consequences. Though legal recourse for hate on the Internet is limited, other strategies can be employed. Public awareness may be the first step in a long process of combating this difficult problem.



III. Kentucky's Current Hate Crime Law

In 1992, following the enactment of federal hate crime legislation, Kentucky passed KRS 17.1523, legislation requiring the collection of data on bias-motivated crime on the uniform offense report (see Appendix A). Based on the statute, “all law enforcement officers, when completing a uniform offense report, shall note thereon whether or not the offense appears to be caused as a result of or reasonably related to race, color, religion, sex, or national origin or attempts to victimize or intimidate another due to any of the foregoing causes.” The legislation also requires the Justice and Public Safety Cabinet through the Kentucky State Police to incorporate data on hate crimes in its annual report of statewide crime statistics. For the full text of each hate crime statute, see Appendix A.

The crime of Desecration of Venerated Objects in the Second Degree (KRS 525.110), pertaining to public monuments or objects, places of worship, and the national or state flag or religious symbol, was originally enacted in 1988 in response to concerns regarding gravesite robberies. However in 1992, a separate offense of violating graves was established and the word burial was removed from the desecration statute (see Appendix A).

In 1998, as part of comprehensive criminal justice legislation known as the Governor's Crime Bill (HB455), three additional provisions pertaining to hate crime were enacted. These reforms included the following:

- Creation of a new section (KRS 532.031) which allows the sentencing judge to make a finding that hate was the primary motivation in the commission of an offense and to use that finding as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration. The law also allows the finding to be utilized by the Parole Board in the decision to delay or deny parole.
- Creation of the offense of Institutional Vandalism (KRS 525.113) as a class D felony when an individual because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates objects defined in KRS 525.110 (see above).
- Amendment of KRS Chapter 346 to allow a victim who suffers personal injury resulting from a hate crime to be eligible for awards under the Kentucky Victims Compensation Board.

In June of 2005, KRS 15.331 was repealed and replaced by KRS 15.334. The new legislation requires mandatory training courses for law enforcement students and certified peace officers for a range of subjects including the “identification and investigation of, responding to, and reporting bias-related crime, victimization, or intimidation that is a result of or reasonably related to race, color, religion, sex, or national origin.” The statute also sets forth a requirement regarding the total number of courses that must be taken within an eight year period.



Although Kentucky is considered to be among the states which have enacted specific penalties for hate crime, by virtue of the offenses established for institutional vandalism and desecration of objects, the state's primary hate crime statute (KRS 532.031) does not contain a penalty provision. Although KRS 532.031 does permit the judge to limit sentencing options and the Parole Board to delay or deny parole, these actions already fall within their respective powers of discretion. The statute did, however, allow for the identification of the offender as having committed a hate or bias-motivated crime, which represents an important first step.

Currently, 46 states have enacted specific penalty enhancement provisions for offenses motivated by hate. These laws are based on a model statute proposed by the Anti-Defamation League (ADL) which allows a defendant's sentence to be enhanced if he/she intentionally selects the victim based upon his/her perception of the victim's race, religion, national origin, sexual orientation or gender. For additional information on state statutory provisions regarding hate crime, see Appendix B.



IV. Data Collection Statistics

Of the over 17,000 city, county, tribal, state, and federal law enforcement agencies participating in the national UCR Program, 12,417 participated in the UCR hate crime reporting program, representing 82.7% of the nation's population. Of the agencies participating in the program, 16.4 percent reported incidents of hate crime in 2005. In all, 7,163 incidents were reported, involving 8,380 offenses in the U.S.

The UCR Program reported a total of 44 hate crime incidents in 2005 in Kentucky, down from 71 incidents in 2004. It is important to note the Kentucky State Police reports a total of 47 hate crime incidents in 2005. The reason for this discrepancy is unknown. With respect to the type of agency reporting hate crime incidents, Kentucky differs from surrounding states particularly in the number of incidents reported by the state police (See Table 4.1). According to UCR data presented in Table 4.3, in 2005, Kentucky reported the lowest number of hate crime incidents among surrounding states (44) followed by West Virginia (47) and Indiana (54). States with higher numbers of incidents included Missouri (78), Tennessee (128), Illinois (168), Ohio (176), and Virginia (296).



Table 4.1: Number and Percentage of Hate Crime Incidents by State and Agency Type, 2005

Reporting Agency	KY	IL	IN	MO	OH	TN	VA	WV
Cities	30 68%	150 89%	47 87%	55 71%	154 88%	85 66%	165 56%	29 62%
Metropolitan Counties	7 16%	7 4%	3 6%	13 17%	13 7%	32 25%	100 34%	6 13%
Non-Metropolitan Counties	1 2%	0 0%	0 0%	6 8%	4 2%	5 4%	10 3%	11 23%
Universities/Colleges	4 9%	10 6%	4 7%	4 5%	5 3%	5 4%	20 7%	1 2%
State Police	2 5%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%
Other Agencies	0 0%	1 1%	0 0%	0 0%	0 0%	1 1%	1 0%	0 0%
Total	44	168	54	78	176	128	296	47

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.



Table 4.2: Number of Hate Crime Incidents by Reporting Agency and Motivation, Kentucky, 2005

Reporting Agency	Race	Religion	Sexual Orientation	Ethnicity	Disability
Cities	20	1	3	5	1
Metropolitan Counties	1	0	5	1	0
Non-Metropolitan Counties	1	0	0	0	0
Universities/Colleges	3	1	0	0	0
State Police	2	0	0	0	0
Other Agencies	0	0	0	0	0
Total	27	2	8	6	1
Percentage of Total	61%	5%	18%	14%	2%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.

Table 4.3: Law Enforcement Agencies Reporting Hate Crime, Kentucky and Surrounding States, 2005

State	Number of Participating Agencies	Population Covered	Agencies Submitting Incident Reports	Total Number of Incidents Reported	Percent of Agencies Reporting a Documented Hate Crime
Kentucky	321	3,744,693	22	44	7%
West Virginia	349	1,679,815	17	47	5%
Indiana	142	3,933,013	18	54	13%
Missouri	278	3,525,724	25	78	9%
Tennessee	455	5,962,959	68	128	15%
Illinois	66	5,047,250	50	168	83%
Ohio	443	8,702,176	60	176	14%
Virginia	395	7,517,151	68	295	17%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.

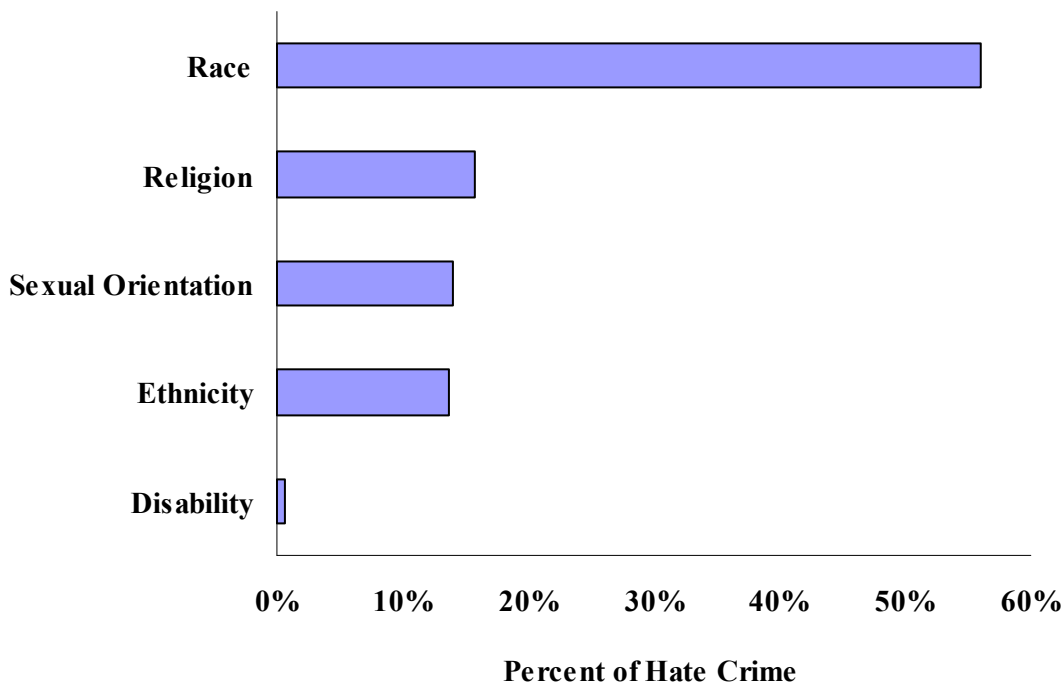


V. Official Law Enforcement Data

A. Federal Reports

The figures and tables in the following section represent official law enforcement data as published by the Federal Bureau of Investigation’s Uniform Crime Report (UCR). In Figure 5.a, the UCR reports that in 2005, 56.0% of all hate crime offenses were racially motivated while 15.7% were motivated by religion. As can be seen in Table 5.2, in the U.S., 48.3% of all hate crimes occurred at a residence/home or a highway/road/alley/street. Approximately 82% of all hate crimes in the United States in 2005 involved the offenses of intimidation, destruction/damage/vandalism, or simple assault (See Table 5.3). In the U.S., 60.5% of hate crime offenders are white as reported in Table 5.4. In terms of the type of victim, the majority are individuals (See Table 5.5).

Figure 5.a: Distribution of Hate Crime in the U.S. by Bias Motivation, 2005



Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.



Table 5.1: Hate Crime in the U.S. by Bias Motivation, 2005

Targeted Group	Incidents	Offenses	Victims¹	Known Offenders²
Single-Bias Incidents	7,160	8,373	8,795	6,800
Motivated by Race	3,919	4,691	4,895	3,913
Whites	828	935	975	963
African Americans	2,630	3,200	3,322	2,581
American Indian/Alaskan Native	79	95	97	73
Asian, Pacific Islanders	199	231	240	163
Multiple Races, Group	183	230	261	133
Motivated by Religion	1,227	1,314	1,405	580
Jewish	848	900	977	364
Catholics	58	61	61	22
Protestants	57	58	58	32
Islamic (Muslims)	128	146	151	89
Other Religion	93	102	106	54
Multiple Religions, Group	39	42	47	18
Atheism/Agnosticism/etc.	4	5	5	1
Motivated by Sexual Orientation	1,017	1,171	1,213	1,138
Male Homosexuals	621	713	743	715
Female Homosexuals	155	180	186	146
Homosexuals (Male & Female)	195	228	233	237
Heterosexuals	21	23	23	18
Bisexuals	25	27	28	22
Motivated by Ethnicity/National Origin	944	1,144	1,228	1,115
Hispanics	522	660	722	691
Other Ethnic/National Origin	422	484	506	424
Motivated by Disability	53	53	54	54
Physical Disability	21	21	21	21
Mental Disability	32	32	33	33
Multiple-Bias Incidents³	3	7	9	4
Total	7,163	8,380	8,804	6,804

¹ The term “victim” may refer to a person, business, institution, or society as a whole.

² The term “known offender” does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender.

³ In a multiple-bias incident two conditions must be met: 1) more than one offense type must occur in the incident and 2) at least two offense types must be motivated by different biases.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.



Table 5.2: Location of Hate Crime Incidents in the U.S., 2005

Location	Number of Incidents	Percent of Total
Air/Bus/Train Terminal	55	0.8%
Bank/Savings and Loan	23	0.3
Bar/Nightclub	138	1.9
Church/Synagogue/Temple	310	4.3
Commercial/Office Building	152	2.1
Construction Site	17	0.2
Convenience Store	101	1.4
Department/Discount Store	45	0.6
Drug Store/Dr.'s Office/Hospital	52	0.7
Field/Woods	72	1.0
Government/Public Building	129	1.8
Grocery/Supermarket	62	0.9
Highway/Road/Alley/Street	1,314	18.3
Hotel/Motel	45	0.6
Jail/Prison	48	0.7
Lake/Waterway	21	0.3
Liquor Store	18	0.3
Parking Lot/Garages	471	6.6
Rental Storage Facility	7	0.1
Residence/Home	2,148	30.0
Restaurant	110	1.5
School/College	967	13.5
Service/Gas Station	67	0.9
Specialty Store	78	1.1
Other Unknown	699	9.8
Multiple Locations	14	0.2
Total	7,163	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.



Table 5.3: Hate Crime Incidents in the U.S. by Offense Type, 2005

Offense Type	Number of Incidents
Crimes against persons:	4,208
Murder and Non-Negligent Manslaughter	6
Forcible Rape	3
Aggravated Assault	817
Simple Assault	1,324
Intimidation	2,044
Other ¹	14
Crimes against property:	3,109
Robbery	127
Burglary	136
Larceny-Theft	221
Motor Vehicle Theft	18
Arson	39
Destruction/Damage/Vandalism	2,528
Other ¹	40
Crimes against society²	81
Total³	7,163

¹ The law enforcement agencies that participate in the UCR Program via the National Incident-Based Reporting System (NIBRS) collect data about additional offenses for crimes against persons and crimes against property, classified here as “Other.”

² The law enforcement agencies that participate in the UCR Program via NIBRS also collect hate crime data for the category “Crimes against society,” which includes drug or narcotic offenses, gambling offenses, prostitution offenses, and weapon law violations.

³ The actual number of incidents is 7,163. However, the column figures will not add to the total because incidents may include more than one offense type, and these are counted in each appropriate offense type category.

Source:
Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.



Table 5.4: Hate Crime Offenders in the U.S. by Race, 2005

Known Offender's Race¹	Number	Percent of Total
White	4,117	60.5%
Black	1,357	19.9
American Indian/Alaskan Native	77	1.1
Asian/Pacific Islander	61	0.9
Multi-Racial Group	354	5.2
Unknown	838	12.3
Total	6,804	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.
¹ The term *known offender* does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender.

Source:
 Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.

Table 5.5: Hate Crime Offenses in the U.S. by Victim Type, 2005

Victim Type	Number	Percent of Total
Individual	6,857	81.8%
Business/Financial Institution	304	3.6
Government	276	3.3
Religious Organization	211	2.5
Society/Public	81	1.0
Other	651	7.8
Total	8,380	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

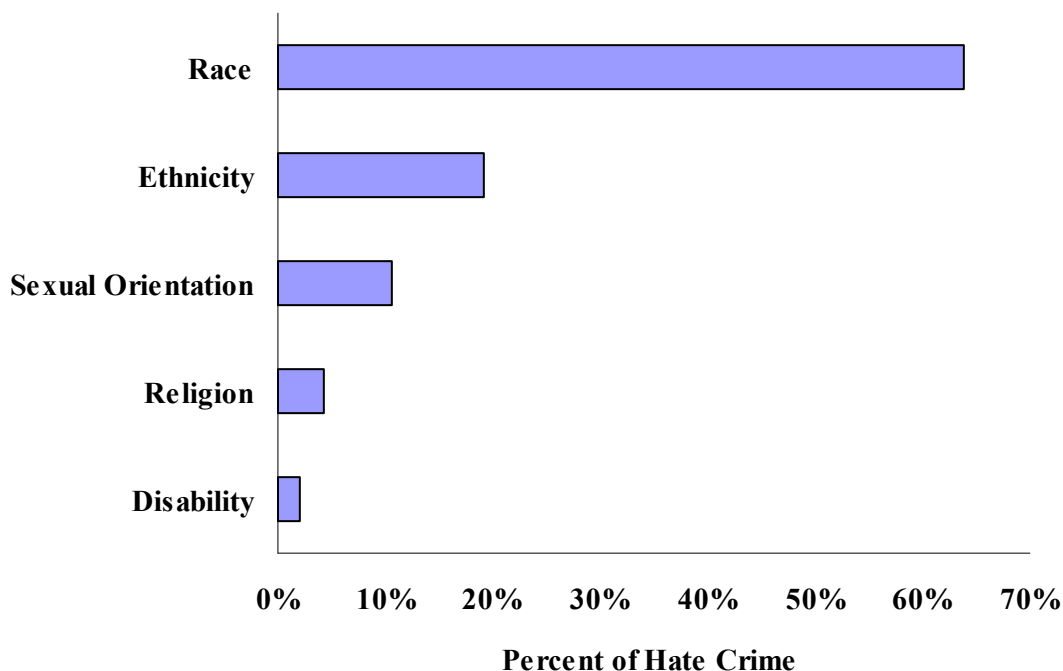
Source:
 Federal Bureau of Investigation. *Hate Crime Statistics, 2005*.



B. Kentucky State Police Reports

The figures and tables in the following section represent official state law enforcement data as published by the Kentucky State Police. In 2005, race was the most common motivation for hate crimes reported to the Kentucky State Police (63.8%). The second most common hate crime motivation was ethnicity, representing 19.1% of incidents (See Table 5.6). In 2005, nearly half of all hate crimes in Kentucky occurred in a residence/home (46.8%), as reported in Table 5.7. More than three-fourths (76.6%) of hate crimes reported to the Kentucky State Police were for intimidation and destruction/damage/vandalism as can be seen in Table 5.8. According to Table 5.9, while the race of only 12.3% of hate crime offenders in the U.S. is unknown, the race of 38.4% hate crime offenders in Kentucky is unknown. In terms of victim type, the majority of hate crime victims in 2005 in Kentucky were individuals (80.8%). The government was the victim in 12.8% of incidents (See Table 5.10).

Figure 5.b: Distribution of Hate Crime in Kentucky by Bias Motivation, 2005



Source:
Kentucky State Police. *Crime in Kentucky, 2005*.



Table 5.6: Hate Crime Incidents in Kentucky by Bias Motivation, 2005

Targeted Group	Number of Incidents	Percent of Sub-Group	Percent of Total
Motivated by Race	30	100.0%	63.8%
Whites	1	3.3	2.1
African Americans	27	90.0	57.4
American Indian/Alaskan Native	0	0.0	0.0
Asian, Pacific Islanders	1	3.3	2.1
Multi-Racial Group	1	3.3	2.1
Motivated by Ethnicity	9	100.0	19.1
Hispanics	8	88.9	17.0
Arabs	0	0.0	0.0
Other Ethnic/National Origin	1	11.1	2.1
Motivated by Sexual Orientation	5	100.0	10.6
Male Homosexuals	1	20.0	2.1
Female Homosexuals	3	60.0	6.4
Homosexuals (Male & Female)	1	20.0	2.1
Heterosexuals	0	0.0	0.0
Bisexuals	0	0.0	0.0
Motivated by Religion	2	100.0	4.3
Jewish	2	100.0	4.3
Catholics	0	0.0	0.0
Protestants	0	0.0	0.0
Islamic (Muslims)	0	0.0	0.0
Other Religion	0	0.0	0.0
Motivated by Disability	1	100.0	2.1
Physical Disability	1	100.0	2.1
Mental Disability	0	0.0	0.0
Total	47	100.0	100.0

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
Kentucky State Police. *Crime in Kentucky, 2005*.



Table 5.7: Location of Hate Crime Incidents in Kentucky, 2005

Location	Number of Incidents	Percent of Total
Air/Bus/Train Terminal	0	0.0%
Bank/Savings and Loan	0	0.0
Bar/Nightclub	0	0.0
Church/Synagogue/Temple	1	2.1
Commercial/Office Building	1	2.1
Construction Site	0	0.0
Convenience Store	0	0.0
Department/Discount Store	1	2.1
Drug Store/Dr Office/Hospital	0	0.0
Field/Woods	0	0.0
Government/Public Building	4	8.5
Grocery/Supermarket	0	0.0
Highway/Road/Alley/Street	3	6.4
Hotel/Motel	0	0.0
Jail/Prison	0	0.0
Lake/Waterway	0	0.0
Liquor Store	0	0.0
Parking Lot/Garages	5	10.6
Rental Storage Facility	0	0.0
Residence/Home	22	46.8
Restaurant	1	2.1
School/College	9	19.1
Service/Gas Station	0	0.0
Specialty Store	0	0.0
Other Unknown	0	0.0
Total	47	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
Kentucky State Police. *Crime in Kentucky, 2005*.



Table 5.8: Hate Crime Incidents in Kentucky by Offense Type, 2005

Offense	Number of Incidents	Percent of Total
Murder	0	0.0%
Rape	0	0.0
Robbery	0	0.0
Aggravated Assault	1	2.1
Burglary	1	2.1
Larceny/Theft	0	0.0
Motor Vehicle Theft	0	0.0
Arson	2	4.3
Simple Assault	7	14.9
Intimidation	18	38.3
Destruction/Damage/Vandalism	18	38.3
Total	47	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source: Kentucky State Police. *Crime in Kentucky, 2005*.



Table 5.9: Hate Crime Offenders in Kentucky by Race, 2005

Suspected Offender's Race ¹	Number	Percent of Total
White	24	32.9%
Black	2	2.7
American Indian/Alaskan Native	0	0.0
Asian/Pacific Islander	2	2.7
Multi-Racial Group	17	23.3
Unknown	28	38.4
Total	73	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
 Kentucky State Police. *Crime in Kentucky, 2005*.

Table 5.10: Hate Crime Incidents in Kentucky by Victim Type, 2005

Victim Type	Number	Percent of Total
Individual	38	80.8%
Business	1	2.1
Financial Institution	0	0.0
Government	6	12.8
Religious Organization	1	2.1
Society/Public	1	2.1
Other	0	0.0
Unknown	0	0.0
Total	47	100.0%

Note: Percentages calculated by the Justice & Safety Center staff. Due to rounding, percentages may not equal 100.

Source:
 Kentucky State Police. *Crime in Kentucky, 2005*.



VI. Anecdotal Evidence of Hate Crime

A. Hate Incidents Reported by Kentucky Newspapers

2003

January (Louisville): A credit card marketer offered University of Louisville students a racially and sexually offensive T-shirt in exchange for applying for a Bank One credit card. (*The Courier-Journal*)

January (Louisville): Vandals spray-painted a swastika and “White Power” on the side of a new restroom facility at a public park. Swastikas were also found spray-painted on several other surfaces in the vicinity. (*The Courier-Journal*)

June (Louisville): A gay man was found unconscious and bloody on a sidewalk in downtown Louisville. Several witnesses heard people shouting anti-gay epithets at the time of the attack. (*The Courier-Journal*)

June (Rineyville): The body of a gay Rineyville man was found in a suitcase floating in Rough River Lake. Relatives of the man charged with the murder report that he admitted to killing the victim because he dislikes homosexuals. (*The Courier-Journal*)

June (Lexington): Four teenage boys were suspected of spray-painting swastikas and racist language on buildings and mailboxes in a Lexington neighborhood. Police believe the suspects are responsible for vandalism at a public library and 15 to 20 homes and businesses. (*Lexington Herald-Leader*)

July (Covington): A black single mother and her two teenage children were physically and verbally harassed by a white man, his mother, and two of his friends for over a year. Attacks included a physical assault on the teenage son, smashing out the family’s windows and lights, multiple threats, and constant racial slurs. The four suspects were sentenced in a federal court on charges of conspiring to intimidate the family. (*The Kentucky Post*)

October (Maysville): A member of the Army National Guard was attacked at a hotel in Maysville by four white men; the victim was black. The suspects cursed and threatened to kill the victim and one of the men used a racial slur. The suspects were charged with second-degree assault. (*The Kentucky Post*)

September (Eddyville): Sixty Klansmen and their supporters marched around the city courthouse in protest of what they believe is the unlawful profiling of Klan members and its followers by local police. (*The Courier-Journal*)

December (Newport): A swastika-emblazoned letter filled with death threats was sent to a well-known gay Newport bar owner. (*The Kentucky Post*)



2004

February (Louisville): Several incidents of leafleting by the Ku Klux Klan, a visit by the National Alliance, and a racial epithet directed at African Americans painted on a concrete kiosk were reported on the campus of University of Louisville. (*The Courier-Journal*)

February (Paducah): Two adults and three juveniles were arrested for spray-painting anti-Semitic graffiti on a synagogue. (*The Courier-Journal*)

February, March (Paintsville): Four teenage boys were arrested in connection with three church burnings and an incident where satanic symbols were spray-painted on the floor of the Ramey Branch Church. (*Lexington Herald-Leader*)

March (Silver Grove): Vandals slashed the tires of at least 20 cars, spray-painted a swastika on one vehicle, and spray-painted "God hates you," on the Silver Grove Baptist Church. (*The Kentucky Post*)

June (Newport): As a 19 year-old man attempted to defend a man being harassed outside a local gay bar, he was attacked by the 38 year-old offender who beat him with a metal baseball bat while shouting anti-gay epithets. The victim suffered potentially life threatening conditions including a fractured skull, cranial bleeding, and a blood clot on his brain. (*The Kentucky Post*)

July (Burlington): Two men and one juvenile were charged with federal civil-rights violations after burning a cross near the home of a black family. The three also shouted racial epithets at the family the next day while throwing bricks through the window of the family's vehicle. (*The Kentucky Post*)

July (Louisville): Five white men who stabbed a 17-year-old black youth to death were heard yelling racial slurs during the brutal attack. The highly controversial racially charged case was not prosecuted as a hate crime though significant effort was made to do so. (*The Courier-Journal*)

October (Lexington): In an incident of vandalism at Henry Clay High School, the school's sign was torched and swastikas, racial slurs, and other hate language were spray-painted on the school's buildings and windows. (*Lexington Herald-Leader*)

December (Owensboro): Three teenagers were arrested after investigators said they left a phone message filled with racist and sexually suggestive comments for a popular local gospel singer and head of a charitable foundation. (*Owensboro Messenger-Inquirer*)

December (Louisville): Residents of several Louisville neighborhoods found fliers for the Ku Klux Klan wrapped in various newspapers in their driveways. The newspapers included *The Courier-Journal*, *Velocity*, the *Southeast Outlook* and the *Highland Commerce Guild Bardstown Road Festival Guide*. (*The Courier-Journal*)



2005

March (Pikeville): A fire was set outside the apartment of three African-American football players at Pikeville College reportedly by a neighbor who on several occasions prior to the incident had yelled racial slurs at them. (*Lexington Herald-Leader*)

March (Florence): A male 14-year-old Ockerman Middle School student was charged with making racial threats to a black girl and bi-racial girl on a school bus. (*The Kentucky Post*)

April (Hebron): An adult and three juveniles were charged with spray painting racial slurs on Conner High School in Hebron, Kentucky. The graffiti, painted on four sides of the school and in the football stadium, contained racial slurs, the acronym “KKK,” and a Nazi swastika. (*The Kentucky Post*)

April (Florence): Two female Boone County High School students were charged with harassing communications in connection to a threatening call made to a bi-racial student at Ockerman Middle School in Florence. (*The Kentucky Post*)

April (Louisville): Three white Louisville corrections officers were arrested and suspended without pay after beating a handcuffed inmate, who is black, and allegedly using racial slurs and threats against him. The three officers were later acquitted on all charges. (*The Courier-Journal*)

April (Hartford): An Ohio County High School student was disciplined for writing a racial slur on a tobacco stick found behind the school. The stick had “FFA’s nigger beater” written on it in black marker. (*Owensboro Messenger-Inquirer*)

May (Owensboro): Two white men, ages 24 and 26, were indicted in a charge of first-degree assault after attacking a 19-year-old black man and 31-year-old black man in a parking lot. A witness said the offenders used racial slurs before and during the attack. (*Owensboro Messenger-Inquirer*)

May (Hebron): After sending threats to a young black student, a Boone County judge ordered the 18-year old offender to attend racial tolerance classes. (*The Kentucky Post*)

July (Louisville): Three juveniles were charged with 13 counts of criminal mischief and 8 counts of burglary after committing several acts of vandalism and theft that included spray painting graffiti that depicted racial slurs, swear words, and sexually graphic pictures. (*The Courier-Journal*)

July (Alexandria): Vandals wrote racist and sacrilegious graffiti on a 65 foot section of wall at Bishop Brossart High School, a local catholic high school. (*The Kentucky Post*)

July (Frankfort): A white man attacked a 32-year-old bi-racial woman while she was out jogging. He called her a racial slur, struck her, and pushed her down into a ditch before driving off. The victim sustained a fractured jaw and a broken rib cage. (*Lexington Herald-Leader*)



October (Bullitt): Messages threatening blacks and the police were painted on the Greenwell Ford Road bridge over the Salt River. The graffiti included an image of three hooded Klansmen, a threat against police alongside a Nazi swastika, and a 40-foot long message using the “n-word” and warning blacks not to “let the sun go down on you.” (*The Courier-Journal*)

November (Lexington): A black community college student found a racial slur keyed on his car after it was parked overnight at Commonwealth Stadium. (*Lexington Herald-Leader*)



B. Kentucky Commission on Human Rights

The Kentucky Commission on Human Rights (KCHR) is the branch of state government created to ensure equality in Kentucky. Headquartered in Louisville, the agency's primary purpose is to act as a guardian of people's civil rights. The KCHR mission is to eradicate discrimination in the Commonwealth through enforcement of the Kentucky Civil Rights Act (KRS 344). The commission works to encourage fair treatment, discourage discrimination, and foster mutual understanding and respect among all people. KCHR investigates and litigates unlawful discrimination complaints. The Commission rules on complaints, determines damages, and enforces the Civil Rights Act with all the authority of a court of law. The agency works diligently to inform the public about the right to equal and fair treatment, and equal opportunity in the Commonwealth. Through education, outreach, partnerships, and public affairs events, KCHR strives to ensure that people in Kentucky are knowledgeable about their civil rights. In 2005, KCHR distributed over 25,000 pieces of civil rights literature, participated in 200 civil rights partner meetings, and provided 42 outreach activities for 6,185 participants.

The Kentucky Civil Rights Act makes it illegal to discriminate against anyone because of race, sex, age (people who are 40-years and older), disability, color, religion, national origin, familial status (applies only to housing), smoker or non-smoker status, and retaliation (included to protect the person who has filed the complaint). Discrimination is defined in the Kentucky Civil Rights Act as any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this law. People in Kentucky are protected from these types of discrimination in housing, employment, public accommodations, financial transactions, and retaliation. Businesses that supply goods or services to the general public, or solicit and accept the patronage of the public, and entities supported by government funds are considered public accommodations.

KCHR is made up of 11 commissioners, the executive director and staff. Four department units carry out the day-to-day business of the agency: Administration, Enforcement, Research and Information, and Legal. The Kentucky Governor appoints the commissioners who have agency oversight and act as a judicial body in discrimination cases filed with the agency by members of the public. The executive director oversees daily operations of KCHR. The executive director and commissioners also act as public affairs representatives, along with staff, in the important KCHR education and public outreach programs.

In 2005, KCHR handled 3,200 inquiries by people in Kentucky who had potentially been victims of discrimination. In the past decade, the number of discrimination complaints followed up on by KCHR has approximately tripled, reaching 441 in 2005 (See Table 6.1). The two most common bases for discrimination complaints were race and color and sex. The majority of complaints closed are found to have no probable cause; the next most common outcome is a conciliation agreement (See Table 6.2). The 26 conciliation agreements reached in 2005 resulted in \$57,000 compensation for complainants.



Table 6.1: Kentucky Commission on Human Rights: Basis of Cases Filed, 2005

Basis	Public			Financial	Totals
	Employment	Housing	Accommodations	Transactions	
Race & Color	112	21	27	0	160
Sex	80	10	1	0	91
Age (40+)	34	0	*	0	34
Religion	3	0	0	0	3
Disability	28	14	14	0	56
National Origin	19	4	5	0	28
Retaliation	45	10	1	0	56
Familial Status	*	10	*	0	10
Smoker or Non-Smoker Status	3	*	*	0	3
Totals	324	69	48	0	441

Note: Some complaints alleged more than one basis of discrimination. Therefore, the total number of complaints filed does not equal the total number of basis for complaints filed.

*Class not protected by law.

Source:
Kentucky Commission on Human Rights.

Table 6.2: Kentucky Commission on Human Rights: Outcomes of Complaints Closed, 2004-2005

Complaint Outcome	2004		2005	
	Number	Percent	Number	Percent
No Probable Cause	263	76.0%	257	82.6%
Conciliation	40	11.6%	26	8.4%
Withdrawal	27	7.8%	20	6.4%
Withdrawal/Settlement	15	4.3%	8	2.6%
Finding of Discrimination	1	0.3%	0	0.0%
Total	346	100.0%	311	100.0%

Source:
Kentucky Commission on Human Rights.



C. Other Human Rights Organizations

Human rights organizations across the nation collect data on bias-motivated offenses. The information provided by these organizations can be used in conjunction with law enforcement data to provide a more comprehensive understanding of the nature and frequency of hate crime. Such organizations work to raise awareness and educate the public about ways to reduce the incidence of hate crime in today's society. Two of the most widely recognized national human rights organizations are the Southern Poverty Law Center (SPLC) and the Anti-Defamation League (ADL).

Southern Poverty Law Center

The Southern Poverty Law Center (SPLC) is a non-profit organization that combats hate and discrimination. It was established in 1971 as a civil rights law firm and is known internationally for its tolerance education program and for tracking hate groups and hate crimes throughout the country. The following data is available to the public on the Center's website, www.splcenter.com.

Hate Crime Incidents Reported by the Southern Poverty Law Center

2003

Eddyville, KY

- Members of the Imperial Klans of America rallied. (9/27/03)

Hardinsburg, KY

- A 22-year old man was charged with murder, robbery, tampering with physical evidence and being a persistent felon after allegedly murdering a gay man. (6/27/03)

Ft. Thomas, KY

- Racist flyers from the Neo-Nazi National Alliance were distributed throughout the neighborhood. (9/11/03)

2004

Burlington, KY

- Two men were charged and plead guilty to federal civil rights violations stemming from a July cross burning that drove a black family from their home. (7/2/04)



Louisville, KY

- Two Ku Klux Klan members allegedly posted Klan fliers on the University of Louisville campus. (4/28/04)
- Literature from the Invisible Empire of the Ku Klux Klan was distributed on the University of Louisville campus. (9/7/04)
- Racist flyers from the Knights Party, a Klan group, were put on the doorsteps of residences throughout several neighborhoods. (7/17/04)

Paducah, KY

- Two 18-year old men plead guilty to criminal mischief for defacing a temple with anti-Semitic epithets. They were sentenced to 90 days in jail, were ordered to serve 80 hours each of community service, and were ordered to complete educational sessions on tolerance provided by the Jewish Federation. (7/9/04)

Pewee Valley, KY

- Pamphlets from the International Keystone Knights of the Ku Klux Klan were distributed throughout the city. (6/19/04)

St. Matthews, KY

- Racist fliers were left in yards. (7/30/04)

Taylor Mill, KY

- Racist literature from the neo-Nazi National Alliance was distributed throughout a neighborhood. (11/9/04)

2005

Louisville, KY

- Ku Klux Klan applications were inserted in newspapers (3/20/05)
- Racist fliers were inserted inside local newspapers. (4/18/05)
- Racist letters were sent to more than 15 black employees of a nightclub and bowling alley. (9/1/05)



Anti-Defamation League

The Anti-Defamation League (ADL) was founded in 1913 “to stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Today, as one of the nation’s foremost civil rights/human relations agency, the ADL fights anti-Semitism and all forms of bigotry. In recent years, the ADL has expanded its expertise and capabilities in the law enforcement arena to strengthen the fight against hatred, extremism, and terrorism. Priorities include gathering, analyzing, and disseminating intelligence on extremism and hate activity, systemically monitoring hate sites on the Internet, enhancing law enforcement’s ability to combat serious threats, implementing strategies to promote security awareness, and providing training on extremist ideologies. Investigation of hate crimes, bias incidents, extremism, anti-Semitic activity and hatred on the Internet is a vital part of ADL’s mission. The following information is available to the public on the ADL’s website, www.adl.org:

Extremist Events in Kentucky, 2003

Date	Location	Event	Description
4/11/2003-4/13/2003	West Point	Knob Creek Machine Gun Shoot	Machine gun festival accompanied by a militia encampment.
5/23/2003-5/26/2003	Greenville	Nordic Fest	Annual white power music festival sponsored by the Imperial Klans of America (IKA).
7/1/2003	Lexington	Patriotic Rally	Sponsored by the Kentucky State Militia.
9/14/2003-9/16/2003	Greenville	Klan gathering and cross/swastika lighting	Sponsored by the Imperial Klans of America (IKA).
9/27/2003	Eddyville	Klan rally	Sponsored by the Imperial Klans of America (IKA).
11/24/2003	Louisville	Speech by David Irving	Speech by British Holocaust denier, David Irving.

Source:
Anti-Defamation League.



Extremist Events in Kentucky, 2004

Date	Location	Event	Description
3/13/2004	Powderly	Klan gathering and cross lighting	Sponsored by the Imperial Klans of America (IKA).
5/28/2004-6/1/2004	Dawson Springs	Nordic Fest	Annual white power music festival sponsored by the Imperial Klans of America (IKA).
7/17/2004	N/A	Training Exercise	Sponsored by Kentucky State Militia.
8/21/2004	N/A	Training Exercise	Sponsored by Kentucky State Militia.
10/1/2004-10/3/2004	Union	Feast of Tabernacles	Retreat sponsored by Fellowship of God’s Covenant People, an organization whose followers practice Christian Identity, a racist and anti-Semitic religion.
11/20/2004	N/A	Training exercise	Sponsored by Kentucky State Militia.

Source:
Anti-Defamation League.

Extremist Events in Kentucky, 2005

Date	Location	Event	Description
3/19/2005–3/20/2005	Dawson Springs	Klan gathering	Sponsored by the Imperial Klans of America (IKA).
5/27/2005–5/30/2005	Dawson Springs	Nordic Fest 2005	Annual white power music festival organized by the Imperial Klans of America (IKA) and Blood and Honour USA.
9/23/2005–9/25/2005	Dawson Springs	Ian Stuart Donaldson Memorial Concert	Music concert organized by the Imperial Klans of America (IKA) and Blood and Honour USA to commemorate the late founder of Screwdriver, an infamous British white power skinhead band. Event included music, speakers, vendors, swastika/cross lighting, and camping.
10/7/2005–10/9/2005	Union	Feast of Tabernacles	Retreat organized by Fellowship of God’s Covenant People, an organization whose followers practice Christian Identity, a racist and anti-Semitic religion.

Source:
Anti-Defamation League.



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Appendix A:
State and Federal Hate Crime Statutes



Kentucky Statutory Language Pertaining to Hate Crime

532.031 Hate Crimes -- Finding -- Effect.

(1) A person may be found by the sentencing judge to have committed an offense specified below as a result of a hate crime if the person intentionally because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals violates a provision of any one (1) of the following:

- (a) KRS 508.010, 508.020, 508.025, or 508.030;
- (b) KRS 508.050 or 508.060;
- (c) KRS 508.100 or 508.110;
- (d) KRS 509.020;
- (e) KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.100, or 510.110;
- (f) KRS 512.020, 512.050, or 512.060;
- (g) KRS 513.020, 513.030, or 513.040; or
- (h) KRS 525.020, 525.050, 525.060, 525.070, or 525.080.

(2) At sentencing, the sentencing judge shall determine if, by a preponderance of the evidence presented at the trial, a hate crime was a primary factor in the commission of the crime by the defendant. If so, the judge shall make a written finding of fact and enter that in the court record and in the judgment rendered against the defendant.

(3) The finding that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the sentencing judge as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration.

(4) The finding by the sentencing judge that a hate crime was a primary factor in the commission of the crime by the defendant may be utilized by the Parole Board in delaying or denying parole to a defendant.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 541, sec. 6, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 606, sec. 51, effective July 15, 1998.

525.113 Institutional vandalism.

(1) A person is guilty of institutional vandalism when he, because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates objects defined in KRS 525.110.

(2) Institutional vandalism is a Class D felony.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 606, sec. 52, effective July 15, 1998.



525.110 Desecration of venerated objects, second degree.

(1) A person is guilty of desecration of venerated objects in the second degree when he intentionally:

- (a) Desecrates any public monument or object or place of worship; or
- (b) Desecrates in a public place the national or state flag or other patriotic or religious symbol which is an object of veneration by the public or a substantial segment thereof.

(2) Desecration of venerated objects in the second degree is a Class A misdemeanor.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 420, sec. 3, effective July 14, 1992. --Amended 1988 Ky. Acts ch. 119, sec. 2, effective March 30, 1988. -- Created 1974 Ky. Acts ch. 406, sec. 221, effective January 1, 1975.

346.055 Victim of hate crime deemed victim of criminally injurious conduct.

A person who suffers personal injury as a result of conduct in violation of KRS 532.031 is a victim of criminally injurious conduct as defined in KRS 346.020 and is eligible for awards pursuant to KRS Chapter 346.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 606, sec. 53, effective July 15, 1998.

17.1523 Uniform offense report to provide for indication of bias-related crime- Annual reporting.

(1) The uniform offense report shall contain provisions for obtaining information as to whether or not specific crimes appear from their facts and circumstances to be caused as a result of or reasonably related to race, color, religion, sex, or national origin.

(2) All law enforcement officers, when completing a uniform offense report, shall note thereon whether or not the offense appears to be caused as a result of or reasonably related to race, color, religion, sex, or national origin or attempts to victimize or intimidate another due to any of the foregoing causes.

(3) The Justice Cabinet shall, annually, as a part of the crime reports report on crimes which appear to have been caused by the factors cited in subsections (1) and (2) of this section.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 413, sec. 2, effective July 14, 1992.

15.334 Mandatory training courses for law enforcement students and certified peace officers -- Administrative regulations -- Annual report.

(1) The Kentucky Law Enforcement Council shall approve mandatory training subjects to be taught to all students attending a law enforcement basic training course that include but are not limited to:

- (a) Abuse, neglect, and exploitation of the elderly and other crimes against the elderly, including the use of multidisciplinary teams in the investigation and prosecution of crimes against the elderly;
- (b) The dynamics of domestic violence, child physical and sexual abuse, and rape; child development; the effects of abuse and crime on adult and child victims, including the impact of abuse and violence on child development; legal remedies for protection;



lethality and risk issues; profiles of offenders and offender treatment; model protocols for addressing domestic violence, rape, and child abuse; available community resources and victim services; and reporting requirements. This training shall be developed in consultation with legal, victim services, victim advocacy, and mental health professionals with expertise in domestic violence, child abuse, and rape;

(c) Human immunodeficiency virus infection and acquired immunodeficiency virus syndrome; and

(d) Identification and investigation of, responding to, and reporting bias-related crime, victimization, or intimidation that is a result of or reasonably related to race, color, religion, sex, or national origin.

(2) The council shall develop and approve mandatory professional development training courses to be presented to all certified peace officers. A mandatory professional development training course shall be first taken by a certified peace officer in the training year following its approval by the council and biennially thereafter. A certified peace officer shall be required to take these courses no more than two (2) times in eight (8) years.

(3) The council shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish mandatory basic training and professional development training courses.

(4) The council shall make an annual report by December 31 each year to the Legislative Research Commission that details the subjects and content of mandatory professional development training courses established during the past year and the subjects under consideration for future mandatory training.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 132, sec. 11, effective June 20, 2005.



Federal Statutory Language Pertaining to Hate Crime

28 U.S.C. § 534 Hate Crime Statistics Act

(a) this Act may be cited as the ‘Hate Crime Statistics Act’.

(b)

(1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term ‘sexual orientation’ means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act [5 U.S.C. 551 et seq., 701 et seq.] or the All Writs Act [see 28 U.S.C. 1651].

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 2002.

Sec. 2.

(a) Congress finds that--

(1) the American family life is the foundation of American Society,

(2) Federal policy should encourage the well-being, financial security, and health of the American family,

(3) schools should not de-emphasize the critical value of American family life.

(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality.”

18 U.S.C. § 241 Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured--

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or

an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 242 Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 245. Federally protected activities

(a)

(1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with--

(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;



- (C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;
 - (D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;
 - (E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or
- (2) any person because of his race, color, religion or national origin and because he is or has been--
- (A) enrolling in or attending any public school or public college;
 - (B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;
 - (C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;
 - (D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;
 - (E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;
 - (F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or
- (3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce; or
- (4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--
- (A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F); or
 - (B) affording another person or class of persons opportunity or protection to so participate; or
- (5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through

(2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate--shall be fined under this title, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under this title, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. As used in this section, the term "participating lawfully in speech or peaceful assembly" shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term "law enforcement officer" means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State.

(d) For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

18 U.S.C. § 247. The Church Arsons Prevention Act

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section--

- (1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or
- (2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so; shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).

(d) The punishment for a violation of subsection (a) of this section shall be--

- (1) if death results from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit



aggravated sexual abuse, or an attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both, or may be sentenced to death;

(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more than 40 years, or both;

(3) if bodily injury to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both; and

(4) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

(e) No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(f) As used in this section, the term “religious real property” means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures or religious objects contained within a place of religious worship.

(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.

18 U.S.C. § 248 Freedom of Access to Clinic Entrances Act

(a) Prohibited Activities.--Whoever--

(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship, shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

(b) Penalties.--Whoever violates this section shall--

(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and (2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not

more than 3 years, or both; except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall, notwithstanding section 3571, be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

(c) Civil Remedies.--

(1) Right of action.--

(A) In general. Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

(2) Action by attorney general of the United States.--

(A) In general.--If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent--

(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

(3) Actions by state attorneys general.--

(A) In general.--If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

- (B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).
- (d) Rules of Construction.--Nothing in this section shall be construed--
- (1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;
 - (2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference;
 - (3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this section, or to preempt State or local laws that may provide such penalties or remedies; or
 - (4) to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.
- (e) Definitions.--As used in this section:
- (1) Facility.--The term “facility” includes a hospital, clinic, physician's office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.
 - (2) Interfere with.--The term “interfere with” means to restrict a person's freedom of movement.
 - (3) Intimidate.--The term “intimidate” means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.
 - (4) Physical obstruction.--The term “physical obstruction” means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.
 - (5) Reproductive health services.--The term “reproductive health services” means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
 - (6) State.--The term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

28 U.S.C. § 994 Hate Crimes Sentencing Enhancement Act

As a part of the Violent Crime Control and Law Enforcement Act of 1994, the Hate Crimes Sentencing Enhancement Act provides for longer sentences where the offense is determined to be a hate crime. This provision required the United States Sentencing Commission to increase the penalties for crimes in which the victim was selected "because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person." This Act is limited to crimes under federal jurisdiction such as crimes involving interstate commerce, or associated with the commission of other federal offenses, interfering with an individual's access to a federally protected right or benefit, such as serving on a jury, voting, or going to school).

42 U.S.C. § 3631 Criminal Interference with Right to Fair Housing

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with-

(a) any person because of his race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from--

(1) participating, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate-- shall be fined under title 18 or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under title 18 or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under title 18 or imprisoned for any term of years or for life, or both.



Appendix B:
State Hate Crime Statutory Provisions



Comparison of Hate Crime Statutory Provisions, Kentucky and Nationally, 2005

Statutory Provision	Kentucky	National Count
Bias-Motivated Violence and Intimidation- Criminal Penalty	√	46
Civil Action		32
Race, Religion¹, Ethnicity	√	45
Sexual Orientation	√	32
Gender		28
Disability		32
Other²		19
Institutional Vandalism	√	43
Data Collection³	√	26
Training for Law Enforcement Personnel⁴	√	14

Note: National count represents the number of states that have the indicated statutory provision. Includes Kentucky and the District of Columbia.

¹ The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

² “Other” includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

³ States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, IL, IA, MD, MI, MN, NV, NM, OR, TX, and WA; those which include gender are AZ, DC, HI, IL, IA, MI, MN, TX, WA.

⁴ Some other states have administrative regulations mandating such training.

Source:
Anti-Defamation League.



Comparison of Hate Crime Statutory Provisions, Kentucky and Surrounding States, 2005

Statutory Provision	KY	IL	IN	MO	OH	TN	VA	WV
Bias-Motivated Violence and Intimidation- Criminal Penalty	√	√		√	√	√	√	√
Civil Action		√		√	√	√	√	
Race, Religion¹, Ethnicity	√	√		√	√	√	√	√
Sexual Orientation	√	√		√		√		
Gender		√		√		√		√
Disability		√		√		√		
Other²				√				√
Institutional Vandalism	√	√	√	√	√	√	√	
Data Collection³	√	√					√	
Training for Law Enforcement Personnel⁴	√	√						

¹ The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

² “Other” includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

³ States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, IL, IA, MD, MI, MN, NV, NM, OR, TX, and WA; those which include gender are AZ, DC, HI, IL, IA, MI, MN, TX, WA.

⁴ Some other states have administrative regulations mandating such training.

Source:
Anti-Defamation League.



State Hate Crime Statutory Provisions, 2005

Statutory Provision	AL	AK	AZ	AR	CA	CO	CT	DC	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	
Bias-Motivated Violence and Intimidation-Criminal Penalty	√	√	√		√	√	√	√	√	√		√	√	√		√	√	√	√	√	√	√
Civil Action				√	√	√	√	√		√	√		√	√		√			√	√		
Race, Religion¹, Ethnicity	√	√	√		√	√	√	√	√	√		√	√	√		√	√	√	√	√	√	√
Sexual Orientation			√		√	√	√	√	√	√		√		√		√	√	√	√	√	√	√
Gender		√	√		√		√	√				√		√		√			√	√		
Disability	√	√	√		√	√	√	√	√	√		√		√		√	√		√	√		
Other²					√	√	√	√		√		√				√	√		√	√	√	√
Institutional Vandalism	√		√	√	√	√	√	√	√	√	√	√	√	√	√		√	√	√	√	√	√
Data Collection³			√		√		√	√		√		√	√	√		√		√	√	√	√	√
Training for Law Enforcement Personnel⁴			√		√		√							√		√		√	√			



State Hate Crime Statutory Provisions, 2005, cont.

Statutory Provision	MA	MI	MN	MS	MO	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Civil Action	√	√	√		√		√	√		√			√		√	√	√	√	√	
Race, Religion¹, Ethnicity	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
Sexual Orientation	√		√		√		√	√	√	√	√	√					√	√	√	
Gender		√	√	√	√		√		√	√	√	√	√	√				√	√	
Disability	√		√		√		√	√	√	√	√	√				√		√	√	
Other²			√		√		√				√	√						√		
Institutional Vandalism	√	√	√	√	√	√	√	√		√	√	√	√		√	√	√	√	√	√
Data Collection³	√	√	√				√			√	√					√	√	√	√	
Training for Law Enforcement Personnel⁴	√		√							√	√						√		√	



State Hate Crime Statutory Provisions, 2005 cont.

Statutory Provision	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
Bias-Motivated Violence and Intimidation -- Criminal Penalty	√	√	√	√ ⁵	√	√	√	√	√	
Civil Action	√	√	√		√	√	√		√	
Race, Religion¹, Ethnicity	√	√	√		√	√	√	√	√	
Sexual Orientation		√	√		√		√		√	
Gender		√	√		√		√	√		
Disability		√	√		√		√		√	
Other²					√			√		
Institutional Vandalism	√	√	√			√	√		√	
Data Collection³			√			√	√			
Training for Law Enforcement Personnel⁴							√			

¹ The following states also have statutes criminalizing interference with religious worship: AR, CA, DC, FL, ID, MD, MA, MI, MN, MS, MO, NV, NM, NY, NC, OK, RI, SC, SD, TN, VA, WV.

² “Other” includes political affiliation (CA, DC, IA, LA, WV) and age (CA, DC, FL, IA, HI, KS, LA, ME, MN, NE, NM, NY, VT).

³ States with data collection statutes which include sexual orientation are AZ, CA, CT, DC, FL, IL, IA, MD, MI, MN, NV, NM, OR, TX, and WA; those which include gender are AZ, DC, HI, IL, IA, MI, MN, TX, WA.

⁴ Some other states have administrative regulations mandating such training.

⁵ The Utah statute ties penalties for hate crimes to violations of the victim’s constitutional or civil rights.

Source:
Anti-Defamation League.



Appendix C:
Summary of State Hate Crime Penalty Provisions



Hate Crime and Hate Incidents in the Commonwealth

State	Hate Crime Penalty Provision, 2002
Alabama	A person found guilty of a crime that was motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, shall be punished as follows: Felonies: (a) On conviction of a Class A felony, the sentence shall not be less than 15 years. (b) On conviction of a Class B felony, the sentence shall not be less than 10 years. (c) On conviction of a Class C felony, the sentence shall not be less than 2 years. Misdemeanors: On conviction of a misdemeanor, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.
Alaska	If the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin this constitutes an aggravating factor. The court may increase the presumptive term of imprisonment up to the maximum term of imprisonment.
Arizona	A person commits aggravated criminal damage by intentionally or recklessly: defaces, damages, or in any way changes the appearance of any building, structure or place used as a school or as an educational facility; defaces, damages, or tampers with any cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead. Aggravated criminal damage is a Class 4 felony if the person intentionally or recklessly causes damage to the property of another in an amount of \$10,000 or more; aggravated criminal damage is a Class 5 felony if the person recklessly damages the property of another in an amount of \$1,500 or more but less than \$10,000. In all other cases, aggravated criminal damage is a Class 6 felony.
California	The commission or attempted commission of a felony hate crime or a felony against the property of a public or private institution because the property is associated with a person or group of identifiable race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation may impose a sentence enhancement of one, two, or three years.
Colorado	A person commits ethnic intimidation if, the intent to intimidate or harass another person is because of that person's actual or perceived race, color, religion, ancestry, or national origin, and he or she: (a) knowingly causes bodily injury to another person; or (b) by words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property; or (c) knowingly causes damage to or destruction of the property of another person. Ethnic intimidation as described in (b) or (c) is a Class I misdemeanor. Ethnic intimidation as described in (a) is a Class 5 felony; except that ethnic intimidation as described in section (a) is a Class 4 felony if the offender is physically aided or abetted by one or more persons during the commission of the offense.
Connecticut	Persistent offenders of crimes involving bigotry or bias: Felonies: In lieu of imposing the sentence authorized for a felony, the sentence of imprisonment for the next more serious degree of felony may be imposed. Misdemeanors: If the crime is a misdemeanor, the sentence of imprisonment for the next more serious degree of misdemeanor is authorized, except that if the crime is a Class A misdemeanor the court shall impose the sentence of imprisonment for a Class D felony.
DC	A person found guilty of a bias-related crime shall be fined not more than 1.5 times the maximum fine and imprisoned for not more than 1.5 times the maximum term.
Florida	Evidencing prejudice while committing an offense: Misdemeanors: A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree; a misdemeanor of the first degree is reclassified as a felony of the third degree. Felonies: A felony of the third degree is reclassified as a felony of the second degree. A felony of the second degree is reclassified as a felony of the first degree. A felony of the first degree is reclassified to a life felony.
Georgia	A person commits the offense of vandalism to a place of worship when he maliciously defaces or desecrates a church, synagogue, or other place of public religious worship, and shall be punished by imprisonment for not less than one nor more than 5 years.



Hate Crime and Hate Incidents in the Commonwealth

State	Hate Crime Penalty Provision, 2002
Idaho	It is unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to: (a) cause physical injury to another person; or damage, destroy, or deface any real or personal property of another person; (b) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in (a) or (b) will occur. Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed 5 years or by fine not exceeding \$5,000 or by both. In addition to the penalty provided, a civil cause of action for malicious harassment is also created. A person may be liable to the victim of malicious harassment for both special and general damages, including but not limited to, damages for emotional stress, reasonable attorney fees and costs, and punitive damages.
Illinois	A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined. Hate crime is a Class 4 felony for the first offense and a Class 2 felony for a second or subsequent offense.
Iowa	A hate crime shall be classified and punished as an offense one degree higher than the underlying offense.
Kentucky	The sentencing judge may make a finding that hate was the primary motivation in the commission of an offense and the finding may be used as the sole factor for denial of probation, shock probation, conditional discharge, or other form of nonimposition of a sentence of incarceration. The law also allows the finding to be utilized by the Parole Board in delaying or denying parole. Institutional vandalism is a Class D felony when an individual because of race, color, religion, sexual orientation, or national origin of another individual, knowingly vandalizes, defaces, damages, or desecrates an object. Desecration of venerated objects is a Class A misdemeanor when a person intentionally desecrates any public monument or object or place of worship, or desecrates in a public place the national or state flag, or other patriotic or religious symbol which is an object of veneration by the public or a substantial segment thereof.
Louisiana	It is unlawful for any person to select the victim of the following offenses against person or property because of actual or perceived race, age, gender, religion, color, disability, sexual orientation, national origin, or ancestry of that person or because of actual or perceived membership or service in, or employment with, an organization: murder, manslaughter, battery, aggravated assault with a firearm, terrorizing, mingling harmful substances, rape, sexual battery, carnal knowledge of a juvenile, indecent exposure with and molestation of juveniles, kidnapping, arson, placing combustible materials, communicating false information of planned arson, criminal damage to property, contamination of water supplies, burglary, criminal trespass, robbery, purse snatching, extortion, theft, desecration of graves, institutional vandalism, or assault by drive-by-shooting. Misdemeanors: The offender may be fined not more than \$500 or imprisoned for not more than 6 months, or both. Felonies: The offender may be fined not more than \$5,000 or imprisoned for not more than 5 years or both.
Maine	Any person who damages property because of the race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation of that person or of the owner or occupant of the property, or if he desecrates a memorial, he is guilty of a Class D crime.



Hate Crime and Hate Incidents in the Commonwealth

State	Hate Crime Penalty Provision, 2002
Maryland	A person may not (1) deface, damage, or destroy religious real or personal property that is owned, leased, or used by a religious entity; (2) obstruct, or attempt to obstruct by force or threat of force, a person in the free exercise of that person's religious beliefs; (3) harass or commit a crime upon a person or damage the real or personal property of a person because of that person's race, color, religious beliefs, or national origin; or an institution, or (4) deface, damage, destroy, or burn any object on the real or personal property of a person because of that person's race, color, religious beliefs, or national origin; or an institution. A person who violates the provisions of this law is subject to the following penalties: (1) If the violation involves a separate crime that is a felony the person is guilty of a felony and upon conviction is subject to imprisonment for not more than 10 years, or a fine of not more than \$10,000, or both. (2) If the violation involves a separate crime that is a felony and results in death to a victim, the person is guilty of a felony and upon conviction is subject to imprisonment for not more than 20 years, or a fine of not more than \$20,000, or both.
Massachusetts	Whoever commits an assault or a battery upon a person or damages the real or personal property of a person with the intent to intimidate such a person because of such a person's race, color, religion, national origin, sexual orientation, or disability shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 2.5 years, or by both. The court may also order restitution to the victim in any amount up to three times the value of property damage sustained by the owners.
Michigan	A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of race, color, religion, gender, or national origin (a) causes physical contact with another, (b) damages, defaces, or destroys any real or personal property of another, (c) threatens to do any act described in (a). Ethnic intimidation is a felony offense, punishable by imprisonment for not more than 2 years, or by a fine of not more than \$5,000, or both. The victim may also bring a civil cause of action against the offender.
Minnesota	A person who commits any offense because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin; shall be guilty of a felony.
Missouri	For all law violations 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, the state may increase the charge to a Class C felony or a Class D felony depending on the crime.
Montana	The law includes a penalty enhancement for selected felonies and an identified hate crime (causing bodily injury or destruction/defacing property as a result of 'malicious intimidation or harassment relating to civil or human rights'). The penalty enhancement is imposition of next higher penalty classification; the penalty for violation of the hate crime law is prison not to exceed 5 years, a \$5,000 fine, or both.
Nebraska	Any person who commits selected criminal offenses against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability, or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be punished by the imposition of the next higher penalty classification prescribed for the criminal offense, unless such criminal offense is already punishable as a Class B felony or higher classification.
Nevada	Any person who commits selected crimes because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim (so long as different from that characteristic of the perpetrator), may be punished by imprisonment in the state prison for an additional term not to exceed 25 percent of the term of imprisonment prescribed by statute for the crime. This section does not create a separate offense but provides an additional penalty for the primary offense.



Hate Crime and Hate Incidents in the Commonwealth

State	Hate Crime Penalty Provision, 2002
New Hampshire	Penalty enhancement: Felonies: Other than murder, the minimum sentence is increased to not more than 10 years; for murder and persistent felons, the extended term is increased to a maximum of life imprisonment; for Class A felonies with a subsequent offense, the maximum is increased to life imprisonment without parole. Misdemeanors: The maximum is increased to no more than 2 years to a maximum of 5 years. For other crimes, the minimum is increased to not less than 90 days and not more than 1 year.
New Jersey	Penalty enhancement- juveniles convicted of criminal mischief, or putting another in fear of bodily harm or defacement of property, in addition to the penalty set down for that violation, may be required to either pay restitution or perform community service.
New York	1) Defines hate crimes as specified offenses committed against persons intentionally selected “because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation” of those persons. 2) A person is guilty of aggravated harassment in the second degree when, with intent to harass, annoy, threaten, or alarm another person, he or she: strikes, kicks, or otherwise subjects another person to physical contact or attempts or threatens to do the same. Aggravated harassment in the second degree is a Class A misdemeanor. 3) A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten, or alarm another person, he or she: (a) damages premises primarily used for religious purposes, or (b) commits the crime of aggravated harassment in the second degree. Aggravated harassment in the first degree is a Class E felony.
North Carolina	If any Class 2 or 3 misdemeanor is committed because of the victim’s race, color, religion, nationality, or country of origin, the offender shall be guilty of a Class 1 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed because of the victim’s race, color, religion, nationality, or country of origin, the offender shall be guilty of a Class 1 felony.
North Dakota	A person is guilty of a Class B misdemeanor if, whether or not acting under color of law, he, by force, or threat of force or by economic coercion, intentionally: (1) injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin and because he is or has been exercising or attempting to exercise his right to full and equal enjoyment of any facility open to the public, (2) injures, intimidates, or interferes with another because of his sex, race, color, religion, or national origin in order to intimidate him or another person from exercising or attempting to exercise his right to full and equal enjoyment of any facility open to the public.
Ohio	Whoever violates selected laws by reason of race, color, religion, or national origin is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.
Oklahoma	Any person who maliciously and with specific intent to intimidate or harass or threaten another person because of that person’s race, color, religion, ancestry, national origin, or disability commits assault or battery, damages, destroys, vandalizes, or defaces any real or personal property of another person is guilty of a misdemeanor on a first offense and a felony punishable by not more than 10 years incarceration in the custody of the Department of Corrections for a second offense, with a fine for a felony violation not to exceed \$10,000. A person guilty of a misdemeanor shall be punishable by the imposition of a fine not exceeding \$1000, or by imprisonment in the county jail for a period of not more than 1 year, or both.
Oregon	Intimidation in the 1 st degree is when two or more persons acting together commit the crime if the person intentionally, knowingly, or recklessly causes physical injury to another person because of the perpetrator’s perception of that person’s race, color, religion, national origin, or sexual orientation. Intimidation in the 1 st degree is a Class C felony. Intimidation in the 2 nd degree is a Class A misdemeanor.



Hate Crime and Hate Incidents in the Commonwealth

State	Hate Crime Penalty Provision, 2002
Pennsylvania	Ethnic intimidation is defined as: with malicious intentions toward the race, color, or national origin of another individual or group of individuals, a person commits arson, criminal mischief, other property destruction, institutional vandalism, criminal trespass, or harassment by communication or address. An offense under this section shall be classified as a misdemeanor of the third degree if the other offense is classified as a summary offense. Otherwise, an offense under this section shall be classified one degree higher than in the classification specified.
Rhode Island	If any person is convicted of a crime for which he or she intentionally selected the person against whom the offense was committed or selected the property that is damaged or otherwise affected by the offense because hatred toward the actual or perceived race, religion, disability, color, national origin, ancestry, sexual orientation, or gender of that person, he or she shall be sentenced to not less than 30 days mandatory imprisonment, nor more than 1 year imprisonment for the crime, and for this penalty he or she shall not be afforded the provisions of filing, suspension of sentence, or probation. For felony offenses he or she shall be sentenced to an additional consecutive term of imprisonment for not less than 1 year nor more than 5 years, but in no case, more than double the original penalty for the crime.
South Dakota	No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin: (1) cause physical injury to another person; or (2) deface or destroy any real property of another person; or (3) damage or destroy any real personal property of another person; or (4) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts prohibited in (1), (2), or (3) will occur. A violation of section (1) is a Class 6 felony. A violation of section (2) is a Class 1 misdemeanor. A violation of section (3) is a Class 1 misdemeanor if the damage is less than \$200, and is a Class 6 felony if the damage is \$200 but less than \$500, and is a Class 4 felony if the damage is \$500 or greater. A violation of section (4) is a Class 1 misdemeanor.
Tennessee	A person commits a Class D felony for intimidating others from exercising civil rights who: (1) injures another with the intent to unlawfully intimidate another from the free exercise of any right secured by the constitution or laws of Tennessee or because another did exercise any right secured by the constitution or laws of the US or the constitution or laws of Tennessee; (2) damages, destroys, or defaces any real or personal property of another with the intent to unlawfully intimidate another from the free exercise of any right secured by the constitution or laws of Tennessee; or because another did exercise any right secured by the constitution or laws of the US or the constitution or laws of Tennessee. It is a Class A misdemeanor for a person to wear a mask or disguise with the intent to violate these rights.
Texas	If any person is convicted of a crime, in which he or she intentionally selected the person because of hatred of or animus toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender of that person, he or she shall be subjected to the following penalties. Misdemeanor: He or she shall be sentenced to not less than thirty (30) days mandatory imprisonment, nor more than 1 year, and for this penalty, he or she shall not be afforded the provisions of filing, suspension of sentence, or probation. Felony: He or she shall be sentenced for a felony by the court to an additional consecutive term of imprisonment for not less than 1 year nor more than 5 years, but in no case, more than double the original penalty for the crime.



Hate Crime and Hate Incidents in the Commonwealth

State	Hate Crime Penalty Provision, 2002
Utah	Any person who commits any primary offense with the intent to “intimidate or terrorize” another person or with reason to believe that his action would intimidate or terrorize that person is guilty of a third degree felony. The act must be accompanied with the intent to cause a person to fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the U.S. Primary offenses are assaults and related offenses, any misdemeanor property destruction, any criminal trespass, any misdemeanor theft offense, any offense of obstructing government operations, any offenses of interfering or intending to interfere with activities of colleges and universities, and misdemeanor offenses against public order and decency, any telephone abuse offense, any cruelty to animals offense, and any weapons offense.
Vermont	Penalty enhancement: for crimes with maximum penalty of less than one year, the maximum penalty becomes 2 years and/or a \$2,000 penalty; for crimes with maximum penalty of 1-5 years, the maximum penalty becomes 5 years and/or a \$10,000 fine; for crimes with a 5+ years sentence, the penalty stays the same but the court shall consider the motivation as a factor in sentencing.
Virginia	A. Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color, or national origin, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part. B. If a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of race, religious conviction, color or national origin, the person shall be guilty of a Class 6 felony, and the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, thirty days of which shall not be suspended, in whole or in part.
Washington	A person is guilty of a malicious harassment if he or she maliciously and intentionally causes physical injury to the victim or another person, causes physical damage to or destruction of the property of the victim or another person, or threatens a specific person or group of persons and places that person in reasonable fear of harm to person or property because of his or her perception of the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap. Malicious harassment is a Class C felony.
West Virginia	A. If any person does by force, threat of force, or willfully injure, intimidate, or interfere with another in the free exercise of any right secured to him or her by the Constitution or laws of West Virginia or the U.S. because of such other person’s race, color, religion, ancestry, national origin, political affiliation or sex, he or she shall be guilty of a felony, and, upon conviction, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both. B. If any person conspires with another person or persons to willfully injure, intimidate, or interfere with any citizen because of such other person’s race, color, religion, ancestry, national origin, political affiliation or sex in the free exercise of any right secured to him or her by the Constitution or laws of West Virginia or the U.S., and in willful furtherance thereof to assemble with 1 or more persons for the purpose of teaching any technique or means capable of causing property damage, bodily injury or death, each person shall be guilty of a felony, and upon, conviction, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both.



Hate Crime and Hate Incidents in the Commonwealth

State	Hate Crime Penalty Provision, 2002
Wisconsin	If a person intentionally selects another or selects the property that is damaged or otherwise affected in whole or in part because of the belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person, or the owner or occupant of that property, whether or not the belief or perception was correct: the person shall be subject to: for Misdemeanors other than a Class A misdemeanor, the revised maximum fine is \$10,000 and the revised maximum period of imprisonment is one year in the county jail; for Class A misdemeanors, the penalty increase changes the status of the crime to a felony and the revised maximum period of imprisonment is 2 years; or if the crime is a felony, the maximum fine may be increased by not more than \$5,000 and the maximum period of imprisonment may be increased by not more than 5 years.

Note: This chart appeared in the 2002 report, *Hate Crime and Hate Incidents in the Commonwealth of Kentucky*. The information presented here was last updated in 2002, and therefore may conflict with more recent information presented in this report.



Appendix D:
Known Hate and Patriot Groups in Kentucky



Hate Groups in Kentucky, 2005

Chapter	Group	Location
Lord’s Work	Christian Identity	Austin, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Brandenburg, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Brooks, KY
Fellowship of God’s Covenant People	Christian Identity	Burlington, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Dawson Springs, KY
Knights of the KKK	Ku Klux Klan	Fairdale, KY
League of the South	Neo-Confederate	Lebanon, KY
U.S. Klans Knights of the KKK	Ku Klux Klan	Leitchfield, KY
National Knights of the KKK	Ku Klux Klan	Lexington, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Louisville, KY
International Keystone Knights of the KKK	Ku Klux Klan	Louisville, KY
Nation of Islam	Black Separatist	Louisville, KY
Imperial Klans of America Knights of the KKK	Ku Klux Klan	Shepardsville, KY

Source:
Southern Poverty Law Center.

Patriot Groups¹ in Kentucky, 2005

Chapter	Location
Take Back Kentucky	Clarkson, KY
Constitution Party	Louisville, KY
Kentucky State Militia	Stanford, KY

¹ Patriot groups define themselves as opposed to the “New World Order” or advocate or adhere to extreme anti-government or conspiratorial doctrines. Listing here does not imply that the groups themselves advocate or engage in violence or other criminal activities, or are racist. This list was compiled from field reports, Patriot publications, the Internet, law enforcement officials and news reports.

Source:
Southern Poverty Law Center.



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