

DRAFT

Whoever commits any crime against the person or property of another where the person or property was intentionally selected because of the race, religion, color, creed, sexual orientation, national origin or ancestry of the person or the owner or occupant of the property, in case the underlying crime is a misdemeanor, shall be guilty of a Class E felony, and in case the underlying crime is a felony, in addition to the maximum punishment fixed for the underlying crime, shall be subject to an additional punishment not to exceed the maximum punishment for the underlying crime, but in no event to exceed five years or \$5,000.00, or both.

This provision enhances the penalty for conviction of the underlying crime. The issues shall be presented to the trier of fact by an appropriate special verdict.

This provision shall not apply to any crime where proof of race, religion, color, creed, sexual orientation, national origin or ancestry is an element of the underlying crime.

Adopted November 12, 1986