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Whoever intentionally vandalizes, defaces or otherwise damages any institutional structure shall be guilty of a Class E felony. If the damages involved exceed \$1000, then such person shall be guilty of a Class D felony. The term "institutional structure" as used herein shall mean the following:

1. Any church, synagogue or other building, structure or place primarily used for religious worship or other religious purpose;
2. Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;
3. Any school, educational facility or community center, publically identified as associated with or primarily used by a specific religious group;
4. The grounds adjacent to, owned or rented by, any institution, facility, building, structure or place described in subsections 1 through 3 above; and
5. Any personal property contained in any institution, facility, building, structure or place described in sections 1 through 3 above.

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Irrespective of any criminal prosecution or the result thereof, a person incurring injury to his or her person or damage or loss to his or her property as a result of conduct prohibited by \_\_\_\_\_ shall have a civil action to secure an injunction, damages or other appropriate relief. The burden of proof in any such proceeding shall be the preponderance of the credible evidence. Upon prevailing in any such action, the plaintiff may recover special and general damages, including damages for emotional distress; punitive damages; and reasonable attorney's fees and costs.

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