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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 107

01/14/2021 Authored by Johnson

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; amending the crime of property damage motivated by
1.3 bias; amending Minnesota Statutes 2020, section 609.595, subdivisions 1a, 2.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 609.595, subdivision 1a, is amended to read:

1.6 Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally
1.7 causes damage described in subdivision 2, paragraph (a), ~~because of the property owner's~~
1.8 ~~or another's actual or perceived race, color, religion, sex, sexual orientation, disability as~~
1.9 ~~defined in section 363A.03, age, or national origin~~ is guilty of a felony and may be sentenced
1.10 to imprisonment for not more than one year and a day or to payment of a fine of not more
1.11 than \$3,000, or both: if the damage:

1.12 (1) was committed in whole or in part because of the property owner's or another's actual
1.13 or perceived race, color, religion, sex, sexual orientation, disability as defined in section
1.14 363A.03, age, or national origin; or

1.15 (2) was motivated in whole or in part by an intent to intimidate or harm an individual
1.16 or group of individuals because of race, color, religion, sex, sexual orientation, disability
1.17 as defined in section 363A.03, age, or national origin.

1.18 (b) In any prosecution under paragraph (a), the value of property damaged by the
1.19 defendant in violation of that paragraph within any six-month period may be aggregated
1.20 and the defendant charged accordingly in applying this section. When two or more offenses
1.21 are committed by the same person in two or more counties, the accused may be prosecuted

2.1 in any county in which one of the offenses was committed for all of the offenses aggregated
 2.2 under this paragraph.

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 2.4 committed on or after that date.

2.5 Sec. 2. Minnesota Statutes 2020, section 609.595, subdivision 2, is amended to read:

2.6 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise
 2.7 provided in subdivision 1a, whoever intentionally causes damage to another person's physical
 2.8 property without the other person's consent may be sentenced to imprisonment for not more
 2.9 than one year or to payment of a fine of not more than \$3,000, or both, if: (1) the damage
 2.10 reduces the value of the property by more than \$500 but not more than \$1,000 as measured
 2.11 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle
 2.12 and the defendant knew the vehicle was a public safety motor vehicle.

2.13 (b) Whoever intentionally causes damage to another person's physical property without
 2.14 the other person's consent ~~because of the property owner's or another's actual or perceived~~
 2.15 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~
 2.16 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to
 2.17 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
 2.18 property by not more than \$500: and:

2.19 (1) was committed in whole or in part because of the property owner's or another's actual
 2.20 or perceived race, color, religion, sex, sexual orientation, disability as defined in section
 2.21 363A.03, age, or national origin; or

2.22 (2) was motivated in whole or in part by an intent to intimidate or harm an individual
 2.23 or group of individuals because of race, color, religion, sex, sexual orientation, disability
 2.24 as defined in section 363A.03, age, or national origin.

2.25 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
 2.26 by the defendant in violation of that paragraph within any six-month period may be
 2.27 aggregated and the defendant charged accordingly in applying this section. When two or
 2.28 more offenses are committed by the same person in two or more counties, the accused may
 2.29 be prosecuted in any county in which one of the offenses was committed for all of the
 2.30 offenses aggregated under this paragraph.

2.31 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
 2.32 committed on or after that date.