

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 890

Short Title: Hate Crimes Prevention Act. (Public)

Sponsors: Senators Batch, Garrett, and Grafstein (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 6, 2024

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE SCOPE AND PUNISHMENT OF HATE CRIMES; TO
REQUIRE THE STATE BUREAU OF INVESTIGATION TO CREATE AND MAINTAIN
A HATE CRIMES STATISTICS DATABASE; AND TO REQUIRE THE NORTH
CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS
COMMISSION AND THE NORTH CAROLINA SHERIFFS' EDUCATION AND
TRAINING STANDARDS COMMISSION TO DEVELOP AND PROVIDE LAW
ENFORCEMENT OFFICERS WITH TRAINING ON IDENTIFYING, RESPONDING TO,
AND REPORTING HATE CRIMES.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

SECTION 1. This act shall be known as "The Hate Crimes Prevention Act."

PART II. INCREASE SCOPE AND PUNISHMENT OF HATE CRIMES

SECTION 2.(a) G.S. 14-3 reads as rewritten:

"§ 14-3. **Punishment of misdemeanors, infamous offenses, offenses committed in secrecy and malice, or with deceit and intent to defraud, or with ethnic animosity as a hate crime.**

...

(c) If any Class 2 or Class 3 misdemeanor is ~~committed~~ committed, in whole or in part, because of the ~~victim's actual or perceived race, ethnicity, color, religion, nationality, or country of origin,~~ the victim's actual or perceived race, ethnicity, color, religion, nationality, or country of origin, gender, gender identity, gender expression, disability, or sexual orientation of the victim or a person or group associated with the victim, 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 actual or perceived race, ethnicity, color, religion, nationality, or country of origin,~~ the victim's actual or perceived race, ethnicity, color, religion, nationality, or country of origin, gender, gender identity, gender expression, disability, or sexual orientation of the victim or a person or group associated with the victim, the offender shall be guilty of a Class H felony.

(d) In addition to any other remedies at law or in equity, a person who is injured or whose property is damaged as a result of conduct described under subsection (c) of this section, or an immediate family member of that person, may bring a civil action in any court of competent jurisdiction to obtain appropriate relief, including actual damages, punitive damages, any reasonable attorneys' fees, and any other litigation costs reasonably incurred. In an action brought pursuant to this subsection, the burden of proof shall be the same as in other civil actions for similar relief. For purposes of this subsection, the term (i) "actual damages" includes damages



for emotional distress and (ii) "immediate family member" means a child, sibling, parent, grandparent, or legal guardian of the victim.

(e) In addition to any other remedies at law or in equity, a person who has been convicted of or who has pleaded guilty or no contest to having engaged in conduct in violation of subsection (c) of this section may be ordered to participate in a restorative justice session with the victim of the offense if the victim requests a restorative justice session. If restorative justice under this subsection is ordered, the court shall select a member of a local Human Relations Commission, an attorney, a mediator, or an alternative dispute resolution professional who has training in racial equity education to conduct the restorative justice session. All costs of a restorative justice session ordered under this subsection shall be paid by the defendant."

SECTION 2.(b) G.S. 14-401.14 reads as rewritten:

"§ 14-401.14. ~~Ethnic intimidation; teaching any technique to be used for ethnic intimidation.~~Intimidation by hate crime; teaching any technique to be used in the commission of a hate crime.

(a) If a person shall, because of the actual or perceived race, ethnicity, color, religion, nationality, or country of origin, origin, gender, gender identity, gender expression, disability, or sexual orientation of another person or a person or group associated with that person, assault another that person, or damage or deface the property of another that person, or threaten to do any such act, he the person shall be guilty of a Class 1 misdemeanor.

...

(c) In addition to any other remedies at law or in equity, a person who is injured or whose property is damaged as a result of conduct described under subsection (a) of this section, or an immediate family member of that person, may bring a civil action in any court of competent jurisdiction to obtain appropriate relief, including actual damages, punitive damages, any reasonable attorneys' fees, and any other litigation costs reasonably incurred. In an action brought pursuant to this subsection, the burden of proof shall be the same as in other civil actions for similar relief. For purposes of this subsection, the term (i) "actual damages" includes damages for emotional distress and (ii) "immediate family member" means a child, sibling, parent, grandparent, or legal guardian of the victim.

(d) In addition to any other remedies at law or in equity, a person who has been convicted of or who has pleaded guilty or no contest to having engaged in conduct in violation of subsection (a) of this section may be ordered to participate in a restorative justice session with the victim of the offense if the victim requests a restorative justice session. If restorative justice under this subsection is ordered, the court shall select a member of a local Human Relations Commission, an attorney, a mediator, or an alternative dispute resolution professional who has training in racial equity education to conduct the restorative justice session. All costs of a restorative justice session ordered under this subsection shall be paid by the defendant."

SECTION 2.(c) G.S. 15A-1340.16(d)(17) reads as rewritten:

"(17) The offense for which the defendant stands convicted was committed ~~against a victim~~ because of the ~~victim's~~ actual or perceived race, ethnicity, color, religion, nationality, or country of origin, origin, gender, gender identity, gender expression, disability, or sexual orientation of the victim or a person or group associated with the victim."

SECTION 2.(d) Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.11. Felonious assault as a hate crime.

(a) The following definitions apply in this section:

(1) Gender identity. – Actual or perceived gender-related characteristics.

(2) Serious bodily injury. – Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss

or impairment of the function of any bodily member or organ or that results in prolonged hospitalization.

(b) Anyone who, in whole or in part, because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of another person or a person or group associated with that person, commits an assault and inflicts serious bodily injury or attempts to commit an assault and inflicts serious bodily injury is guilty of committing the offense of felonious assault as a hate crime.

(c) Except as provided otherwise by this section, an offense committed under this section is a Class F felony.

(d) An offense committed under this section is a Class E felony if either of the following applies:

(1) Death results from the offense.

(2) The offense includes a violation or attempted violation of any of the following:

a. G.S. 14-39 (Kidnapping).

b. G.S. 14-27.21 (First-degree forcible rape).

c. G.S. 14-27.22 (Second-degree forcible rape).

d. G.S. 14-27.26 (First-degree forcible sexual offense).

e. G.S. 14-27.27 (Second-degree forcible sexual offense).

(e) In addition to any other remedies at law or in equity, a person who is injured or whose property is damaged as a result of conduct described under subsection (b) of this section, or an immediate family member of that person, may bring a civil action in any court of competent jurisdiction to obtain appropriate relief, including actual damages, punitive damages, any reasonable attorneys' fees, and any other litigation costs reasonably incurred. In an action brought pursuant to this subsection, the burden of proof shall be the same as in other civil actions for similar relief. For purposes of this subsection, the term (i) "actual damages" includes damages for emotional distress and (ii) "immediate family member" means a child, sibling, parent, grandparent, or legal guardian of the victim.

(f) In addition to any other remedies at law or in equity, a person who has been convicted of or who has pleaded guilty or no contest to having engaged in conduct in violation of subsection (b) of this section may be ordered to participate in a restorative justice session with the victim of the offense if the victim requests a restorative justice session. If restorative justice under this subsection is ordered, the court shall select a member of a local Human Relations Commission, an attorney, a mediator, or an alternative dispute resolution professional who has training in racial equity education to conduct the restorative justice session. All costs of a restorative justice session ordered under this subsection shall be paid by the defendant."

SECTION 2.(e) This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

PART III. CREATE HATE CRIMES STATISTICS DATABASE

SECTION 3.(a) Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-908. Hate crime statistics.

(a) Establishment. – The State Bureau of Investigation shall collect, analyze, and disseminate information regarding the commission of offenses punishable under G.S. 14-3(c), 14-401.14, or 14-34.11. The information collected, analyzed, and disseminated by the State Bureau of Investigation shall include all of the following:

(1) The total number of offenses committed for each type.

(2) Personal protected characteristics of the person who committed the offense and the victim from each offense.

(3) The disposition of each offense.

(b) Report by Law Enforcement Agencies. – By no later than the fifteenth day of each month, all State and local law enforcement agencies shall report information to the State Bureau of Investigation on offenses committed in the law enforcement agency's jurisdiction that the law enforcement agency determines to meet the criteria set forth in subsection (a) of this section. A report shall include (i) any information about the offenses required by the State Bureau of Investigation and (ii) only the offenses committed during the month prior to the date the report is submitted. The State Bureau of Investigation shall set the format in which reports are to be submitted under this subsection.

(c) Report by the State Bureau of Investigation. – By January 15 of each year, the State Bureau of Investigation shall submit to the General Assembly a report on the information the State Bureau of Investigation collected and analyzed under subsection (a) of this section during the calendar year prior to the date the report is submitted. Additionally, the State Bureau of Investigation shall publish a copy of the report required under this subsection on its website.

(d) Requests for Information. – Upon request of a local law enforcement agency, a unit of local government, or a State agency, the State Bureau of Investigation shall share any information collected and analyzed under subsection (a) of this section with the requesting local law enforcement agency, unit of local government, or State agency."

SECTION 3.(b) The State Bureau of Investigation shall develop and implement guidelines for (i) the information required to be submitted by local law enforcement agencies under G.S. 143B-908(b), as enacted by subsection (a) of this section, and (ii) the format in which the information is to be reported by local law enforcement agencies under G.S. 143B-908(b). The State Bureau of Investigation shall publish the guidelines required under this subsection on its website no later than 60 days prior to the date the first report is required to be submitted under G.S. 143B-908.

SECTION 3.(c) Notwithstanding any provision of G.S. 143B-908, as enacted by subsection (a) of this section, to the contrary, the first report required under G.S. 143B-908(b) shall be submitted by February 15, 2025, and the first report required under G.S. 143B-908(c) shall be submitted and published by January 15, 2026.

SECTION 3.(d) There is appropriated from the General Fund to the State Bureau of Investigation the sum of one million eight hundred ninety thousand dollars (\$1,890,000) in nonrecurring funds for the 2024-2025 fiscal year to cover any costs incurred in establishing the hate crimes statistics database required under G.S. 143B-908(a), as enacted by subsection (a) of this section.

SECTION 3.(e) There is appropriated from the General Fund to the State Bureau of Investigation the sum of five hundred thirty thousand dollars (\$530,000) in recurring funds for the 2024-2025 fiscal year to hire an additional employee to manage the hate crimes statistics database required under G.S. 143B-908(a), as enacted by subsection (a) of this section.

SECTION 3.(f) Subsection (a) of this section becomes effective January 1, 2025. The remainder of this section becomes effective July 1, 2024.

PART IV. REQUIRED LAW ENFORCEMENT TRAINING ON IDENTIFYING, RESPONDING TO, AND REPORTING HATE CRIMES

SECTION 4.(a) G.S. 17C-2 is amended by adding a new subdivision to read:

"(5) Hate crime. – An offense committed, in whole or in part, because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of the victim or a person or group associated with the victim."

SECTION 4.(b) Article 1 of Chapter 17C of the General Statutes is amended by adding a new section to read:

"§ 17C-10.2. Required training for criminal justice officers on identifying, responding to, and reporting hate crimes.

(a) Requirement. – In addition to powers conferred upon the Commission elsewhere in this Article, the Commission shall establish minimum educational and training standards for employment and continuing education for criminal justice officers in identifying, responding to, and reporting hate crimes. The educational and training standards required by this subsection shall include all of the following:

- (1) Recognizing and understanding the nature and causes of hate crimes.
- (2) Interacting with and responding to individuals from diverse and historically marginalized communities.
- (3) Investigating hate crimes and reporting findings to the State Bureau of Investigation as required under G.S. 143B-908.
- (4) Developing cultural competency skills.
- (5) Identifying, investigating, and responding to hate crimes against lesbian, gay, bisexual, transgender, queer, questioning, and plus (LGBTQ+) individuals.
- (6) Protecting the rights of individuals while enforcing hate crime laws.
- (7) Any other topics identified by the Commission as necessary for effective hate crime prevention and response.

(b) Compliance. – Criminal justice officers shall complete the training required under subsection (a) of this section no later than one year from the date of the officer's initial certification under this Article and annually thereafter. Each criminal justice agency shall ensure that all criminal justice officers employed by the agency are in compliance with the requirement set forth in this subsection.

(c) Reporting. – Beginning March 1, 2025, and annually thereafter, each criminal justice agency shall submit a report to the Commission listing (i) all criminal justice officers employed by the agency who have completed the training required by this section and (ii) all criminal justice officers employed by the agency who have not completed the training required by this section. The Commission shall set the format in which reports are to be submitted under this subsection.

(d) Civil Action. – In addition to any other remedies at law or in equity, a person who is injured or whose property is damaged as a result of a criminal justice officer's failure to complete the training required by this section may bring a civil action in any court of competent jurisdiction to obtain appropriate relief, including actual damages, punitive damages, any reasonable attorneys' fees, and any other litigation costs reasonably incurred. In an action brought pursuant to this subsection, the burden of proof shall be the same as in other civil actions for similar relief."

SECTION 4.(c) G.S. 17E-2 is amended by adding a new subdivision to read:

"(1b) Hate crime. – An offense committed, in whole or in part, because of the actual or perceived race, ethnicity, color, religion, nationality, country of origin, gender, gender identity, gender expression, disability, or sexual orientation of the victim or a person or group associated with the victim."

SECTION 4.(d) Article 2 of Chapter 17E of the General Statutes is amended by adding a new section to read:

"§ 17E-7.1. Required training for justice officers on identifying, responding to, and reporting hate crimes.

(a) Requirement. – In addition to powers conferred upon the Commission elsewhere in this Article, the Commission shall establish minimum educational and training standards for employment and continuing education for criminal justice officers in identifying, responding to, and reporting hate crimes. The educational and training standards required by this subsection shall include all of the following:

- (1) Recognizing and understanding the nature and causes of hate crimes.
- (2) Interacting with and responding to individuals from diverse and historically marginalized communities.

- 1 (3) Investigating hate crimes and reporting findings to the State Bureau of
2 Investigation as required under G.S. 143B-908.
3 (4) Developing cultural competency skills.
4 (5) Identifying, investigating, and responding to hate crimes against lesbian, gay,
5 bisexual, transgender, queer, questioning, and plus (LGBTQ+) individuals.
6 (6) Protecting the rights of individuals while enforcing hate crime laws.
7 (7) Any other topics identified by the Commission as necessary for effective hate
8 crime prevention and response.

9 (b) Compliance. – Justice officers shall complete the training required under subsection
10 (a) of this section no later than one year from the date of the officer's initial certification under
11 this Article and annually thereafter. Each sheriff shall ensure that all justice officers appointed or
12 otherwise under the direct supervision and control of the sheriff are in compliance with the
13 requirement set forth in this subsection.

14 (c) Reporting. – Beginning March 1, 2025, and annually thereafter, each sheriff shall
15 submit a report to the Commission listing (i) all justice officers appointed or otherwise under the
16 direct supervision and control of the sheriff who have completed the training required by this
17 section and (ii) all justice officers appointed or otherwise under the direct supervision and control
18 of the sheriff who have not completed the training required by this section. The Commission
19 shall set the format in which reports are to be submitted under this subsection.

20 (d) Civil Action. – In addition to any other remedies at law or in equity, a person who is
21 injured or whose property is damaged as a result of a justice officer's failure to complete the
22 training required by this section may bring a civil action in any court of competent jurisdiction
23 to obtain appropriate relief, including actual damages, punitive damages, any reasonable
24 attorneys' fees, and any other litigation costs reasonably incurred. In an action brought pursuant
25 to this subsection, the burden of proof shall be the same as in other civil actions for similar relief."

26 **SECTION 4.(e)** The North Carolina Criminal Justice Education and Training
27 Standards Commission and the North Carolina Sheriffs' Education and Training Standards
28 Commission shall adopt any rules necessary to implement the provisions of this section.

29 **SECTION 4.(f)** G.S. 17C-10.2(d) and G.S. 17E-7.1(d), as enacted by subsections
30 (b) and (d) of this section, become effective October 1, 2024, and apply to violations committed
31 on or after that date. The remainder of this section becomes effective July 1, 2024.

32 **PART V. EFFECTIVE DATE**

33 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
34 law.
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