

532.031 Hate crimes -- Finding Effect -- Definitions.

- (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 or because of a person's actual or perceived employment as a state, city, county, or federal peace officer, member of an organized fire department, or emergency medical services personnel, 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.
- (5) As used in this section:
 - (a) "Emergency medical services personnel" has the same meaning as in KRS 311A.010; and
 - (b) "Member of an organized fire department, or emergency medical services personnel" includes volunteers, if the violation occurs while the volunteer is performing duties with an organized fire department or as emergency medical services personnel.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 27, sec. 1, effective June 29, 2017. -- Amended 2000 Ky. Acts ch. 541, sec. 6, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 606, sec. 51, effective July 15, 1998.