

## Hate Crimes Information

The following information was obtained from the Federal Bureau of Investigations website <http://www.fbi.gov/hq/cid/civilrights/overview.htm> . The information includes a definition of a hate crime, investigative activities including law enforcement support. Also below is the Montana Codes Annotated Law Statutes covering Hate Crimes in Montana. If you want to report a hate crime please contact your local law enforcement agency. If the crime is an emergency please call 9-1-1. If the crime has already occurred and you are not in imminent danger, please contact dispatch on the non-emergency line at (406) 657-8200.

### Defining a Hate Crime

A hate crime is a traditional offense like murder, arson, or vandalism with an added element of bias. For the purposes of collecting statistics, Congress has defined a hate crime as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, ethnic origin or sexual orientation." Hate itself is not a crime—and the FBI is mindful of protecting freedom of speech and other civil liberties.



**Investigative Activities:** The FBI is the sole investigative force for criminal violations of federal civil rights statutes.

**Law Enforcement Support:** The FBI works closely with state/local authorities on investigations, even when federal charges are not brought. FBI resources, forensic expertise, and experience in identification and proof of hate-based motivations often provide an invaluable complement to local law enforcement. Many cases are also prosecuted under state statutes such as murder, arson, or more recent local ethnic intimidation laws. Once the state prosecution begins, the Department of Justice monitors the proceedings in order to ensure that the federal interest is vindicated and the law is applied equally among the 95 U.S. Judicial Districts.

The FBI forwards completed reports to U.S. Attorneys and the Civil Rights Division at the Department of Justice, which decide whether a federal prosecution is warranted. They may move forward, for example, if local authorities are unwilling or unable to prosecute a crime of bias.

Hate crimes directed at the U.S. government or the American population may be investigated as acts of domestic terrorism. Incidents involving hate groups are also investigated as domestic terrorism (the FBI's Civil Rights Program cannot investigate groups, only individuals).

## **Montana Codes Annotated (Montana Law Statutes):**

**45-5-221. Malicious intimidation or harassment relating to civil or human rights -- penalty.** (1) A person commits the offense of malicious intimidation or harassment when, because of another person's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities, he purposely or knowingly, with the intent to terrify, intimidate, threaten, harass, annoy, or offend:

(a) causes bodily injury to another;

(b) causes reasonable apprehension of bodily injury in another; or

(c) damages, destroys, or defaces any property of another or any public property.

(2) For purposes of this section, "deface" includes but is not limited to cross burning or the placing of any word or symbol commonly associated with racial, religious, or ethnic identity or activities on the property of another person without his or her permission.

(3) A person convicted of the offense of malicious intimidation or harassment shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.

**45-5-222. Sentence enhancement -- offenses committed because of victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities.** (1) A person who has pleaded guilty or nolo contendere to or who has been found guilty of any offense, except malicious intimidation or harassment, that was committed because of the victim's race, creed, religion, color, national origin, or involvement in civil rights or human rights activities or that involved damage, destruction, or attempted destruction of a building regularly used for religious worship, in addition to the punishment provided for commission of the offense, may, if the provisions of [46-1-401](#) have been complied with, be sentenced to a term of imprisonment of not less than 2 years or more than 10 years, except as provided in [46-18-222](#).

(2) An additional sentence prescribed by subsection (1) must run consecutively to the sentence, except as provided in [46-18-222](#).