

| Crime/Conviction Misdemeanor | Enhanced Term* | Term of Incarceration Limit** |
|--|----------------|----------------------------------|
| 1 st | 90 days | 364 |
| 2 nd | 180 days | 364 |

| Crime/Conviction Non Violent Felony | Enhanced Term |
|---|---------------|
| 1 st | 1 year |
| 2 nd | 3 years |

FISCAL IMPLICATIONS

See Administrative Implications below.

ADMINISTRATIVE IMPLICATIONS

The creation of a new offense may increase the amount of staff a District Attorney’s office needs to effectively prosecute this crime.

The AOC also reports that as penalties increase, potential imprisonment tends to inspire defendants to demand jury trials. It will cost the judicial information system \$400 for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase. The increased workload would include not only initial case processing and judicial time but also the tracking of cases to completion, including probation and compliance with other conditions of release.

TECHNICAL ISSUES

An amendment would make the distinction between judge trials and jury trials more clear:

If the case is tried before a jury and if a prima facie case has been established showing that a "hate crime" has been committed, the court shall submit the issue to the jury by special interrogatory. If the case is tried by the court and if a prima facie case has been established showing that a "hate crime" has been committed, the court shall decide the issue and shall make a separate finding of fact regarding the issue.

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