




BIGOTRY AND VIOLENCE

IN MINNESOTA



This summary report of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in the report should not be attributed to the Commission or the Advisory Committee, but only to individual participants in the community forum where the information was gathered.

Minnesota Advisory Committee
to the United States
Commission on Civil Rights

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957 and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the act, the Commission is charged with the following duties pertaining to discrimination or denials of equal protection based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: the investigation of discriminatory denials of the right to vote; the study of legal developments with respect to discrimination or denials of equal protection; the appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection; the maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection; and the investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the United States Commission on Civil Rights Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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**Minnesota Advisory Committee
to the United States
Commission on Civil Rights**

A SUMMARY REPORT

OCTOBER 1989

LETTER OF TRANSMITTAL

Minnesota Advisory Committee to the
U.S. Commission on Civil Rights

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Attached is a report on a community forum held by the Minnesota Advisory Committee in St. Paul on August 12, 1988, to obtain various perspectives on bigotry and violence in Minnesota. The Advisory Committee voted 10 to 0 to approve and submit this report to the Commissioners. The Committee heard from five local government officials, four State agency officials and eight community representatives. The Committee was provided with information on the extent and nature of bias-related violence. Although the report does not reflect an exhaustive analysis on the subject, the Committee hopes the Commission will find it of value in its monitoring of bigotry and violence nationwide.

Respectfully,

/s/

Talmadge L. Bartelle, Chairperson
Minnesota Advisory Committee

MINNESOTA ADVISORY COMMITTEE

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ACKNOWLEDGMENTS: This report was the chief assignment of Lorenzo Cervantes and Ascension Hernandez. Support services were provided by Jo Ann Daniels, Central Regional Division staff.

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CODIFIED AT MINNESOTA STATUTE SECTIONS
626.5531, .8451 (1988)

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FOR HATE CRIMES

INTRODUCTION

At a community forum on the status of civil rights in the State, conducted by the Minnesota Advisory Committee on May 27, 1987, participants raised concerns about incidents of bigotry and violence against persons because of their race, national origin, or religion. Emma Hixson, executive director, Minneapolis Department of Civil Rights reported to the Advisory Committee that her agency had received a number of calls concerning bias-motivated incidents. A subsequent report provided to the Central Regional Division documented 17 incidents of harassment from May 30, 1987, to March 1988. Morton Ryweck, executive director, Jewish Community Relations Council, Anti-Defamation League of Minnesota and the Dakotas, stated that his organization received 20 reports of bias-motivated incidents in 1986 and 29 in 1987.

In 1987, the student body president at Macalester College in St. Paul, a Native American, received hate mail that contained ethnic slurs and threatened physical harm. Macalester College had been the site of previous incidents. One involved five Japanese students who had the letters "KKK" painted on their dormitory door and a picture of a Japanese flag with an "X" through it.

On August 12, 1988, the Advisory Committee held a community forum on "Bigotry and Violence in Minnesota" to obtain various perspectives on the subject.

COMMUNITY PERSPECTIVE

A community perspective on bigotry and violence was provided at the forum by a governor's task force member, a spokesperson representing a student victimized by hate mail, an Indian Education Association official, a college president, two NAACP officers, a Minnesota Migrant Council staff member, and a lawyer with the Anti-Defamation League.

Elaine Valadez, Chair, Governor's Task Force on Prejudice and Violence

Ms. Valadez told the Committee that concerns about bias crime in Minnesota go back at least 10 years. As early as 1980, legislation was introduced in the State legislature to increase penalties for bias crime. Bias crime legislation was introduced twice and withdrawn by its sponsors because of attempts by opponents to destroy the bill's impact.

A legislator and several concerned citizens approached the Governor's office to appoint a task force on bias crimes. The Governor's Task Force on Prejudice and Violence was appointed by Governor Rudy Perpich in October 1987. It held 13 public hearings throughout the State to document the extent of bias-related incidents in Minnesota. A summary of the hearings reported a total of 827 incidents in the State. The incidents were classified as: sexual orientation, 205; race, 250; gender, 315; disability, 15; national origin, 8; religion, 30 and age, 4. Of the 827 incidents reported, 129 did not fall into the hate crime category. During the 1988 legislative session, the Joint Religious Legislative Coalition, together with the Governor's task force, supported two hate crimes bills, one on data collection and training for law enforcement agencies and the second, to increase penalties for violators.

According to Ms. Valadez, bias crimes are the most underreported crimes in Minnesota and possibly nationwide. She also stated that law enforcement officers, especially in rural Minnesota, have not been trained to recognize bias crimes. Ms. Valadez stated that law officers give low priority to bias crimes because they are misdemeanors with minimal penalties. Conversely, she believed stiffer penalties would make bias crime a higher priority.

Several reasons given by the task force for the causes of bias-related crimes and incidents were the perceived backtracking by Federal Government

agencies on discrimination issues, the country's economic situation, and the increase of immigrants from other nations. Also, the AIDS epidemic has provided an impetus for hate crimes against the gay and lesbian communities.

Flo Wiger, Chairperson, Minnesota Indian Education Association

Flo Wiger, chairperson of the Minnesota Indian Education Association, stated that the issues of violence and bigotry are frequently acted out in terms of the manifestation of power and control. She explained that people of power with a "who's in charge" mentality practice racism and violence. On college campuses, incidents of racism are not reported because a minority group student will leave himself or herself open to retaliation and harassment by the majority group students. Thus, incidents of discrimination do not get reported as violations of the student conduct code.

Ms. Wiger further stated that most hate mail in Minnesota is sent to racially mixed couples or families. In describing her experience as a victim, Ms. Wiger called hate mail an intrusion into her personal life that left her feeling angry and violated. She said that bigotry and violence stem from fear and ignorance of different minority groups by the dominant society. Ms. Wiger noted that teaching cultural pluralism is one approach for improving intercultural relations. She stated that the token minority role model in the various educational and governmental institutions authorizes everyone else to ignore the problem, thus abdicating personal responsibility with discriminatory behavior being the result.

Erin Ronayne, Macalester College Student

Ms. Ronayne, a student at Macalester, spoke on behalf of a female student who was the victim of hate mail, harassment, and a violent assault.

The victim, a Native American, wrote an article on racism in her college newspaper. She subsequently received a racist and sexist letter through the campus mail system. In the most recent incident a man broke into her apartment and physically assaulted her. The assault was interrupted, but it was frightening enough that the victim left Minnesota to be closer to her family in Florida. Ms. Ronayne stated that the level of violence and racism in Minnesota against women and people of color did not permit the victim to make her presentation to the Committee.

When the victim talked with the president of Macalester College about going public with the hate mail incident, he told her that she would be subjected to new pressures about the incident. She made the hate mail incident public knowledge with the support of the college administration. The college provided counseling services and incidental expenses to the victim. The faculty held meetings to discuss their responsibilities with reference to bigotry and violence on the campus. Macalester College began to work on policies that would enhance race relations on campus. Still a second hate letter was sent to the victim. The letter writer has not been identified despite good investigative efforts by the college. The man who assaulted the victim of hate mail has not been caught. The hate mail episodes and the assault were serious incidents at Macalester, but they were not considered to constitute a pattern or trend on the campus.

Robert Gavin, President, Macalester College

Dr. Robert Gavin told the Committee that over the past year there have been a rash of incidents involving racial tensions on campuses throughout the United States. Macalester College has always been proud of its diverse student population and educational atmosphere. The hate letters, which the president described as vicious, racist, and sexist, were sent through the

campus mail system and shattered the smugness and overconfidence of Macalester.

Dr. Gavin, the college president, provided support for the student victim. The president, the dean of students, and the director of minority programs provided direct access and personal time for the student. A volunteer counselor provided assistance. The college afforded the student the opportunity to be with her family.

In a racial incident of this type, Dr. Gavin felt that the rights and privileges of the individual should take precedence over those of the institution. If the individual does not want to make the incident a public matter, the institution should handle it in a confidential fashion. According to Dr. Gavin the incident allowed Macalester College to discuss racism openly, and a number of significant changes occurred in college policies and personal attitudes.

National Association for the Advancement of Colored People (NAACP)

Matthew Little, president of the NAACP of Minneapolis, gave a profile of his organization's service and structure. His presentation included a housing discrimination complaint which implicated the Ku Klux Klan. The incident is under investigation by the police.

Dr. James T. Shelton, president of the NAACP of St. Paul mentioned that he had also received hate mail from the person who has mailed many similar letters to targeted persons in the Twin Cities area. His mail included information about the National Association for White People. A picture of Dr. Shelton, clipped from the local newspaper, was stamped with the letters KKK and mailed to him. In addition, Dr. Shelton proposed to the Committee that the local police department establish a joint civilian-police review board. He pointed out the need for factual

information involving racially motivated complaints generated by community organizations. Dr. Shelton said the review board would improve police-community relations in the Twin Cities.

Beth Pokela, Program Coordinator, Minnesota Migrant Council

Ms. Pokela has worked in the Hispanic community for 11 years. Her agency, the Minnesota Migrant Council, provided a collection of 16 newsclips of bias-motivated incidents that occurred primarily in rural Minnesota and a video of the same that originated on the MacNeil/Lehrer newscast. Ms. Pokela described several incidents in which migrants were discriminated against because of ethnic origin or poverty status by the townsfolk in rural Minnesota. Instances of domestic violence were described, but no incidents of physical violence related to ethnic slurs or hate crimes were reported.

Mark Weitz, Legal Advisor, Anti-Defamation League of B'nai B'rith

Mr. Weitz said that the Anti-Defamation League (ADL) keeps track of anti-Semitic incidents throughout the United States. It divides anti-Semitic incidents into two categories: one is vandalism; the second tracks harassment, threats, assaults, and personal violence. In 1987 there were 14 vandalism incidents reported in Minnesota and 15 incidents in the second category. The ADL's response to hate crimes is to develop and support appropriate legislation and to educate the citizenry. ADL provided support in the 1988 Minnesota legislature for three bills: 1) bias crime reporting bill, 2) ethnic intimidation statute, and 3) antiparamilitary training bill.

According to Mr. Weitz, the increase of anti-Semitic incidents in the U.S. can be attributed to conditions in the Middle East. Anti-Semitism is directed at individuals as a result of their religious beliefs or ethnic

identity. Mr. Weitz received hate mail from an individual in the Twin Cities area after testifying at a hearing sponsored by the Governor's Task Force on Violence and Prejudice.

STATE OFFICIALS' PERSPECTIVE

Karen Clark, Representative, Minnesota Legislature

Ms. Clark told the Committee that there is leadership in the State of Minnesota on the issue of hate crimes, as demonstrated by the Governor's task force investigation into the extent of bigotry and violence in the State. As a member of the task force, she saw a great deal of pain suffered by the victims of incidents in telling of their experiences as a result of being of a particular race, religion, ethnic background, or sexual orientation.

Ms. Clark is the author of the Bias Crime Reporting Act, codified in Chapter 626 of Minnesota statutes which was enacted during the 1988 legislative session. (See Appendix A.) Two important components of the legislation included the adoption and use of a bias crime reporting form and required training on use of the reporting form, in order to be certified as a peace officer after August 1990.

Ms. Clark praised the work of the Governor's task force. Testimony from local citizens provided documentation and evidence on the nature and extent of bias incidents.

Passage of the Bias Crime Reporting Act will require the reporting of bias crimes beginning August 1988 and the compiling of data. The Joint Religious Legislative Coalition and others will have another resource to support future bias crime legislation. The entities involved in the successful legislative enactment of this law included the Governor's task force, the ADL, human rights organizations, State and local law enforcement

agencies, and interested citizens. In the process of hearing testimony as a Governor's task force member, Ms. Clark concluded that gay and lesbian people have been victims of hate crimes and should come under the list of protected classes in the State of Minnesota.

Asian Americans and Southeast Asian refugees in Minnesota have also been victims of discrimination and bias crimes, due to language and cultural differences. Legislation on bias crimes that dealt with increasing the penalties was submitted in 1983 but did not pass. The bill included language with reference to sexual orientation. Organizations throughout the State successfully lobbied against the bill because the wording "sexual orientation," was construed to be giving gay and lesbian people special rights. According to Ms. Clark, this political experience demonstrated that legislators have to be educated about the extent of prejudice and violence against the gay/lesbian community that represent 10 percent of the population; taxpayers that are not protected as gay/lesbian under the laws.

In April 1989 the Minnesota legislature overwhelmingly passed Chapter No. 261, a hate crime bill that increases penalties for crimes committed because of the victim's sexual preference as well as race, religion, sex, age, and other factors. (See Appendix B.)

Mark Shields, Superintendent, Minnesota Bureau of Criminal Apprehension

The Bureau of Criminal Apprehension is a statewide law enforcement agency. It serves as a law enforcement assistance agency to the law enforcement community in the State, and provides investigative services, crime lab services, and criminal justice records information. Mark Shields worked with legislators on development of the bias crime reporting form and provided the training development expertise and resources necessary to implement the specifics of the legislation. The bureau provided technical

assistance in drafting the bill and also absorbed the expenses needed for implementation of the legislation, thus assuring its passage.

Bill Carter, Executive Director, Minnesota Peace Officer Standards and Training Board

According to Bill Carter, executive director of the Peace Officer Standards and Training Board (POST), the primary responsibilities of his agency involve certification of preservice law enforcement educational training programs, hiring standards for State law officers, and standards of conduct of peace officers, among other things. With reference to the bias crime reporting act, POST has made a commitment to research thoroughly and develop the educational aspects of the legislation. After the law enforcement officers discuss the philosophical issues of the reporting form and the course content, POST will put the theory into practice. POST will develop a curriculum for preservice and continuing education on bias crime data collection. The objective will be to collect data on the frequency and nature of racially motivated incidents in a systematic way.

Gary Wilson, Minnesota Police Chief Association

Mr. Wilson stated that the police chiefs supported the objectives of the Bias Crime Reporting Act but had some reservation about achieving them because of the great disparities in police resources and capabilities throughout Minnesota. He mentioned the many sticky areas to be considered with reference to the report form and the preparation of a criminal case, the availability of training time for limited staff, and the consistency in reporting.

CITY OFFICIALS' PERSPECTIVE

Sergeant Roger Willow, Minneapolis Police Department

Sergeant Willow explained that, at the suggestion of Emma Hixson of the Minneapolis Civil Rights Department and Morton Ryweck of the

Anti-Defamation League, the police department formed a committee to discuss bias crimes. In June 1987 the Minneapolis Police Department developed a policy for reporting bias crimes in order to collect statistics and to investigate incidents to the fullest. Ten guidelines for use by police officers investigating the crimes were developed.

Sergeant Willow emphasized the need for training in the area of bias crime reporting. Inservice training was used to help the officers implement the new policy. According to Sergeant Willow, the police department needs to designate a coordinator to make the bias crime reporting system operational. The Minneapolis Police Department recorded nine cases of bias crimes in a 6-month period in 1987 and none for a 7-month period in 1988. The implementation of the bias crime law report system will be evaluated by the Minneapolis Police Department.

Robert Alfton, City Attorney, Minneapolis

Mr. Alfton reviewed the 9 bias crimes reported by the Minneapolis police and compared that to the 18,000 offenses handled by the city attorney's office in 1 year. The number was considered insignificant. Mr. Alfton noted that it appears that the police department's reporting method is missing a lot of bias crime activities.

Captain Bill Steenberg, St. Paul Police Department

Captain Steenberg stated that the St. Paul Police Department is already complying with the intent of the bias crime reporting statute. The police chief has provided the St. Paul officers guidance through a video presentation and has also asked the Minnesota Department of Human Rights for technical assistance. Congress passed hate crime legislation on June 14, 1988. The city of St. Paul contacted the U.S. attorney's office for assistance; however, they had not received copies of the Federal

legislation or implementation procedures from Washington as of August 11, 1988. Chapter 292 of the St. Paul legislative code is similar to the Federal legislation and deals with offenses directed to religious beliefs and racial origins. In the past St. Paul has referred bias-motivated crimes to the city human rights department, which has enforcement authority.

Although the Minnesota statute has been on the books only a couple of weeks, Captain Steenberg said the report process is working in St. Paul. One incident of a swastika painted on a garage door has been reported but all the specific details cannot be revealed. A second incident involved aggravated assault by a black suspect against a Southeast Asian victim.

Emma Hixson, Director, Minneapolis Department of Civil Rights

Ms. Hixson described three recent incidents of prejudice in the Twin Cities area to point out that prejudice and hate take different forms and exist at all levels in our society. She stated that it should not be surprising that name-calling, vandalism, and harassment are an everyday reality for people of color, women, gay and lesbian people in Minneapolis and elsewhere.

Ms. Hixson stated that hate crime incidents, by and large, are not reported to the Minneapolis Department of Civil Rights. Victims tend to go to their own group, agency, or organization. Asian Americans report incidents to the Center for Asian and Pacific Islanders and American Indians to the Minneapolis American Indian Center; other minority groups act similarly. Her agency has received only three bias-motivated crime reports this year. One incident involved anti-Semitic graffiti on several buildings on the University of Minnesota campus. The Center for Asian and Pacific Islanders has reported approximately 100 bias-motivated incidents for 1988.

The Minneapolis Office of the Gay/Lesbian Community Action Council has recorded 15 incidents for the 1988 calendar year. The Urban League reported 567 incidents for 1988; of the 567 incidents, 175 were in the bias-motivated incident category. Because community agencies that work with the protected classes are not keeping formal records of hate crimes (a conclusion also reached by the Governor's task force), many of the agencies will receive from the task force a tracking form for reporting hate crime incidents.

Marilyn Johnson, Executive Director, St. Paul Human Rights Commission

According to Ms. Johnson, the city of St. Paul has sent city personnel to training conferences in New York on the subject of hate and violence. There have not been many incidents of hate crime reported to the commission in 1988. Most other complaints have been based on racial discrimination. One incident reported to the human rights commission involved a racially motivated note placed on the car of a black fire fighter during a training session. An investigation by the commission revealed that there had been other racial incidents. One involved a black fire fighter on his first day of work. A fellow fire fighter with a Ku Klux Klan-type hood over his head chased him around the fire station. When the commission shared the findings with the administration, Ms. Johnson said changes were made in the fire department. The human rights commission expects to receive better statistics with the recent enactment of the Minnesota hate crime statute.

SUMMARY

This report summarizes the proceedings of a community forum on bigotry and violence in Minnesota. The Governor's task force of concerned citizens gathered documentation and community support to enact legislation in Minnesota that requires the reporting of hate crimes by law enforcement

agencies. The forum heard of a college student whose reporting of an incident brought widespread change in the college community by confronting society with the realities of racism and hate mail.

State legislators and agency personnel shared information, resources, and ideas. They worked with human rights organizations in developing and passing hate crime legislation that will help the protected classes as well as all citizens of Minnesota. The city government perspective demonstrated a cautious yet willing group of peace officers who are ready to implement local hate crime ordinances. The Advisory Committee will continue to monitor bigotry and violence in Minnesota.

AN ACT

H.F. No. 2340
CHAPTER No.643

1

2 relating to crime; law enforcement; requiring the
 3 reporting of crimes motivated by bias; requiring the
 4 peace officer standards and training board to mandate
 5 pre-service training for peace officers in
 6 recognizing, responding to, and reporting crimes of
 7 bias; requiring the board to make similar
 8 instructional materials available to peace officers
 9 for continuing education credit; proposing coding for
 10 new law in Minnesota Statutes, chapter 626.

11

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

13 Section 3. [626.5531] [REPORTING OF CRIMES MOTIVATED BY
 14 BIAS.]


15 Subdivision 1. [REPORTS REQUIRED.] A peace officer must
 16 report to the head of the officer's department every violation
 17 of chapter 609 or a local criminal ordinance if the officer has
 18 reason to believe that the offender was motivated to commit the
 19 act by the victim's race, religion, national origin, sex, age,
 20 disability, or characteristics identified as sexual
 21 orientation. The superintendent of the bureau of criminal
 22 apprehension shall adopt a reporting form to be used by law
 23 enforcement agencies in making the reports required under this
 24 section. The reports must include for each incident all of the
 25 following:

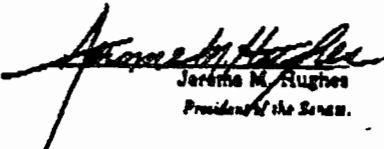
26 (1) the date of the offense;27 (2) the location of the offense;28 (3) whether the target of the incident is a person, private

1 board requirements for continuing education credit and be
2 updated periodically as the board considers appropriate. The
3 board must also seek funding for an educational conference to
4 inform and sensitize chief law enforcement officers and other
5 interested persons to the law enforcement issues associated with
6 bias crimes. If funding is obtained, the board may sponsor the
7 educational conference on its own or with other public or
8 private entities.

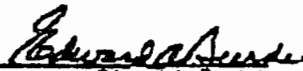
9 Subd. 4. (IN-SERVICE TRAINING; CHIEF LAW ENFORCEMENT
10 OFFICER REQUIREMENTS.) A chief law enforcement officer must
11 inform all peace officers within the officer's agency of (1) the
12 requirements of section 1, (2) the availability of the
13 instructional materials provided by the board under subdivision
14 3, and (3) the availability of continuing education credit for
15 the completion of these materials. The chief law enforcement
16 officer must also encourage these peace officers to review or
17 complete the materials.

H. F. No. 2340


Robert Vanasek
Speaker of the House of Representatives.


Jerome M. Hughes
President of the Senate.

Passed the House of Representatives this 5th day of April in the year of Our Lord one thousand nine hundred and eighty-eight.


Edward A. Burdick
Chief Clerk, House of Representatives.

Passed the Senate this 29th day of March in the year of Our Lord one thousand nine hundred and eighty-eight.


Patrick E. Flahaven
Secretary of the Senate.

Approved April 26, 1988


Randolph G. Peeples
Governor of the State of Missouri.

Filed April 26, 1988


Joan Anderson Grove
Secretary of State.

AN ACT

Distributed By
Secretary of the SENATE
Room 231, State Capitol
St. Paul, 296-2343

1
2 relating to crimes; increasing penalties for certain
3 crimes when committed because of the victim's or
4 another's actual or perceived race, color, religion,
5 sex, sexual orientation, disability, age, or national
6 origin; increasing penalties for using the mail or
7 making telephone calls and falsely impersonating
8 another for the purpose of harassing, abusing, or
9 threatening another person; authorizing the
10 commissioner of public safety to report on additional
11 bias-motivated criminal activity not covered by the
12 bias crime reporting law; amending Minnesota Statutes
13 1988, sections 609.2231, by adding a subdivision;
14 609.595, subdivisions 2, 3, and by adding a
15 subdivision; 609.605, by adding a subdivision;
16 609.746, by adding a subdivision; 609.79, by adding a
17 subdivision; 609.795; and 626.5531, subdivision 2.

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

19 Section 1. Minnesota Statutes 1988, section 609.2231, is
20 amended by adding a subdivision to read:

21 Subd. 4. [ASSAULTS MOTIVATED BY BIAS.] (a) Whoever
22 assaults another because of the victim's or another's actual or
23 perceived race, color, religion, sex, sexual orientation,
24 disability as defined in section 363.01, age, or national origin
25 may be sentenced to imprisonment for not more than one year or
26 to payment of a fine of not more than \$3,000, or both.

27 (b) Whoever violates the provisions of paragraph (a) within
28 five years of a previous conviction under paragraph (a) is
29 guilty of a felony and may be sentenced to imprisonment for not
30 more than one year and a day or to payment of a fine of not more
31 than \$3,000, or both.

1 Sec. 2. Minnesota Statutes 1988, section 609.395, is
2 amended by adding a subdivision to read:

3 Subd. 1a. [CRIMINAL DAMAGE TO PROPERTY IN THE SECOND
4 DEGREE.] (a) Whoever intentionally causes damage described in
5 subdivision 2, paragraph (a), because of the property owner's or
6 another's actual or perceived race, color, religion, sex, sexual
7 orientation, disability as defined in section 363.01, age, or
8 national origin is guilty of a felony and may be sentenced to
9 imprisonment for not more than one year and a day or to payment
10 of a fine of not more than \$3,000, or both.

11 (b) In any prosecution under paragraph (a), the value of
12 property damaged by the defendant in violation of that paragraph
13 within any six-month period may be aggregated and the defendant
14 charged accordingly in applying this section. When two or more
15 offenses are committed by the same person in two or more
16 counties, the accused may be prosecuted in any county in which
17 one of the offenses was committed for all of the offenses
18 aggregated under this paragraph.

19 Sec. 3. Minnesota Statutes 1988, section 609.395,
20 subdivision 2, is amended to read:

21 Subd. 2. [CRIMINAL DAMAGE TO PROPERTY IN THE SECOND THIRD
22 DEGREE.] (a) Except as otherwise provided in section 2, whoever
23 intentionally causes damage to another person's physical
24 property without the other person's consent may be sentenced to
25 imprisonment for not more than one year or to payment of a fine
26 of not more than \$3,000, or both, if the damage reduces the
27 value of the property by more than \$250 but not more than \$500
28 as measured by the cost of repair and replacement.

29 (b) Whoever intentionally causes damage to another person's
30 physical property without the other person's consent because of
31 the property owner's or another's actual or perceived race,
32 color, religion, sex, sexual orientation, disability as defined
33 in section 363.01, age, or national origin may be sentenced to
34 imprisonment for not more than one year or to payment of a fine
35 of not more than \$3,000, or both, if the damage reduces the
36 value of the property by not more than \$250.

1 (c) In any prosecution under paragraph (a), the value of
2 property damaged by the defendant in violation of that statute
3 paragraph within any six-month period may be aggregated and the
4 defendant charged accordingly in applying this section. When
5 two or more offenses are committed by the same person in two or
6 more counties, the accused may be prosecuted in any county in
7 which one of the offenses was committed for all of the offenses
8 aggregated under this paragraph.

9 Sec. 4. Minnesota Statutes 1988, section 609.595,
10 subdivision 3, is amended to read:

11 Subd. 3. [CRIMINAL DAMAGE TO PROPERTY IN THE THIRD FOURTH
12 DEGREE.] Whoever intentionally causes damage described in
13 subdivision 2 under any other circumstances is guilty of a
14 misdemeanor.

15 Sec. 5. Minnesota Statutes 1988, section 609.605, is
16 amended by adding a subdivision to read:

17 Subd. 3. [TRESPASSES MOTIVATED BY BIAS.] Whoever commits
18 an act described in subdivision 1, clause (1), because of the
19 property owner's or another's actual or perceived race, color,
20 religion, sex, sexual orientation, disability as defined in
21 section 363.01, age, or national origin may be sentenced to
22 imprisonment for not more than one year or to payment of a fine
23 of not more than \$3,000, or both.

24 Sec. 6. Minnesota Statutes 1988, section 609.746, is
25 amended by adding a subdivision to read:

26 Subd. 3. [INTRUSION ON PRIVACY; AGGRAVATED
27 VIOLATION.] Whoever commits an act described in subdivision 2
28 because of the victim's or another's actual or perceived race,
29 color, religion, sex, sexual orientation, disability as defined
30 in section 363.01, age, or national origin, may be sentenced to
31 imprisonment for not more than one year or to payment of a fine
32 of not more than \$3,000, or both.

33 Sec. 7. Minnesota Statutes 1988, section 609.79, is
34 amended by adding a subdivision to read:

35 Subd. 1a. [OBSCENE OR HARASSING TELEPHONE CALLS;
36 AGGRAVATED VIOLATIONS.] (a) Whoever commits an act described in

1 subdivision 1 because of the victim's or another's actual or
2 perceived race, color, religion, sex, sexual orientation,
3 disability as defined in section 363.01, age, or national origin
4 may be sentenced to imprisonment for not more than one year or
5 to payment of a fine of not more than \$3,000, or both.

6 (b) Whoever commits an act described in subdivision 1 by
7 falsely impersonating another with intent to harass, abuse, or
8 threaten that person or another, may be sentenced to
9 imprisonment for not more than one year or to payment of a fine
10 of not more than \$3,000, or both,

11 Sec. 8. Minnesota Statutes 1988, section 609.795, is
12 amended to read:

13 609.795 (LETTER, TELEGRAM, OR PACKAGE; OPENING;
14 HARASSMENT.)

15 Subdivision 1. [MISDEMEANORS.] Whoever does any of the
16 following is guilty of a misdemeanor:

17 (1) knowing that the actor does not have the consent of
18 either the sender or the addressee, intentionally opens any
19 sealed letter, telegram, or package addressed to another; or

20 (2) knowing that a sealed letter, telegram, or package has
21 been opened without the consent of either the sender or
22 addressee, intentionally publishes any of the contents thereof;
23 or

24 (3) with the intent to harass, abuse, or threaten,
25 repeatedly uses the mails or delivers letters, telegrams, or
26 packages.

27 Subd. 2. [GROSS MISDEMEANORS.] (a) Whoever commits an act
28 described in subdivision 1, clause (3), because of the victim's
29 or another's actual or perceived race, color, religion, sex,
30 sexual orientation, disability as defined in section 363.01,
31 age, or national origin may be sentenced to imprisonment for not
32 more than one year or to payment of a fine of not more than
33 \$3,000, or both.

34 (b) Whoever commits an act described in subdivision 1,
35 clause (3), by falsely impersonating another with intent to
36 harass, abuse, or threaten that person or another, may be

1 sentenced to imprisonment for not more than one year or to
2 payment of a fine of not more than \$3,000, or both.

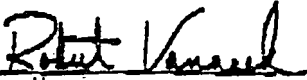
3 Sec. 9. Minnesota Statutes 1988, section 626.8531,
4 subdivision 2, is amended to read:

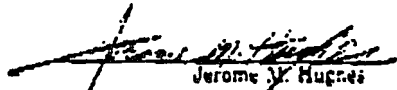
5 Subd. 2. [USE OF INFORMATION COLLECTED.] The head of a
6 local law enforcement agency or state law enforcement department
7 that employs peace officers licensed under section 626.841 must
8 file a monthly report describing crimes reported under this
9 section with the department of public safety, bureau of criminal
10 apprehension. The commissioner of public safety must summarize
11 and analyze the information received and file an annual report
12 with the department of human rights and the legislature. The
13 commissioner may include information in the annual report
14 concerning any additional criminal activity motivated by bias
15 that is not covered by this section.

16 Sec. 10. [EFFECTIVE DATE.]

17 Sections 1 to 8 are effective August 1, 1989, and apply to
18 crimes committed on or after that date.

This enactment of the House of Representatives and Senate is properly enrolled.


Robert Vandeweyer
Speaker of the House of Representatives


Jerome V. Hughes
Enrolled


Passed the House of Representatives on May 19, 1989.


Edward A. Burdick
Chief Clerk House of Representatives

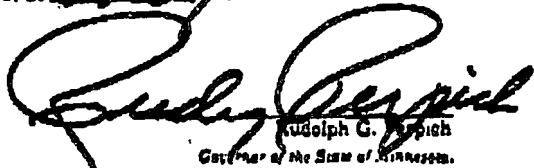
Passed the Senate on May 19, 1989.


Patrick E. Flanagan
Secretary of the Senate

Presented to the Governor on May 23, 1989.


Steven C. Cross
Recorder of Statutes

Approved on 25 May 1989, at 12:34 p.m.


Rudolph G. Papp
Governor of the State of Minnesota

Filed on May 24, 1989.


Joan Anderson Grove
Secretary of State