Hate Crime Laws

No updates required since July 13, 2021

Alabama
- Existing hate crime law does not enumerate sexual orientation or gender identity
- See AL Code 13A-5-13

Alaska
- Existing hate crime law does not enumerate sexual orientation or gender identity
- See AS 12.55.155

Arizona
- Law enumerates sexual orientation and gender, but not gender identity
- See ARS 13-701 and ARS 41-1750

Arkansas
- State lacks a hate crime law
- Arkansas’s S.B. 622 (2021) is sometimes described as a hate crime law, but it does not constitute a true hate crime law. The 2021 law includes bias-motivated crimes, among many other types of crimes, but the law is written so broadly that it could be applied to virtually any circumstance, which is at odds with both the structure and purpose of hate crime law. See, for example, analysis from the Anti-Defamation League (ADL) and the Brennan Center noting that Indiana’s law (similar in structure) does not constitute a hate crime law.

California
- Law enumerates sexual orientation and gender identity
- See CA Penal Code 422.55 and CA Penal Code 422.56

Colorado
- Law enumerates sexual orientation and transgender status (included in definition of sexual orientation)
- See HB 05-1014 (2005)

Connecticut
- Law enumerates sexual orientation and gender identity
- See CT Penal Code 53a-181j-1

Delaware
- Law enumerates sexual orientation and gender identity
- See 75 Del. Laws, c. 271, 1304
District of Columbia

- Law enumerates sexual orientation and gender identity
- See DC Code 22-3701

Florida

- Law enumerates sexual orientation
- See Fla. Stat. Ann. 75.085

Georgia

- Law enumerates sexual orientation, sex, and gender. MAP, community advocates, and Georgia policymakers understand this to cover gender identity.
  - “Sex” was added to the bill after the June 2020 Supreme Court decision in Bostock, which affirmed that sex includes both sexual orientation and gender identity.
  - The term “gender” was added to the bill after criticism that omitting it would leave out protections for transgender people.
  - Testimony before the Georgia Senate (beginning around 20 min mark of this video) discussed implications for transgender people if “gender” was omitted from the bill. Legislators understood the impact.
- See HB 426 (2020)

Hawai’i

- Law enumerates sexual orientation and gender identity

Idaho

- Existing hate crime law does not enumerate sexual orientation or gender identity
- See Idaho Statutes 18-7902

Illinois

- Law enumerates sexual orientation and “gender-related identity”
- See 720 Ill. Comp. Laws Ann. 5/12-7.1

Indiana

- State lacks a hate crime law
- Indiana’s S.B 198 (2019) is sometimes described as a hate crime law, but it does not constitute a true hate crime law. The 2019 law includes bias-motivated crimes, among many other types of crimes, but the law is written so broadly that it could be applied to virtually any circumstance, which is at odds with both the structure and purpose of hate crime law. See, for example, analysis from the Anti-Defamation League (ADL) and the Brennan Center noting that Indiana’s law does not constitute a hate crime law.
- Related law (Indiana Code 10-13-3-38) requires data collection on hate crimes, and does enumerate sexual orientation, but this is distinct from actually criminalizing hate crimes.
Iowa
- Law enumerates sexual orientation
  - See Iowa Code 729.A

Kansas
- Law enumerates sexual orientation
  - See Kansas Code 41-4716

Kentucky
- Law enumerates sexual orientation
  - See KY Statutes 532.031

Louisiana
- Law enumerates sexual orientation
  - See RS 14:107.2

Maine
- Law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
  - See 5 MRS 4684-A (1989 hate crimes law created; 1993 sexual orientation enumerated) and 5 MRS 4553(9-C) for definition (2005 expanded to include gender identity)

Maryland
- Law enumerates sexual orientation and “gender-related identity” (included in definition of sexual orientation)
  - See MD Code 10-301 and 10-304

Massachusetts
- Law enumerates sexual orientation and gender identity

Michigan
- Existing hate crime law does not enumerate sexual orientation or gender identity
  - See MCL 750.147b

Minnesota
- Law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
  - See MN Statutes 609.2231 and 363A.03

Mississippi
- Existing hate crime law does not enumerate sexual orientation or gender identity
  - See MS Code 99-19-301
Missouri
- Law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
- See MO Rev Statutes 557.035 and 556.061

Montana
- Existing hate crime law does not enumerate sexual orientation or gender identity
- See MCA 45-5-221

Nebraska
- Law enumerates sexual orientation
- See Nebraska Revised Statutes 28-110

Nevada
- Law enumerates sexual orientation and gender identity
- See NRS 193.1675

New Hampshire
- Law enumerates sexual orientation and gender identity
- See RSA 651:6 and HB608 (2019)

New Jersey
- Law enumerates sexual orientation and gender identity
- See NJ Rev Stat 2C:16-1

New Mexico
- Law enumerates sexual orientation and gender identity
- See NM Statutes 31-18B-3

New York
- Law enumerates sexual orientation and gender identity
- See NY Penal Code 240.30 and A00747 (2019)

North Carolina
- Existing hate crime law does not enumerate sexual orientation or gender identity
- See NC Statute 14-3

North Dakota
- Existing hate crime law does not enumerate sexual orientation or gender identity
- See ND Ch 12.1-14-04
- Note that some advocates characterize North Dakota as not having a hate crime law, given that the state’s statute is more similar to an antidiscrimination law than to other states’ hate crime laws. See for example the Brennan Center.
Ohio
- Existing hate crime law does not enumerate sexual orientation or gender identity
  - See OH Revised Code 2927.12

Oklahoma
- Existing hate crime law does not enumerate sexual orientation or gender identity
  - See OK Statute 21-850

Oregon
- Law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
  - See ORS 166.155 and SB 2 (2007)

Pennsylvania
- Existing hate crime law does not enumerate sexual orientation or gender identity
  - See PA 2710

Rhode Island
- Law enumerates sexual orientation and gender, but not gender identity
  - SB 2488 (2012) added gender identity to hate crime data collection requirements, but not to the main hate crime law itself. See also Rhode Island Advisory Committee to the U.S. Commission on Civil Rights memo (2019).

South Carolina
- State lacks a hate crime law

South Dakota
- Existing hate crime law does not enumerate sexual orientation or gender identity
  - See SD Codified Laws 22-19B-1

Tennessee
- Law enumerates sexual orientation and gender, which state attorney general currently interprets to apply to transgender people
  - See HB989 (2000; sexual orientation) and Opinion No. 19-01 (2019; gender identity)

Texas
- Law enumerates “sexual preference”
  - See Tex. Code of Criminal Procedure 42.014

Utah
- Law enumerates sexual orientation and gender identity
  - See S.B. 103 (2019)
Vermont
• Law enumerates sexual orientation and gender identity
• See 13 V.S.A 1455

Virginia
• Law enumerates sexual orientation and gender identity
• See HB 276 (2020)

Washington
• Law enumerates sexual orientation and gender identity
• See RCW 9A.36.070 and 49.60.040

West Virginia
• Existing hate crime law does not enumerate sexual orientation or gender identity
• See WV Code Ann. 61-6-21

Wisconsin
• Law enumerates sexual orientation
• See WI State 939.645

Wyoming
• State lacks a hate crime law

U.S. Territories
All five U.S. territories are covered by federal hate crime law, which explicitly enumerates sexual orientation and gender identity. Only Puerto Rico and Guam were found to have passed state-level hate crime laws, and these are inclusive of sexual orientation and gender identity.

American Samoa
• Lacks a hate crime statute.

Commonwealth of the Northern Mariana Islands
• Lacks a hate crime statute.

Guam
• Lacks a hate crime statute.

Puerto Rico
• Law enumerates sexual orientation and gender identity. See Act No. 46 (2002)

U.S. Virgin Islands
• Law enumerates sexual orientation and gender identity. See The Hate-Motivated Crimes Act (2014).
See also “State Statutes Governing Hate Crimes” (2010) by Alison M. Smith and Cassandra L. Foley, Congressional Research Service.