

§ 402. Hate Crimes.

(a) A person commits a hate crime when he or she commits a specified offense and either:

(1) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in part because of a belief or perception regarding the race, color, national origin, age, ancestry, gender, gender identity or expression, religion, religious practice, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(2) intentionally commits the act or acts constituting the offense in whole or in part because of a belief or perception regarding the race, color, national origin, age, ancestry, gender, gender identity or expression, religion, religious practice, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

(b) Proof of race, color, national origin, age, ancestry, gender, gender identity or expression, religion, religious practice, disability, or sexual orientation of the defendant, the victim, or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the Commonwealth's burden under paragraphs (1)-(2) of subdivision (a) of this section.

(c) A "specified offense" is any offense set forth in Title 6, Division 1, Part 1 (Crimes Against the Person), Chapter 1 (Homicide), Chapter 2 (Assault and Related Offenses), Chapter 3 (Sexual Offenses) Article 1 only, Chapter 4 (Robbery; Kidnapping; Other Crimes Against the Person), and Chapter 5 (Human Trafficking and Related Offenses); and Title 6, Division 1, Part 2 (Crimes Against Property), Chapter 1 (Theft and Related Offenses) Sections 1601-1605 only, and Chapter 3 (Other Property Offenses) only; or any attempt or conspiracy to commit any of the foregoing offenses.

(d) For purposes of this chapter:

(1) The term "age" refers to *man-amko*, meaning all persons residing within the Commonwealth of the Northern Mariana Islands who have reached the age of 55 years and over.

(2) the term "disability" means a physical or mental impairment that substantially limits a major life activity, including a person's functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(3) the term "gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender;

(4) the term "sexual orientation" means having a preference for, history of, or being identified with heterosexuality, homosexuality, and bisexuality.

Source: PL 22-32, § 2(103) (Jan. 31, 2023), modified.

Commission Comment: *Legislative Findings of 2023 Amendment.*— For Findings and Purpose of PL 22-32, see Commission comment to 6 CMC § 401.

Modifications.— In codifying PL 22-32, the Commission numbered this section, pursuant to 1 CMC § 3806(a), and substituted “this chapter” for “this Act” in subsec. (d), pursuant to 1 CMC § 3806(d).