

DISARM HATE LAWS IN ALL 50 STATES

Giffords Law Center thanks Cleary Gottlieb for its assistance in preparing this 50-state survey of firearm and hate crime laws.

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This appendix provides a state-by-state analysis regarding violent hate crime offenders' eligibility to access guns in all 50 states. People can be prohibited from purchasing and possessing guns under federal law, under the laws of their state, or sometimes both.

If a person is ineligible to purchase guns under either federal law or the law of their state, they will generally fail a background check (to the extent background checks are required).

Under federal law, people are generally restricted from accessing guns if (1) they have been convicted of a felony punishable by more than one year in prison, or (2) a state-level misdemeanor punishable by more than two years. Federal law currently has no firearm restriction specific to hate crimes, so people convicted of violent hate crime misdemeanors are generally able to access guns under federal law unless their crime was punishable by more than two years.

A small number of states have passed laws that specifically prohibit people from accessing guns if they have been convicted of certain hate crimes or by more broadly restricting firearm access by people convicted of violent misdemeanors and felonies. Some states' hate crime laws also trigger federal firearm restrictions by designating violent hate crimes as felonies punishable by more than one year in prison or as misdemeanors punishable by more than two years.

However, as this appendix demonstrates, significant gaps allow people convicted of violent hate crimes to access guns, including assault weapons, in a majority of US states. This is true even for violent hate crimes where the perpetrator physically injures one or more victims. In about half the country (24 states), people convicted of violently injuring a victim in a hate crime are generally able to pass a background check and lawfully purchase new guns, including assault weapons, immediately after conviction. Those 24 states are:

- Alabama
- Arizona
- Arkansas
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Mississippi
- Nevada
- New Mexico
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- South Carolina
- Tennessee




- Texas
- Utah
- Vermont
- Wyoming

In four more states (Alaska, Michigan, Montana, and New Hampshire), people convicted of violently injuring a victim in a hate crime are generally able to access guns, including assault weapons, under state law, though they would generally be subject to federal firearm restrictions because their states classify these crimes as felonies.











An even larger number of states allow people convicted of other violent hate crimes to access weapons, including people convicted of making serious threats to perpetrate a violent hate crime, attempting to inflict bodily injury, or threateningly brandishing firearms in a hate crime. Additionally, a few states have very temporary relevant firearm restrictions; Minnesota, for instance, restricts people convicted of hate crime assaults from accessing guns, but only for a period of three years.

Passage of the Disarm Hate Act in Congress would help protect people in every state against armed violent hate. States should also adopt parallel Disarm Hate legislation at the state level to help ensure that state and local resources are available to enforce firearm restrictions against people convicted of violent hate crimes. States should also enact extreme risk laws to create standard court procedures for temporarily suspending firearm access from people found to pose a significant imminent risk of perpetrating hate-fueled violence.

Legend

Icon	Meaning
	People in this category are generally prohibited from accessing firearms
	Major gaps exist that allow some people in this category to access firearms
	People in this category generally can access firearms

Alabama

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Alabama’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Alabama law makes hate motivation a factor in criminal sentencing if it is proven that a person perpetrated a crime motivated by the victim’s actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.¹ (Sexual orientation, gender, and gender identity are not included as protected categories.) This law imposes minimum sentences for hate crimes, including a three-month minimum for hate crime misdemeanors.² However, Alabama law does not restrict people from accessing firearms on this basis and does not make hate crime misdemeanors punishable by a term long enough to trigger federal firearm restrictions.

Alabama generally prohibits people from accessing firearms if they have been convicted of specified violent crimes, including violent felonies resulting in serious bodily injury or involving injury with a deadly weapon.³ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.⁴

People convicted of violent hate crime felonies in Alabama are therefore subject to both state and federal firearm restrictions, while people convicted of felonies that are not defined as violent crimes under Alabama law are subject to federal firearm restrictions only.

People convicted of violent hate crime misdemeanors generally remain eligible to access firearms under both state and federal law, including crimes involving intentional infliction of bodily injury, threats with a deadly weapon, and other credible threats of violence.⁵

¹ Ala. Code § 13A-5-13.











² Hate crime misdemeanors are also classified as Class A misdemeanors, punishable by up to one year imprisonment. Ala. Code §§ 13A-5-13(c)(2); 13A-5-7(a)(1).

³ Ala. Code §§ 13A-11-72, 13A-11-70(2), 12-25-32(15).

⁴ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

⁵ See Ala. Code §§ 13A-6-22 (misdemeanor “Assault in the third degree”); 13A-6-23 (misdemeanor “Menacing”); 13A-11-8(a) (misdemeanor violent “Harassment”). These crimes are not firearm-prohibiting under Alabama law because they are not considered “crimes of violence” or “violent offenses” under Alabama law even though they involve actual physical injury or credible threats to victims’ physical safety. These crimes are generally not firearm-prohibiting under federal law either because they are classified as misdemeanors punishable by less than two years in prison even under Alabama’s hate crime sentencing statute. Ala. Code § 13A-5-7.

Alaska

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Alaska’s hate and gun laws have very significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Alaska law makes hate motivation a factor in criminal sentencing for felonies,⁶ which are already generally firearm-prohibiting under federal law.⁷ (Sexual orientation, gender, and gender identity are not included as protected categories.) Alaska also makes it a misdemeanor to injure, threaten, or intimidate a person to interfere with the exercise of their legal and constitutional rights.⁸ However, Alaska does not prohibit people from accessing firearms on these bases.

Alaska’s gun safety laws prohibit people convicted of felonies from accessing “concealable firearms” (handguns) only while placing no limitations on such individuals’ access to long guns such as assault rifles,⁹ even if they have been convicted of the most violent offenses like murder. Alaska law also places no limitations on firearm access by people convicted of violent misdemeanors.

Because Alaska classifies most violent offenses as felonies punishable by more than one year in prison (including most assaults involving physical injury or violent threats),¹⁰ most people convicted of violent hate crimes in Alaska are subject to federal firearm restrictions. State and local law enforcement resources are likely not actively involved in enforcing these federal protections, however.

People convicted of violent hate-motivated misdemeanors in Alaska are generally eligible to access any type of weapon under both Alaska and federal law, including people convicted of violently interfering with another person’s constitutional rights,¹¹ and those convicted of recklessly causing physical injury or placing a victim in fear of imminent physical injury.¹²

⁶ Alaska Stat. § 12.55.155(c)(22).

⁷ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

⁸ Alaska Stat. § 11.76.110











⁹ Alaska Stat. § 11.61.200(a)(1). The prohibition lasts indefinitely if a person is convicted of a felony “offense against the person.” Alaska Stat. § 11.61.200(b)(1)(C). However, for all other offenses, the prohibition generally only applies for ten years following a person’s release from all sentence requirements such as probation and parole. Alaska Stat. § 11.61.200(b)(1)(C).

¹⁰ See, e.g., Alaska Stat. §§ 11.41.200 — 11.41.289.

¹¹ Alaska Stat. § 11.76.110

¹² Alaska Stat. § 11.41.230.

Arizona

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Arizona’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Arizona law makes hate motivation a factor in criminal sentencing, but only for felonies.¹³ (Gender identity is not included as a protected category.)

Arizona does not prohibit people convicted of violent misdemeanors from accessing firearms, whether or not their crime was a hate crime, and also does not make any violent misdemeanors punishable by a term long enough to trigger federal law’s firearm restrictions.¹⁴ As a result, people convicted of violent hate-motivated crimes are generally prohibited from accessing firearms in Arizona only if their underlying crime is a felony.

Arizona classifies most violent crimes as felonies if they involve severe bodily injury, “use” of a deadly weapon, or stalking, so people convicted of the most serious, violent hate crime offenses are generally subject to both state and federal firearm restrictions.¹⁵

However, people convicted of violent hate crime misdemeanors generally remain eligible to access guns under state and federal law, including crimes involving intentional infliction of bodily injury and credible threats of violence.¹⁶











¹³ Ariz. Rev. Stat. Ann. §§ 13-701(D)(15); 13-707. This law makes Class 6 felonies, which are typically punishable by up to one year in prison, punishable by up to two years when they are hate crimes, thereby triggering federal firearm restrictions applicable to crimes punishable by more than one year imprisonment. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

¹⁴ The maximum sentence for a misdemeanor under Arizona law is six months. Ariz. Rev. Stat. Ann. § 13-707.

¹⁵ See, e.g., Ariz. Rev. Stat. Ann. §§ 13-1204 (felony “Aggravated assault”); 13-2923 (felony “Stalking”).

¹⁶ Ariz. Rev. Stat. Ann. §§ 13-1203 (misdemeanor “Assault”); 13-1202 (misdemeanor “Threatening or intimidating”).

Arkansas

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Arkansas’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Arkansas is one of the only states in the nation that still has no hate crime statute.

Like federal law, Arkansas law generally prohibits people from accessing firearms if they have been convicted of a felony.¹⁷ (Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.)¹⁸ But Arkansas does not prohibit people convicted of other violent crimes from accessing firearms and does not make any violent misdemeanors punishable by a term long enough to trigger federal law’s firearm restrictions either.¹⁹

Arkansas generally classifies violent offenses as felonies if they involve severe bodily injury, conduct or threats with deadly weapons that create a substantial danger of death or serious injury, or credible death threats made for the purpose of “terrorizing another person.”²⁰ People convicted of these felony offenses are generally ineligible to access firearms under both Arkansas and federal law.

However, people convicted of violent hate-motivated misdemeanors generally remain eligible to access guns under both Arkansas and federal law, including crimes involving intentional infliction of bodily injury, intentional choking, stalking that places a victim in reasonable fear for their safety, and other credible threats of violence.²¹

¹⁷ Ark. Code Ann. § 5-73-103(a).











¹⁸ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

¹⁹ Ark. Code Ann. § 5-4-401. The maximum sentence for a class A misdemeanor—the most serious type of misdemeanor—is one year of imprisonment.

²⁰ Ark. Code Ann. §§ 5-13-201 and 202 (felony First and second degree battery); 5-13-204 (felony Aggravated assault); 5-13-301(a); 5-71-229 (felony Stalking involving deadly weapon or terroristic threats with purpose of placing victim in imminent fear of death or serious bodily injury).

²¹ Ark. Code Ann. §§ 5-13-203 (misdemeanor Third degree battery); 5-13-205(a)(2) (First degree assault); 5-13-207 (Third degree assault); 5-13-301(b) (Terroristic threatening); 5-71-229 (third degree stalking).

California

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

California has some of the nation’s strongest state laws to disarm hate.

California’s hate crime statute makes it a misdemeanor to willfully injure, threaten, or intimidate a person through force, threat of force, or destruction of property, with hate motivation, to interfere with the exercise of their legal and constitutional rights.²² In 2017, California passed the Disarm Hate Act to prohibit people from accessing firearms for 10 years after they are convicted of that hate crime; the act passed the legislature unanimously.²³ California also makes hate motivation a factor in criminal sentencing for felonies,²⁴ though felonies are already generally firearm-prohibiting under California and federal law.²⁵

More broadly, California also prohibits people from accessing firearms for 10 years after they have been convicted of specified misdemeanors involving violence or the misuse of deadly weapons, including assault, battery, stalking, criminal threats, and weapon brandishing offenses.²⁶

As a result, people are generally prohibited from accessing firearms under California law for at least 10 years if they have been convicted of violating the state’s hate crime statute,²⁷ or hate-motivated felonies and misdemeanors involving violence,²⁸ threats with deadly weapons,²⁹ and other credible threats to victims’ safety.³⁰

However, people convicted of hate-motivated crimes in California are typically only prohibited from accessing firearms under federal law if their offense is a felony since even violent misdemeanors are typically not punishable in California by a term long enough to trigger federal law’s firearm restrictions.³¹

²² Cal. Penal Code § 422.6. California law also makes it a felony to commit a hate crime by vandalizing a house of worship or cemetery for the purpose of intimidating and deterring people from freely exercising their religious beliefs. Cal. Penal Code § 594.3.

²³ See 2017 CA AB 785, amending Cal. Penal Code § 29805.

²⁴ Cal. Penal Code §§ 422.75, 422.76.

²⁵ Cal. Penal Code § 29800.; 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²⁶ Cal. Penal Code § 29805. Many offenses are classified as “wobblers” under California law that may be charged as either felonies or misdemeanors, at prosecutors’ discretion.

²⁷ See Cal. Penal Code § 422.6.











²⁸ See, e.g., misdemeanor “Battery,” Cal. Penal Code §§ 242-243, and wobbler “Assault by force likely to produce great bodily injury,” Cal. Penal Code § 245(a)(4).

²⁹ See, e.g., wobbler “Assault with deadly weapon,” Cal. Penal Code § 245, and misdemeanor “Brandishing a weapon,” Cal. Penal Code § 417.

³⁰ See, e.g., misdemeanor “Criminal Threats,” Cal. Penal Code § 422, and “Stalking,” Cal. Penal Code § 646.9.

³¹ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

Colorado

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Colorado’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Colorado’s hate crime law makes it unlawful to commit a “bias-motivated crime” with intent to intimidate or harass another person because of that person’s actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation.³² (Gender and gender identity are not included as protected categories.) This hate crime is a felony if the offender knowingly caused bodily injury to a victim; Colorado otherwise classifies the offense as a misdemeanor.³³

Colorado generally prohibits people from accessing firearms if they have been convicted of a felony.³⁴ Federal law similarly prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁵ (In Colorado, misdemeanors are punishable by no more than 18 months,³⁶ so hate crime offenders are generally subject to federal firearm restrictions only if they are convicted of felonies.)

Colorado generally classifies violent crimes as firearm-prohibiting felonies if they involve knowing infliction of severe bodily injury,³⁷ threats or violence with a deadly weapon,³⁸ or if the crime is prosecuted as a hate crime involving knowing infliction of bodily injury.³⁹

But people convicted of violent hate-motivated misdemeanors generally remain eligible to access firearms in Colorado under both state and federal law, even if they were convicted under the state’s hate crime statute for attempting or threatening to inflict bodily injury and exhibiting conduct “likely to produce bodily injury” to the victim,⁴⁰ or of threateningly brandishing weapons, or knowingly placing a victim in fear of imminent serious bodily injury.⁴¹

³² Colo. Rev. Stat. Ann. § 18-9-121(2).

³³ Colo. Rev. Stat. Ann. § 18-9-121(2)(a) and (3).

³⁴ Colo. Rev. Stat. Ann. § 18-12-108.

³⁵ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁶ Colo. Rev. Stat. Ann. § 18-1.3-501.

³⁷ See, e.g., first and second-degree assault. Colo. Rev. Stat. Ann. §§ 18-3-202, 18-3-203.

³⁸ See, e.g., *id.* and felony “Menacing” by use or threat of deadly weapon, Colo. Rev. Stat. Ann. § 18-3-206.

³⁹ Colo. Rev. Stat. Ann. § 18-9-121(2).

⁴⁰ Colo. Rev. Stat. Ann. § 18-9-121(2) and (3).

⁴¹ See, e.g., misdemeanor “Menacing”, Colo. Rev. Stat. Ann. § 18-3-206, and “Disorderly conduct” with display of weapon, Colo. Rev. Stat. Ann. § 18-3-106(f).

Connecticut

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

Connecticut has some of the nation’s strongest laws to disarm hate.

Connecticut’s hate crime statutes make it a felony to perpetrate a crime of “intimidation based on bigotry or bias.” This crime occurs when a person maliciously causes physical injury or contact, or credibly threatens to do so, with intent to intimidate or harass another person because of their actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.⁴²

While Connecticut does not specifically prohibit people from accessing firearms on this basis, the state defines these hate crimes, and most other violent crimes, as felonies, which are generally firearm-prohibiting under both Connecticut and federal law.⁴³

Connecticut also generally prohibits firearm access by people convicted of misdemeanors involving the use of force, violent threats, and the misuse of deadly weapons,⁴⁴ although the state does not typically make these misdemeanors punishable by a term long enough to trigger federal law’s firearm restrictions.⁴⁵

As a result, people convicted of violent hate-motivated felonies and misdemeanors are generally prohibited from accessing firearms under Connecticut law, while those convicted of felonies are also prohibited under federal law too. Some violent conduct that is generally classified as a misdemeanor is classified as a felony if it is prosecuted under Connecticut’s “intimidation based on bigotry or bias” hate crime statute.











⁴² Conn. Gen. Stat. Ann. §§ 53a-181j; 53a-181k. Connecticut law also makes it a misdemeanor or felony, depending on the circumstances, to deprive a person of legal of constitutional rights on account of protected characteristics, or to intentionally desecrate public property and houses or worship, etc. See Conn. Gen. Stat. Ann. §§ 46a-58.

⁴³ Conn. Gen. Stat. Ann. § 53a-217. See also, e.g., felony first and second degree assaults, Conn. Gen. Stat. Ann. §§ 53a-59, 53a-60, 53a-60a.

⁴⁴ *Id.* See also, e.g., misdemeanor “assault in the third degree,” Conn. Gen. Stat. Ann. § 53a-61, misdemeanor “threatening in the second degree,” Conn. Gen. Stat. Ann. § 53a-62, “reckless endangerment in the first degree,” Conn. Gen. Stat. Ann. § 53a-63, and “stalking in the second degree,” Conn. Gen. Stat. Ann. § 53a-181d.

⁴⁵ Conn. Gen. Stat. Ann. § 53a-26.

Delaware

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Delaware has relatively strong laws to disarm hate.

Delaware’s hate crime law reclassifies the severity of offenses committed as hate crimes.⁴⁶ Importantly, for the purposes of both Delaware and federal firearm laws, this law reclassifies crimes that are ordinarily designated as class A, B, or C misdemeanors as firearm-prohibiting felonies when they are hate crimes.⁴⁷ Since Delaware law ordinarily classifies most violent criminal conduct as a Class C misdemeanor or higher, most of these offenses are reclassified as felonies when they are perpetrated as hate crimes.

Both Delaware and federal law generally prohibit people from accessing firearms if they have been convicted of a felony,⁴⁸ so people convicted of violent hate crimes are generally prohibited from accessing firearms in Delaware under both state and federal law.

There are a few exceptions, however, including crimes like “offensive touching,”⁴⁹ and “menacing,”⁵⁰ which involves intentionally placing another person in fear of imminent physical injury. These offenses are both ordinarily treated as “unclassified” misdemeanors, so are not reclassified as felonies when they are perpetrated as hate crimes. As a result, they generally do not result in any firearm restriction under state or federal law.

More generally, Delaware also prohibits people from accessing firearms for five years after they have been convicted of a misdemeanor “crime of violence involving physical injury to another” person,⁵¹ so people convicted of some violent misdemeanors are temporarily restricted from accessing firearms in these circumstances, even if their conduct is not prosecuted as a hate crime.

⁴⁶ Del. Code Ann. tit. 11, § 1304.

⁴⁷ *Id.* “Unclassified” (lower-level) misdemeanors are also reclassified as Class A misdemeanors (punishable by up to one year in prison) when they are committed as hate crimes.











⁴⁸ Del. Code Ann. tit. 11, § 1448(a)(1).

⁴⁹ Del. Code Ann. tit. 11 § 601(a).

⁵⁰ *See* Del. Code Ann. tit. 11 § 602.

⁵¹ Del. Code Ann. tit. 11, § 1448(a)(1), (d).

Florida

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Florida has relatively strong laws to disarm hate but it does not restrict people convicted of hate-motivated assaults involving credible threats of violence from accessing firearms.

Florida has a hate crime sentencing enhancement law that reclassifies the severity of offenses committed as hate crimes.⁵² Under this law, hate crimes are treated as one degree above the underlying crime: A second-degree misdemeanor like assault is reclassified as a first-degree misdemeanor when it is committed as a hate crime,⁵³ and a first-degree misdemeanor like battery is reclassified as a lower-level felony.⁵⁴ (Florida’s hate crime law does not include disability, gender, and gender identity as protected categories.)

Florida does not specifically prohibit people convicted of hate crimes from accessing firearms, but, like federal law, generally prohibits people from accessing firearms if they have been convicted of a felony.⁵⁵ Florida generally does not prohibit people convicted of violent misdemeanors from accessing firearms, and does not make any misdemeanors punishable by a term long enough to trigger federal firearm restrictions either.⁵⁶

However, because Florida’s hate crime sentencing statute reclassifies first-degree misdemeanors as felonies when they are committed as hate crimes, people convicted of these offenses are generally subject to both state and federal firearm restrictions.

Florida generally classifies violent crimes as felonies or first-degree misdemeanors if they involve bodily injury,⁵⁷ intentional use of force,⁵⁸ threats or violence with a deadly weapon,⁵⁹ as well as some other threats of violence.⁶⁰

However, people convicted of hate-motivated assaults⁶¹ generally remain eligible to access firearms in Florida since this offense is a lower-level misdemeanor.

⁵² Fla. Stat. Ann. § 775.085(1)(a). Florida law also requires officials to collect and report data on hate crime incidents that fall within the hate crime enhancement statute. Fla. Stat. Ann. § 877.16; 877.19.

⁵³ Fla. Stat. Ann. § 775.082(4)(a); 775.08.

⁵⁴ Fla. Stat. Ann. § 775.082(3)(e).

⁵⁵ Fla. Stat. Ann. § 790.23(1); 775.08(1). Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

⁵⁶ The maximum sentence for a misdemeanor under Florida law is one year imprisonment. Fla. Stat. Ann. § 775.082(4)(a); 775.08.

⁵⁷ See, e.g., felony Aggravated battery, Fla. Stat. Ann. § 784.045(1)(a)(1); Felony battery, § 784.041; and misdemeanor Battery, § 784.03.











⁵⁸ See, e.g., first degree misdemeanor “Battery,” Fla. Stat. Ann. § 784.03.

⁵⁹ See, e.g., felony “Aggravated battery” with a deadly weapon, Fla. Stat. Ann. § 784.045(1)(a)(2), felony “Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism,” Fla. Stat. Ann. § 836.10.

⁶⁰ See, e.g., *id.*; felony “Threats,” Fla. Stat. Ann. § 836.05, felony “Aggravated stalking,” Fla. Stat. Ann. § 784.048(2).

⁶¹ “Assault” is defined as an “intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.” Fla. Stat. Ann. § 784.011.

Georgia

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Georgia’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Prior to July 2020, Georgia had no hate crime law at all and, relatedly, had some of the weakest laws in the nation to disarm people who perpetrate hate-motivated violence. In 2020, Georgia legislators enacted a new hate crime law prescribing modestly extended sentences for felonies and certain misdemeanors, if it is proven the perpetrator intentionally selected the victim based on their actual or perceived race, color, religion, national origin, sex, sexual orientation, gender, or mental or physical disability.⁶²

This new law makes certain hate crime misdemeanors, including violent assault and battery offenses, punishable by up to 12 months imprisonment—a term long enough to trigger Georgia’s law prohibiting firearm access by people convicted of crimes punishable by “one year or more.”⁶³ These convictions do not trigger federal firearm restrictions, however, which apply to people convicted of felonies punishable by a term of more than one year.⁶⁴

People convicted of hate-motivated felonies punishable by more than one year are generally prohibited from accessing guns under both Georgia and federal law. This prohibition only covers the most severely violent crimes in Georgia: crimes involving severe disfigurement, certain acts or threats with deadly weapons likely to result in death or serious injury, or credible death threats made for the purpose of “terrorizing another person.”⁶⁵ As described above, people convicted of violent hate crime assault and battery misdemeanors, including intentionally causing substantial physical injury to a victim, are now prohibited from accessing guns under Georgia but not federal law.⁶⁶

However, people convicted of other violent hate-motivated misdemeanors in Georgia generally remain eligible to access guns under state and federal law, including crimes involving credible threats to commit violence short of death, intentionally aiming a gun at a victim, and stalking or violent conduct that places a victim in reasonable fear for their safety.⁶⁷

⁶² Ga. Code Ann. § 17-10-17 (enacted by 2020 Ga. H.B. 426). (The “Designated misdemeanors” covered by Georgia’s hate crime sentencing law include only the following offenses: simple assault, simple battery, battery, criminal trespass, and theft by taking).

⁶³ Georgia law generally defines felonies as crimes punishable by a term of *more than* one year but, for the purposes of the state’s firearm restrictions, Georgia law uses a slightly broader definition of “felony” encompassing any crime punishable by “one year or more.” Therefore, though Georgia generally makes misdemeanors punishable by a maximum of 12 months imprisonment, people convicted of misdemeanors punishable by 12 months are subject to the state’s felony firearm restrictions. Ga. Code Ann. §§ 16-1-3(5); 16-11-131(a); 17-10-4.











⁶⁴ Federal law generally prohibits people from accessing guns only if they have been convicted of a felony punishable by *more than* one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

⁶⁵ See, e.g., Ga. Code Ann. §§ 16-5-24 (“Aggravated battery”); 16-5-21 (“Aggravated assault”); 16-11-37(d)(1) (“Terroristic threats” of death).

⁶⁶ Ga. Code Ann. §§ 17-10-17; 16-5-23.1.

⁶⁷ Ga. Code Ann. §§ 16-11-37(b)(a)(A), (d)(1) (misdemeanor “Terroristic threats”); 16-11-39.1(a)(2) (“Harassing communications” threatening violence); 16-11-39(a)(1) (violent disorderly conduct); 16-11-102 (Pointing or aiming gun at another); 16-5-90 (“Stalking”).

Hawaii

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Hawaii has relatively strong laws to disarm hate.

Hawaii has a hate crime sentencing enhancement statute that reclassifies the severity of offenses committed as hate crimes, but only for felonies,⁶⁸ which are already generally firearm-prohibiting under both Hawaii and federal law.⁶⁹

Hawaii does not specifically prohibit people from accessing firearms based on a hate crime conviction but does prohibit people from accessing firearms if they have been convicted of any “crime of violence,”⁷⁰ which is defined to include any felony or misdemeanor offense that “involves injury or threat of injury to the person of another.”⁷¹ Hawaii does not make any misdemeanors, including crimes of violence, punishable by a term long enough to trigger any federal firearm restrictions, however.⁷²

As a result, people convicted of violent misdemeanors, including violent hate-motivated misdemeanors, are generally prohibited from accessing firearms under state law in Hawaii, but not federal law.

Hawaii generally classifies violent crimes as felonies if they involve intentional infliction of serious bodily injury⁷³ or “terroristic” threats to perpetrate violence on repeat occasions or with a deadly weapon.⁷⁴ Individuals convicted of these felonies are generally prohibited from accessing firearms under state and federal law.

People convicted of violent hate-motivated misdemeanors, including offenses involving intentional infliction of bodily injury (e.g., “assault in the third degree”)⁷⁵ and threats of violence without a deadly weapon⁷⁶ are generally prohibited from accessing firearms under Hawaii law, but not federal law.⁷⁷

⁶⁸ Haw. Rev. Stat. Ann. § 846-51.

⁶⁹ Haw. Rev. Stat. Ann. § 134-7(b). Hawaii also prohibits people from possessing firearms under state law if they are prohibited from doing so under federal law. Haw. Rev. Stat. Ann. § 134-7(a).

⁷⁰ Haw. Rev. Stat. Ann. § 134-1.

⁷¹ Haw. Rev. Stat. Ann. § 134-7(b).

⁷² Haw. Rev. Stat. Ann. § 701-107(3). Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

⁷³ See, e.g., felony “Assault in the first degree” and “Assault in the second degree.” Haw. Rev. Stat. Ann. §§ 707-710, 707-711.

⁷⁴ See, e.g., felony “Terroristic threatening in the first degree.” Haw. Rev. Stat. Ann. §§ 707-715, 707-716.

⁷⁵ Haw. Rev. Stat. Ann. § 707-712(1)(a).

⁷⁶ See, e.g., misdemeanor “Terroristic threatening in the second degree.” Haw. Rev. Stat. Ann. §§ 707-715, 707-717.

⁷⁷ See also misdemeanor “Reckless endangering in the second degree.” Haw. Rev. Stat. Ann. § 707-714.

Idaho

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

Idaho has relatively strong laws to disarm hate.

Idaho’s hate crime statute makes it a felony (called “malicious harassment”) to cause or credibly threaten to cause physical injury to another person, or damage their property, with malicious intent to intimidate or harass a victim on the basis of their race, color, religion, ancestry, or national origin.⁷⁸ (This statute does not include a victim’s disability, sexual orientation, gender, or gender identity as protected categories.)

Idaho does not specifically prohibit people from accessing firearms on this basis, but like federal law, generally prohibits people from accessing firearms if they have been convicted of a felony.⁷⁹ As a result, people convicted of violent hate crimes in Idaho are prohibited from accessing firearms under both state and federal law as long as they were prosecuted under Idaho’s “malicious harassment” felony hate crime statute.

Separately, Idaho generally classifies violent crimes as felonies if they involve “great bodily harm” or use of a deadly weapon,⁸⁰ threats with a deadly weapon, or use of force likely to produce great bodily harm,⁸¹ so individuals convicted of hate-motivated conduct under these statutes are also prohibited from accessing firearms under state and federal law in Idaho.

However, Idaho typically classifies other violent crimes as misdemeanors, including offenses involving intentional infliction of bodily harm⁸² and credible threats of violence.⁸³ People convicted of these crimes are generally not restricted from accessing firearms under state or federal law in Idaho unless their conduct is motivated by hate and prosecuted as felony “malicious harassment” instead.

⁷⁸ Idaho Code Ann. § 18-7902.

⁷⁹ Idaho Code Ann. § 18-3316. Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

⁸⁰ See, e.g., felony “Aggravated battery,” Idaho Code Ann. § 18-908,

⁸¹ See, e.g., felony “Aggravated assault,” Idaho Code Ann. § 18-902.

⁸² See, e.g., misdemeanor simple battery, Idaho Code Ann. § 18-903.

⁸³ See, e.g., misdemeanor simple assault, Idaho Code Ann. § 18-901(b).

Illinois

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

Illinois has relatively strong laws to disarm hate. Illinois’s hate crime statute makes it a felony to commit specified crimes, including assault, aggravated assault, battery, and intimidation, “by reason of [the victim’s] actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin.”⁸⁴ (Ethnicity and gender identity are not included as protected categories.)

Illinois does not specifically prohibit people from accessing firearms on this basis, but like federal law,⁸⁵ generally prohibits people from accessing firearms if they have been convicted of a felony.⁸⁶ Illinois law also generally prohibits people from accessing firearms for five years after they have been convicted of specified violent offenses involving the use or presence of a firearm.⁸⁷

More broadly, Illinois also generally classifies violent crimes as felonies if they involve “great bodily harm,” infliction of physical harm with a firearm,⁸⁸ threats involving the discharge of a firearm,⁸⁹ or other threats of violence constituting criminal “intimidation,”⁹⁰ so individuals convicted of hate-motivated conduct under these criminal statutes, or under Illinois’ felony hate crime statute, are both prohibited from accessing firearms under state and federal law in Illinois.

However, Illinois typically classifies other violent crimes as misdemeanors, including offenses involving intentional infliction of bodily harm,⁹¹ and credible threats of violence.⁹² People convicted of these misdemeanors are only restricted from accessing firearms (1) for five years under Illinois law if they committed their crime with the use or presence of a firearm, or (2) under state and federal law if their conduct was prosecuted as a felony hate crime.

⁸⁴ 720 Ill. Comp. Stat. 5/12-7.1(a).

⁸⁵ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

⁸⁶ In order to purchase a firearm in Illinois, a person must obtain a Firearm Owner’s Identification Card (“FOID”) issued by the Illinois state police; applicants are ineligible for a FOID Card if they have been convicted of a felony, including a felony hate crime. 430 Ill. Comp. Stat. 65/4(a)(2)(ii); (vii); 430 Ill. Comp. Stat. 65/2(a). See also, 720 Ill. Comp. Stat. 5/2-7 (noting that felonies are punishable by one year or more in prison).

⁸⁷ 430 Ill. Comp. Stat. 65/4(a)(2)(viii).

⁸⁸ See, e.g., felony “Aggravated battery,” 720 Ill. Comp. Stat. 5/12-3/05(a).











⁸⁹ See, e.g., felony “Aggravated assault,” 720 Ill. Comp. Stat. 5/12-2(c). (d).

⁹⁰ 720 Ill. Comp. Stat. 5/12-6.

⁹¹ See, e.g., misdemeanor “Battery,” 720 Ill. Comp. Stat. 5/12-3.

⁹² See, e.g., misdemeanor “Assault,” 720 Ill. Comp. Stat. 5/12-1, and “Aggravated assault,” 720 Ill. Comp. Stat. 5/12-2(c)(1). (d).

Indiana

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Indiana has relatively weak laws to disarm hate, allowing people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Indiana law authorizes (but does not require) courts to weigh hate motivation as a factor in criminal sentencing, though Indiana does not reclassify the severity of an offense or otherwise authorize extended sentences for hate crimes above the maximum term courts may already impose for the underlying crime.⁹³ (Indiana’s law also does not include the victim’s ethnicity, gender or gender identity as protected categories.)

Indiana prohibits people from accessing firearms if they have been convicted of a “serious violent felony,”⁹⁴ which is generally defined to include violent conduct that results in serious bodily injury⁹⁵ or involves battery with a deadly weapon⁹⁶ or stalking with credible threats of serious bodily injury or death.⁹⁷ People convicted of these offenses are generally prohibited from accessing firearms under both state and federal law in Indiana.

However, people convicted of other violent felonies (those not designated as “serious violent felonies”) are prohibited from accessing firearms under federal law only.⁹⁸ These offenses include battery resulting in “moderate bodily injury,”⁹⁹ intentional strangulation,¹⁰⁰ threatening violence, even while drawing or using a deadly weapon,¹⁰¹ and shooting into an inhabited building.¹⁰²

Furthermore, people convicted of violent hate-motivated misdemeanors in Indiana remain eligible to access firearms under both state and federal law,¹⁰³ including crimes involving intentional infliction of bodily injury,¹⁰⁴ violent behavior creating a substantial risk of injury,¹⁰⁵ and other credible threats to commit criminal violence.¹⁰⁶

⁹³ Ind. Code Ann. § 35-38-1-7.1(a)(12).

⁹⁴ Ind. Code Ann. § 35-47-4-5.

⁹⁵ See Ind. Code Ann. § 35-47-4-5(b)(4); “Battery,” Ind. Code Ann. § 35-42-2-1(g).

⁹⁶ *Id.*

⁹⁷ Ind. Code Ann. § 35-47-4-5(b); Ind. Code Ann. § 35-47-10-5.

⁹⁸ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

⁹⁹ Ind. Code Ann. § 35-47-4-5(b)(4); “Battery,” Ind. Code Ann. § 35-42-2-1(e).

¹⁰⁰ Ind. Code Ann. § 35-47-4-5(b); Ind. Code Ann. § 35-42-2-9.

¹⁰¹ Ind. Code Ann. § 35-47-4-5(b); Ind. Code Ann. § 35-45-2-1(b).

¹⁰² Ind. Code Ann. § 35-47-4-5(b); Ind. Code Ann. § 35-42-2-2(b)(2).











¹⁰³ Under Indiana law, the maximum sentence for a misdemeanor is one-year imprisonment, Ind. Code Ann. § 35-50-3, so outside the domestic violence context, Indiana misdemeanor convictions do not trigger federal firearm restrictions.

¹⁰⁴ Ind. Code Ann. § 35-42-2-1(d).

¹⁰⁵ Ind. Code Ann. § 35-42-2-2(a); Ind. Code Ann. § 35-42-2-1(c).

¹⁰⁶ Ind. Code Ann. § 35-45-2-1(a).

Iowa

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Iowa's hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, even if they have been convicted of violent hate crimes.

Iowa has a hate crime sentencing enhancement statute that reclassifies the severity of some offenses when they are committed as hate crimes.¹⁰⁷ (Ethnicity, gender, and gender identity are not included as protected categories.) Under this law, hate crime assaults are still classified as misdemeanors unless it is proven that the perpetrator either (1) intended to inflict serious bodily injury or (2) used or displayed a dangerous weapon in connection with the assault, in which case the crime is reclassified as a felony.¹⁰⁸

Iowa does not specifically prohibit people convicted of hate crimes from accessing firearms, but, like federal law,¹⁰⁹ generally prohibits firearm access by people who have been convicted of a felony.¹¹⁰ Iowa generally does not prohibit people convicted of violent misdemeanors from accessing firearms and does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions either.¹¹¹

As a result, people convicted of violent hate crimes in Iowa are only prohibited from accessing firearms, under state and federal law, if they are convicted of felony hate crime assault (as described above) or other felony conduct, such as shooting a firearm for the purpose of intimidation,¹¹² willfully injuring someone with intent to cause serious physical injury, or otherwise causing serious bodily injury by assault.¹¹³

However, people convicted of violent hate-motivated misdemeanors remain eligible to access firearms in Iowa, under both state and federal law, including those convicted of violent misdemeanors involving intentional physical injury or credible threats of violence,¹¹⁴ and those convicted of hate crime assault if it was not proven they intended to cause serious bodily injury or used or displayed a dangerous weapon.¹¹⁵

¹⁰⁷ Iowa Code Ann. § 729A.2; Iowa Code Ann. § 708.2C.

¹⁰⁸ Iowa Code Ann. § 708.2C. Iowa also makes it a felony to commit the crime of “violat[ing] individual rights” by assembling with one or more other people to teach or receive instruction in how to cause damage, injury, or death to a victim for the purpose, among other things, of injuring or interfering with a victim’s free exercise or enjoyment of their legal or constitutional rights. Iowa Code Ann. § 729.5.

¹⁰⁹ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

¹¹⁰ Iowa Code Ann. § 724.26(1).

¹¹¹ Iowa Code Ann. § 701.8; Iowa Code Ann. § 903.1.











¹¹² See, e.g., felony “Intimidation with a dangerous weapon.” Iowa Code Ann. § 708.6

¹¹³ See, e.g., felony “Willful injury,” Iowa Code Ann. § 708.6, and felony “Assault,” Iowa Code Ann. § 708.2(4).

¹¹⁴ See, e.g., misdemeanor “Harassment in the first degree,” Iowa Code Ann. § 708.7(2),(3).

¹¹⁵ Iowa Code Ann. § 708.2C.

Kansas

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Kansas’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Kansas has a hate crime sentencing enhancement statute that authorizes (but does not require) courts to weigh hate motivation as a factor in criminal sentencing.¹¹⁶ (The statute does not include a victim’s disability, gender, or gender identity as protected categories.) However, Kansas does not reclassify the severity of offenses committed as hate crimes and does not specifically prohibit people convicted of hate crimes from accessing firearms.

Kansas does prohibit people from accessing firearms for at least temporary periods after they have been convicted of a felony. Individuals are generally permanently prohibited under Kansas law if they have been convicted of committing a violent felony (called a “person felony”)¹¹⁷ while armed with a firearm.¹¹⁸ People convicted of other felonies, including murder without a firearm, are prohibited for five or ten years, depending on the crime.¹¹⁹ Federal law is broader and generally permanently prohibits firearm access by people convicted of felonies.¹²⁰

Kansas generally does not prohibit people convicted of violent misdemeanors from accessing firearms for any period of time, and also does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions.¹²¹ As a result, people convicted of violent hate crimes are only prohibited from accessing firearms in Kansas, under state and federal law, if they are convicted of felonies, such as crimes involving at least the risk of serious bodily harm, and some threats of violence or with deadly weapons.¹²²

However, people convicted of violent hate-motivated misdemeanors remain eligible to access firearms in Kansas, under both state and federal law, including crimes involving knowing infliction of bodily harm, stalking, and some credible threats of violence.¹²³

¹¹⁶ Kan. Stat. Ann. § 21-6815(c)(2)(C); K.S.A. 2015 Supp. 21-6818(a).

¹¹⁷ “Person” felonies usually involve bodily harm or the threat of bodily harm.

¹¹⁸ Kan. Stat. Ann. § 21-6304(a)(1).

¹¹⁹ Kan. Stat. Ann. § 21-6304(a)(2) – (a)(3).











¹²⁰ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

¹²¹ Under Kansas law, the maximum sentence for a misdemeanor is typically one year, Kan. Stat. Ann. § 21-6602, unless the judge departs from sentencing guidelines due to aggravating factors (which may include hate motivation), in which case a misdemeanor may be punishable by up to two years. Kan. Stat. Ann. § 21-6818. Such misdemeanor convictions do not trigger federal firearm restrictions unless they are punishable by *more than* two years imprisonment under state law. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

¹²² E.g., felony “Aggravated battery,” “Aggravated assault,” and “Criminal threat.” Kan. Stat. Ann. §§ 21-5413, 21-5412, 21-5415.

¹²³ E.g., misdemeanor “Battery,” “Assault,” and “Stalking.” Kan. Stat. Ann. §§ 21-5413, 21-5412, § 21-5427.

Kentucky

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Kentucky has relatively weak laws to disarm hate that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Kentucky law authorizes judges and parole boards to consider hate crime motivation as a factor in determining whether to deny probation or require jail time for certain crimes, but this law does reclassify the severity of hate crimes or otherwise authorize extended prison sentences.¹²⁴ Kentucky does not specifically prohibit people convicted of hate crimes from accessing firearms.

Kentucky does, like federal law,¹²⁵ generally prohibit people from accessing firearms if they have been convicted of a felony.¹²⁶ However, Kentucky does not prohibit people convicted of violent misdemeanors from accessing firearms for any period of time, and also does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions.¹²⁷

As a result, people convicted of violent hate crimes are only prohibited from accessing firearms in Kentucky, under state and federal law, if they are convicted of felonies. Kentucky generally classifies violent crimes as felonies if they involve intentional infliction of serious physical injury, physical injury with a deadly weapon,¹²⁸ or “terroristic threats” to perpetrate violence at a public event, school function, or place of worship.¹²⁹

However, people convicted of violent hate-motivated misdemeanors remain eligible to access firearms in Kentucky, under both state and federal law, including crimes involving intentional infliction of physical injury,¹³⁰ use of force to intimidate,¹³¹ stalking with threats of violence,¹³² and most other credible threats of violence.¹³³

¹²⁴ Ky. Rev. Stat. Ann. § 532.031. This statute does not include a victim’s disability, ethnicity, gender or gender identity as protected categories.

¹²⁵ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

¹²⁶ Ky. Rev. Stat. Ann. § 527.040(2). Felonies are crimes punishable by one or more years in prison. Ky. Rev. Stat. Ann. § 532.020.

¹²⁷ Ky. Rev. Stat. Ann. § 532.020.

¹²⁸ Ky. Rev. Stat. Ann. § 508.020 (felony “Assault in the second degree”); Ky. Rev. Stat. Ann. § 508.010 (felony “Assault in the first degree”).

¹²⁹ Ky. Rev. Stat. Ann. § 508.078 (felony “Terroristic threatening in the second degree”).











¹³⁰ Ky. Rev. Stat. Ann. § 508.030 (misdemeanor “Assault in the fourth degree”).

¹³¹ Ky. Rev. Stat. Ann. § 525.070(1)(a) (misdemeanor “Harassment”).

¹³² Ky. Rev. Stat. Ann. § 508.150.

¹³³ See, e.g., misdemeanor “Terroristic threatening in the third degree,” Ky. Rev. Stat. Ann. § 508.080; “Menacing,” Ky. Rev. Stat. Ann. § 508.050; “Harassment,” Ky. Rev. Stat. Ann. § 525.070(1)(b).

Louisiana

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Louisiana has relatively weak laws to disarm hate that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Louisiana law makes it a hate crime to commit an offense because of the victim’s actual or perceived “race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry,” among other protected characteristics.¹³⁴ However, people convicted of hate crimes in Louisiana serve their sentence consecutively with the sentence for their underlying offense, and state law does not otherwise reclassify the severity of offenses committed as hate crimes.

Louisiana prohibits people convicted of felonies from accessing firearms if their felony offense is defined as a “crime of violence” or involved felony misuse of a weapon.¹³⁵ People convicted of such felonies are also restricted from accessing firearms for a temporary ten-year period after their release from confinement, probation, or parole. (Federal firearm laws are broader, so people convicted of felonies in Louisiana are generally permanently prohibited from accessing firearms under federal law.)¹³⁶ Louisiana generally does not prohibit people convicted of violent misdemeanors from accessing firearms, and also does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions either.¹³⁷

As a result, people convicted of violent hate crimes are only prohibited from accessing firearms in Louisiana, under state and federal law, if they are convicted of felonies (for a 10-year period under state law). Louisiana generally classifies violent crimes as felonies if they involve intentional infliction of serious physical injury,¹³⁸ or the use or threatened use of a firearm.¹³⁹

However, those convicted of violent hate crime misdemeanors remain eligible to access firearms, under state and federal law, including crimes involving intentional physical injury,¹⁴⁰ attempted violence, threats with weapons other than firearms,¹⁴¹ and other credible threats of violence.¹⁴²

¹³⁴ La. Stat. Ann. § 14:107.2(A). (Notably, the statute does not include a victim’s ethnicity or gender identity as protected categories).

¹³⁵ La. Stat. Ann. § 14:95.1; La. Stat. Ann. § 14:2(B).

¹³⁶ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

¹³⁷ See *State v. Jones*, 404 So.2d 1197 (1981); La. Stat. Ann. § 14:107.2(A).

¹³⁸ See, e.g., felony “Second degree battery,” La. Stat. Ann. § 14:34.1.











¹³⁹ See, e.g., felony “Aggravated battery,” “Aggravated assault with a firearm,” and “Terrorizing” La. Stat. Ann. §§ 14:34.1; 14:37.4; 14:40.1..

¹⁴⁰ See, e.g., misdemeanor “Simple battery,” La. Stat. Ann. § 14:35,

¹⁴¹ See, e.g., misdemeanor “Aggravated assault,” La. Stat. Ann. § 14:37.

¹⁴² See, e.g., misdemeanor “Simple Assault,” La. Stat. Ann. § 14:38.

Maine

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Maine has relatively weak laws to disarm hate that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Maine authorizes (but does not require) courts to weigh hate motivation as a factor in criminal sentencing, but does not reclassify the severity of hate crimes or authorize sentences for hate crimes above the maximum term courts may already impose for the underlying crime.¹⁴³ Maine also makes it a Class D offense (see below) to use force or threats of force to intentionally injure, intimidate, or threaten another person to interfere with their free exercise of any legal right or privilege.¹⁴⁴ People convicted of this crime are not restricted from accessing guns unless they used a deadly weapon.

Maine classifies crimes ranging from class A offenses (the most serious) to class E offenses (the least serious).¹⁴⁵ Class D and E crimes are analogous to misdemeanors and are punishable by less than one year in prison, while Class A, B, and C crimes are analogous to felonies, punishable by up to five years or more.¹⁴⁶ Maine also reclassifies the severity of some crimes if prosecutors prove the offense was committed with the use of a dangerous weapon.¹⁴⁷

Maine generally prohibits people from accessing firearms if they have been convicted of a crime punishable by at least one year in prison (Class A, B, and C crimes),¹⁴⁸ or of a crime in which prosecutors proved the offense was committed with the use of a dangerous weapon.¹⁴⁹ As a result, people convicted of violent hate crimes are generally only prohibited from accessing firearms in Maine, under state and federal law, if they are convicted of crimes involving intentional infliction of serious physical injury, or the use of a deadly weapon.¹⁵⁰

However, people convicted of other violent hate crimes generally remain eligible to access firearms, under state and federal law, including crimes involving intentional physical injury, use of force,¹⁵¹ and credible threats of violence without proven “use” of a dangerous weapon.¹⁵²

¹⁴³ Me. Rev. Stat. Ann. tit. 17-A, § 1501(8); *see also*, Me. Rev. Stat. Ann. tit. 17-A, § 1604. (Notably, this law does not include a victim’s ethnicity, gender, or gender identity as protected categories).

¹⁴⁴ Me. Rev. Stat. Ann. tit. 17, § 2931.

¹⁴⁵ Me. Rev. Stat. Ann. tit. 17-A, § 1604. *See also*, Maine State Legislature, “What is Maine’s Law On: Felonies and Misdemeanors,” *available at* <https://legislature.maine.gov/lawlibrary/what-is-maines-law-on-felonies-misdemeanors/9465>.

¹⁴⁶ Me. Rev. Stat. Ann. tit. 17-A, § 1604(1).

¹⁴⁷ Me. Rev. Stat. Ann. tit. 17-A, § 1604(5). Class D crimes involving weapons become Class C crimes, and therefore trigger both state and federal firearm restrictions. *See, e.g., State v. Gilbert*, 473 A.2d 1273, fn. 1 (Me. 1984).

¹⁴⁸ There is a very slight difference between Maine and federal law’s firearm prohibitions since Maine prohibits people convicted of Maine law offenses punishable by *at least* one year in prison (i.e., exactly one year in prison or more), while federal law prohibits firearm possession by those convicted of offenses punishable by *over* one year. Me. Rev. Stat. Ann. tit. 15 § 393(1)(A-1).

¹⁴⁹ Me. Rev. Stat. Ann. tit. 15 § 393(1)(A-1)(5).

¹⁵⁰ *See, e.g., “Aggravated assault.”* Me. Rev. Stat. Ann. tit. 17-A, § 208 (Class A or B crime); “Criminal threatening with a firearm,” Me. Rev. Stat. Ann. tit. 17-A, § 209 (Class C crime); “Aggravated reckless conduct,” Me. Rev. Stat. Ann. tit. 17-A, § 213 (Class B crime).

¹⁵¹ *See, e.g., “Assault,”* Me. Rev. Stat. Ann. tit. 17-A, § 207(1)(A) (Class D crime).

¹⁵² *See, e.g., “Criminal threatening,” “Terrorizing,” and “Stalking.”* Me. Rev. Stat. Ann. tit. 17-A, §§ 209; 210(1)(A); 210-A (Class D crimes).

Maryland

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

Maryland has some of the nation’s strongest laws to disarm hate.

Maryland’s hate crime statutes make it unlawful to use force or threat of force to obstruct another person’s free exercise of religion,¹⁵³ or to commit or threaten to commit any crime because of “another person’s or group’s race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless.”¹⁵⁴ Maryland generally classifies these hate crimes as misdemeanors punishable by up to three years in prison,¹⁵⁵ unless the hate crime involves underlying felony conduct or results in the victim’s death, in which case the hate crime is instead punishable as a felony.¹⁵⁶

Maryland does not expressly prohibit people from accessing firearms on this basis, but like federal law,¹⁵⁷ generally prohibits people from accessing firearms if they have been convicted of a felony or a misdemeanor punishable by more than two years in prison.¹⁵⁸ (Maryland also generally prohibits people from accessing firearms if they have been convicted of a “crime of violence,” as specified).¹⁵⁹

Because Maryland makes all hate crime convictions punishable by up to three years in prison, people convicted of these offenses, including both felonies and misdemeanor hate crimes, are subject to both state and federal law firearm restrictions.¹⁶⁰

Even if a person is not convicted under Maryland’s hate crime statutes, they may still generally be restricted from accessing firearms in Maryland, under state and federal law,¹⁶¹ if they are convicted of violent felony or misdemeanor offenses involving the use or threatened use of force or deadly weapons,¹⁶² stalking,¹⁶³ and threatened mass violence.¹⁶⁴

¹⁵³ Md. Code Ann., Crim. Law § 10-303.

¹⁵⁴ Md. Code Ann., Crim. Law § 10-304. This statute does not include ethnicity or gender identity as protected categories.

¹⁵⁵ Md. Code Ann., Crim. Law § 10-306.

¹⁵⁶ Md. Code Ann., Crim. Law § 10-306.

¹⁵⁷ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

¹⁵⁸ Md. Code Ann., Public Safety §§ 5-205(b)(1); 5-133(b)(1); 5-101(g).

¹⁵⁹ *Id.*; Md. Code Ann., Public Safety § 5-101(g)(1).

¹⁶⁰ A misdemeanor conviction under the law of any state triggers federal firearm restrictions if state law makes the misdemeanor punishable by more than two years imprisonment. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

¹⁶¹ Maryland generally makes violent offenses, including misdemeanors, punishable by more than two years in prison, triggering both state and federal firearm restrictions. The state also defines assault offenses as firearm-prohibiting “crimes of violence.”

¹⁶² Md. Code Ann., Crim. Law § 3-201 – 3-203 (“Assault”); *Lamb v. State*, 93 Md. App. 422 (1992). See also, e.g., Md. Code Ann., Crim. Law § 3-204 (“Reckless endangerment”).

¹⁶³ Md. Code Ann., Crim. Law § 3-802 (“Stalking”).

¹⁶⁴ Md. Code Ann., Crim. Law § 3-1001 (“Threat of mass violence”).

Massachusetts

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

Massachusetts has some of the nation’s strongest laws to disarm hate.

Massachusetts’s hate crime law makes it a misdemeanor to commit “assault” or “battery” (crimes involving the use or threatened use of force) with intent to intimidate a victim because of their race, color, religion, national origin, sexual orientation, gender identity, or disability.¹⁶⁵ This hate crime offense is punishable by imprisonment for up to two and a half years,¹⁶⁶ the same penalty for other assault and battery offenses in Massachusetts.¹⁶⁷ If the hate crime results in bodily injury or the offender is armed with a firearm, the crime is classified as a felony instead.¹⁶⁸

Massachusetts does not explicitly prohibit people convicted of hate crimes from accessing firearms, but like federal law,¹⁶⁹ generally prohibits people from accessing firearms¹⁷⁰ if they have been convicted of a felony or a misdemeanor punishable by more than two years in prison.¹⁷¹ (Massachusetts also generally prohibits people from accessing firearms if they have been convicted of a “violent crime,” or of a number of specified weapons-related crimes.)¹⁷²

Massachusetts classifies nearly all violent crimes as felonies or as misdemeanors punishable by more than two years in prison, triggering both state and federal firearm restrictions in either case.¹⁷³ This includes people convicted under the state’s hate crime statute, as well as those convicted of essentially all other assault, battery, stalking, criminal harassment, and criminal threat crimes.¹⁷⁴

A notable exception is that state law also makes it a crime to use force or threat of force to willfully injure, intimidate, threaten, or interfere with another person’s free exercise of their legal rights.¹⁷⁵ People convicted of this crime are generally not restricted from accessing guns, unless the crime results in bodily injury,¹⁷⁶ although the same conduct may generally be charged as a firearm-prohibiting assault or battery instead.

¹⁶⁵ Mass. Ann. Laws ch. 265, § 39. Such intent need not be the only reason for the alleged crime. *Commonwealth v. Kelly*, 470 Mass. 682, 25 N.E.3d 288 (2015). Notably, the statute does not include the victim’s ethnicity or gender as protected categories.

¹⁶⁶ Mass. Ann. Laws ch. 265, § 39(a).

¹⁶⁷ Mass. Ann. Laws ch. 265, § 13A(a).

¹⁶⁸ Mass. Ann. Laws ch. 265, § 39(b).

¹⁶⁹ Federal law generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 921(a)(20)(B).

¹⁷⁰ Massachusetts generally requires individuals to apply for and receive a license from their local police department in order to purchase, possess, carry or transport a firearm. Mass. Ann. Laws ch. 140, §§ 131E, 129B, 131, 129C.

¹⁷¹ Mass. Ann. Laws ch. 140, § 129B(1)(i), (ii).

¹⁷² *Id.* In Massachusetts, a crime is categorized as a felony if it is punishable by death or imprisonment in the state prison, while all other crimes are misdemeanors. Mass. Ann. Laws ch. 274, § 1.











¹⁷³ A misdemeanor conviction under the law of any state triggers federal firearm restrictions if state law makes the misdemeanor punishable by more than two years imprisonment. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

¹⁷⁴ Mass. Ann. Laws ch. 265, §§ 39; 13A(a); 15A; 15B; 43; 43A.

¹⁷⁵ Mass. Ann. Laws ch. 265, § 37.

¹⁷⁶ That is because this crime is a misdemeanor punishable by up to one year in prison unless the crime results in bodily injury, in which case it is a felony.

Michigan

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Michigan’s hate and gun laws have significant gaps that allow people convicted of violent hate crimes to keep and access firearms under state law, although hate crime convictions in Michigan generally trigger important federal firearm restrictions.

Michigan’s hate crime law makes it a felony (called “ethnic intimidation”) to maliciously cause, or by word or act credibly threaten to cause, physical contact with specific intent to intimidate or harass the victim because of their race, color, religion, gender, or national origin.¹⁷⁷ This offense is punishable by up to two years in prison.¹⁷⁸ (Disability, sexual orientation, ethnicity, and gender identity are not included as protected categories.)

Michigan law prohibits people from accessing firearms for a temporary period (between three to five years after release) if they have been convicted of a felony punishable by four or more years in prison.¹⁷⁹ However, people convicted of other felonies and violent misdemeanors are generally not prohibited from accessing firearms under Michigan law (though federal firearm restrictions apply).¹⁸⁰ As a result, people convicted of felony “ethnic intimidation” in Michigan are prohibited from accessing firearms under federal law, but not state law.

Michigan generally classifies violent crimes as felonies punishable by four or more years if they involve assault with a dangerous weapon or with intent to inflict “great bodily harm,” or stalking with credible threats of violence.¹⁸¹ People convicted of these offenses are prohibited from accessing firearms for at least a temporary period under state and federal law. However, people convicted of other felonies in Michigan are only prohibited under federal law.

Furthermore, people convicted of violent hate-motivated misdemeanors, including crimes involving serious injury, threats of violence, and threats with brandished firearms,¹⁸² are generally not restricted from accessing firearms in Michigan under either state or federal law, although this conduct could instead be prosecuted as felony ethnic intimidation in many cases, which results in a federal firearm restriction.

¹⁷⁷ Mich. Comp. Laws Ann. § 750.147b.

¹⁷⁸ Mich. Comp. Laws Ann. § 750.147b(2).











¹⁷⁹ Mich. Comp. Laws Ann. § 750.224f. As used in this section, Felony means a violation or attempted violation of a state or federal law punishable by imprisonment for 4 years or more. Mich. Comp. Laws Ann. § 750.224f(9)(b).

¹⁸⁰ Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by more than one year in prison or a state law misdemeanor offense punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

¹⁸¹ E.g., Mich. Comp. Laws Ann. §§ 750.82(1); 750.84; 750.411i. See also, Mich. Comp. Laws Ann. § 750.397.

¹⁸² E.g., Mich. Comp. Laws Ann. §§ 750.81a(1); 750.234e.

Minnesota

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Minnesota has relatively strong laws to disarm hate, except state law allows people convicted of violently injuring a victim in a hate crime assault to regain firearm access after just three years.

Minnesota’s hate crime laws make it a “gross misdemeanor,” punishable by up to one year in prison, to commit an assault involving intentional infliction or attempted infliction of bodily harm on another person, or involving other acts intended to cause a victim to fear immediate bodily harm or death, based on the victim’s actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin.¹⁸³ (Ethnicity, gender, and gender identity are not included as protected categories.) Minnesota also authorizes enhanced prison sentences for certain felony assaults¹⁸⁴ and reclassifies misdemeanor harassment offenses as felonies, when these crimes are committed as hate crimes.¹⁸⁵

Minnesota is one of the few states that expressly prohibits people from accessing firearms based on a hate crime conviction: under state law, people convicted of hate-motivated misdemeanor assaults are generally prohibited from accessing firearms for three years after conviction.¹⁸⁶ People are also prohibited from accessing firearms if they are convicted of felony “crime[s] of violence,”¹⁸⁷ or any other crime punishable by more than one year in prison.¹⁸⁸

Minnesota designates most violent hate crime offenses as felonies punishable by well over one year in prison, including stalking,¹⁸⁹ criminal threats of violence and harassment,¹⁹⁰ and assaults involving serious bodily injury.¹⁹¹ As a result, most violent hate crime convictions in Minnesota trigger state and federal firearm restrictions.

However, people convicted of violent hate crime assault are not subject to federal firearm prohibitions; under state law, such individuals also generally regain access to firearms, including assault weapons, just three years after conviction.

¹⁸³ Minn. Stat. § 609.2231 subd. 4.

¹⁸⁴ Minn. Stat. § 609.2233.

¹⁸⁵ See Minn. Stat. § 609.749, subd. 3(a)(1).

¹⁸⁶ Minn. Stat. § 624.713, subd. 1(11); 609.2231, subd. 4(a). Minnesota’s firearm laws apply a three-year firearm prohibition to people convicted of assault motivated by bias “at the gross misdemeanor level”; state law defines as a gross misdemeanor any offense that is punishable by a term that is more than 90 days but does not exceed one year. Minn. Stat. § 624.713, subd. 2 - 4. If a person commits a bias-motivated assault within five years of a previous conviction for that crime, the second offense is a firearm-prohibiting felony punishable by more than one year in prison. Minn. Stat. § 609.2231, subd. 4(b).

¹⁸⁷ Minn. Stat. § 624.713, subd. 1(7).











¹⁸⁸ Minn. Stat. § 624.713, subd. 1(10)(i).

¹⁸⁹ Minn. Stat. § 609.749, subd. 5.

¹⁹⁰ Minn. Stat. § 609.713; Minn. Stat. § 609.749, subd. 2(c) and 3(a)(1).

¹⁹¹ Minn. Stat. § 609.223, subd. 1.

Mississippi

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Mississippi’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Mississippi law provides for extended prison sentences (up to double the original sentence) when it is proven that a person committed a crime because of the victim’s actual or perceived race, color, ancestry, ethnicity, religion, national origin, or gender.¹⁹² (Disability, sexual orientation, and gender identity are not included as protected categories.)¹⁹³

Like federal law,¹⁹⁴ Mississippi generally prohibits people from accessing firearms if they have been convicted of a felony.¹⁹⁵ However, Mississippi does not prohibit people convicted of violent misdemeanors from accessing firearms for any period of time, and also does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions.¹⁹⁶

As a result, people convicted of violent hate crimes are only prohibited from accessing firearms in Mississippi, under state and federal law, if they have been convicted of felonies. The state generally classifies violent crimes as felonies if they involve infliction of serious bodily injury, bodily injury with a deadly weapon,¹⁹⁷ or stalking with the use or display of a deadly weapon.¹⁹⁸

However, people convicted of violent hate-motivated misdemeanors remain eligible to access firearms, under both state and federal law, including crimes involving intentional infliction of bodily injury,¹⁹⁹ use of force to intimidate,²⁰⁰ brandishing a firearm in a threatening manner,²⁰¹ and most other credible threats of violence.²⁰²

¹⁹² Miss. Code Ann. §§ 99-19-301 - 99-19-307.

¹⁹³ Recent proposals to expand the statute to encompass crimes motivated by the victim’s disability, sexual orientation and/or gender identity was not enacted. 2019 MS S.B. 2163 and 2019 MS H.B. 1494.

¹⁹⁴ Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by more than one year in prison or a state law misdemeanor offense punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

¹⁹⁵ Miss. Code Ann. § 97-37-5; 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B). Under Mississippi law, a “felony” is any criminal offense punishable by death or confinement in the state penitentiary, including statutes that authorize punishment in either a county jail or the state penitentiary. Miss. Code Ann. § 1-3-11; *Anthony v. State*, 349 So.2d 1066 (Miss. 1977).

¹⁹⁶ Federal law applies to individuals convicted of state law misdemeanors punishable by *more than* two years in prison, 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B), but Mississippi does not make hate crime misdemeanors punishable by more than two years.

¹⁹⁷ Miss. Code Ann. § 97-3-7 (felony “Aggravated assault”); Miss. Code Ann. § 97-3-59 (“Mayhem”);

Ky. Rev. Stat. Ann. § 508.020 (felony “Assault in the second degree”); Ky. Rev. Stat. Ann. § 508.010 (felony “Assault in the first degree”).

¹⁹⁸ Miss. Code Ann. § 97-3-107(2)(b) (felony “Aggravated stalking”).

¹⁹⁹ Miss. Code Ann. § 97-3-7(1) (misdemeanor “Simple assault”).

²⁰⁰ *Id.*

²⁰¹ Miss. Code Ann. § 97-37-19.

²⁰² *See, e.g.*, Miss. Code Ann. §§ 97-3-85 (misdemeanor “Threats and intimidation; by letter or notice”); 97-3-107 (misdemeanor “Stalking”); 97-29-45(1)(b) (“Obscene electronic communications” with intent to terrify, intimidate or harass, and threatening physical harm).

Missouri

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

Missouri has relatively strong laws to disarm hate, since it classifies most violent hate crimes as firearm-prohibiting felonies.

Missouri’s hate crime sentencing enhancement statute provides enhanced penalties for certain offenses that were “knowingly motivated” by animus toward the “race, color, religion, origin, sex, sexual orientation or disability of the victim or victims.”²⁰³ This statute has the effect of reclassifying some misdemeanors, including certain assault offenses, as felonies when they are perpetrated as hate crimes.²⁰⁴ (Ethnicity, gender, and gender identity are not included as protected categories in Missouri.)

Like federal law,²⁰⁵ Missouri generally prohibits people from accessing firearms if they have been convicted of a felony.²⁰⁶ Missouri does not restrict people convicted of violent misdemeanors from accessing firearms for any period of time, and also does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions.²⁰⁷ As a result, people convicted of violent hate crimes are generally only prohibited from accessing firearms in Missouri, under state and federal law, if they have been convicted of felonies.

However, Missouri law authorizes prosecutors to charge most violent hate crime offenses as felonies, including assaults involving threats or bodily injury,²⁰⁸ stalking involving threats of violence,²⁰⁹ unlawfully carrying or brandishing a firearm in a threatening manner,²¹⁰ and other criminal threats of violence and harassment.²¹¹

As a result, people convicted of violent hate crimes in Missouri are generally prohibited from accessing firearms under both state and federal law.

²⁰³ Mo. Ann. Stat. § 557.035; *State v. Callen*, 97 S.W.3d 105, 109 (Mo. Ct. App. 2002)

²⁰⁴ Assault in the fourth degree, for instance, is typically a class A misdemeanor, punishable by up to one year in prison, Mo. Ann. Stat. § 558.011(1), but is classified as a class E felony, punishable by up to four years in prison, when the offense was a hate crime. Mo. Ann. Stat. § 565.056; Mo. Ann. Stat. § 557.035.1(2).

²⁰⁵ Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by more than one year in prison or a state law misdemeanor offense punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²⁰⁶ Mo. Ann. Stat. § 571.070.1(1).

²⁰⁷ *Id.*; Mo. Ann. Stat. § 558.011.

²⁰⁸ Mo. Ann. Stat. § 565.056 (“Assault in the fourth degree”); Mo. Ann. Stat. § 557.035.1(2). See also, e.g., Mo. Ann. Stat. §§ 565.050 – 565.054

²⁰⁹ Mo. Ann. Stat. § 565.225(2)(1) (“Stalking in the first degree”).

²¹⁰ Mo. Ann. Stat. §§ 571.030(1)(4), 557.035(1).

²¹¹ Mo. Ann. Stat. §§ 574.115 – 574.120 (felony “Terrorist threats”); 565.090 (felony “Harassment”).

Montana

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✗	✗	✗	✗	✗

Montana’s hate and gun laws have significant gaps that allow people convicted of violent hate crimes to keep and access guns, including assault weapons, under state law, though hate crime convictions in Montana generally trigger federal firearm restrictions.

Montana law makes it a felony, punishable by up to five years in prison, to maliciously intimidate, harass, or injure a person, or destroy their property, because of the victim’s race, creed, religion, color, national origin, or involvement in civil rights or human rights activity.²¹² Montana also generally authorizes judges to impose extended prison sentences when it is proven a person committed any other crime on this basis.²¹³ (Ethnicity, gender, sexual orientation, gender identity, and disability are not protected categories in Montana.)

Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.²¹⁴ Because hate crimes in Montana are generally punishable by up to five or ten years in prison, people convicted of hate crimes in Montana are generally prohibited from accessing firearms under federal law.

However, under state law, Montana only prohibits firearm access by people who received an extended prison sentence for using a dangerous weapon in commission of certain felonies.²¹⁵ On its face, this law does not apply to felonies where the use of a weapon is an element of the offense, meaning paradoxically, that people convicted of using firearms in crimes like assault with a deadly weapon are not prohibited from accessing guns under Montana law.²¹⁶

As a result, people convicted of violent hate crimes generally remain eligible to access firearms under state law in Montana, including those sentenced to extended felony prison terms for hate crimes involving intentional infliction of serious bodily injury, injury with a weapon, intimidation, and credible threats of violence.²¹⁷ Importantly, though, such individuals are generally subject to federal firearm restrictions.

²¹² Mont. Code Ann. § 45-5-221 (“Malicious intimidation or harassment relating to civil or human rights”).

²¹³ Mont. Code Ann. § 45-5-222.

²¹⁴ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²¹⁵ Mont. Code Ann. § 45-8-313(1).

²¹⁶ Mont. Code Ann. § 46-18-221(1) (stating that a person is subject to the sentencing enhancement for offenses committed with a dangerous weapon “other than an offense in which the use of a weapon is an element of the offense”); Mont. Code Ann. § 45-5-213 (“Assault with weapon”). The state also allows otherwise ineligible people to purchase and possess firearms if they obtain a permit from their local court Mont. Code Ann. § 45-8-313(3).

²¹⁷ *E.g.*, Mont. Code Ann. §§ 45-5-221 (“Malicious intimidation or harassment relating to civil or human rights”); 45-5-202 (“Aggravated assault”); 45-5-213 (“Assault with weapon”); 45-5-201 (“Assault”); 45-5-203 (“Intimidation”).

Nebraska

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	⚡
State	✓	✓	✓	✓	⚡

Nebraska has relatively strong laws to disarm hate, since it classifies most violent hate crimes as firearm-prohibiting felonies.

Nebraska law reclassifies the severity of certain enumerated offenses committed because of a victim’s race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.²¹⁸ (Ethnicity and gender identity are not included as protected categories.) When motivated by hate, these enumerated crimes are generally elevated to the next higher penalty classification, so offenses that would otherwise be Class I misdemeanors, like assault in the third degree, are elevated to felonies.

Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.²¹⁹ Nebraska law similarly prohibits firearm access by people convicted of felonies.²²⁰ Under Nebraska law, felonies are punishable by more than one year, while misdemeanors are generally punishable by one year or less.

As a result, people convicted of hate crimes are generally subject to state and federal firearm restrictions in Nebraska if they are convicted of felonies or of crimes elevated to the level of a felony under the state’s hate crime sentencing law.²²¹

Nebraska treats most violent conduct as a felony when motivated by hate,²²² so most people convicted of violent hate crimes are prohibited from accessing firearms under state and federal law. People convicted of hate crime misdemeanors that are not elevated to felonies, though, generally remain eligible to access firearms under state and federal law, including people convicted of making certain criminal threats of violence.²²³

²¹⁸ Neb. Rev. Stat. § 28-111. Nebraska law also requires the state Commission on Law Enforcement and Criminal Justice to maintain a central repository “for the collection and analysis of information” regarding hate crimes. Neb. Rev. Stat. § 28-114.

²¹⁹ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).











²²⁰ Neb. Rev. Stat. § 28-1206. This prohibition extends to the purchase, lease, rent, or receipt of a firearm. *See State v. Tharp*, 854 N.W.2d 651, 656–57 (Neb. Ct. App. 2014).

²²¹ Neb. Rev. Stat. § 28-105.

²²² *See, e.g.*, Neb. Rev. Stat. §§ 28-308, 309 (felony “Assault in the first degree” and second degree); 28-311.01 (felony “Terroristic threats”); 28-310 (Class I misdemeanor Assault in the third degree, reclassified as a felony pursuant to Neb. Rev. Stat. § 28-111); 28-311.04(2) (felony “Stalking”); 28-311.04(1) (Class I misdemeanor Stalking, reclassified as a felony pursuant to Neb. Rev. Stat. § 28-111);

²²³ *See, e.g.*, Neb. Rev. Stat. § 28-1310(1)(b) (Class III misdemeanor “Intimidation by telephone call or electronic communication” involving threatened violence). Threatened violence may instead be charged as a felony “terroristic threat” under Neb. Rev. Stat. § 28-311.01, which would trigger state and federal firearm restrictions.

Nevada

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Nevada’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Nevada law imposes longer prison terms for certain offenses committed as hate crimes “by reason of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression” of the victim. (Ethnicity and gender are not included as protected categories.)²²⁴ When committed as hate crimes, specified misdemeanors like assault, battery, and harassment are instead treated as “gross misdemeanors,” punishable by up to 364 days imprisonment.²²⁵

Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.²²⁶ Misdemeanors and gross misdemeanors in Nevada are not punishable by a term long enough to trigger federal firearm restrictions.²²⁷

Like federal law, Nevada prohibits firearm access by people convicted of felonies, as well as people convicted of most stalking offenses.²²⁸ As a result, people convicted of violent hate crimes are generally prohibited from accessing guns in Nevada, under state and federal law, if they have been convicted of felonies, and they are prohibited under state law if they have been convicted of stalking. Nevada generally classifies violent crimes as firearm-prohibiting felonies if they involve substantial bodily harm or assault or battery with a deadly weapon.²²⁹

However, people convicted of violent hate-motivated misdemeanors generally remain eligible to access guns in Nevada, under state and federal law, including hate crimes involving intentional infliction of bodily injury,²³⁰ use of force to intimidate,²³¹ brandishing or discharging a firearm in a threatening manner,²³² and other credible threats of violence.²³³

²²⁴ Nev. Rev. Stat. Ann. §§ 193.1675; 207.185. Nevada law also authorizes judges to impose an additional prison term, if a person uses a firearm or other deadly weapon in the commission of a crime. Nev. Rev. Stat. Ann. § 193.165. However, this extended sentence may not exceed the sentence imposed for the crime and runs consecutively with the sentence for the underlying offense, meaning that people convicted of violent misdemeanors involving the use of a firearm are still not subject to state or federal firearm restrictions.

²²⁵ *Id.*; Nev. Rev. Stat. Ann. § 193.140. Misdemeanors are otherwise punishable by up to six months imprisonment. Nev. Rev. Stat. Ann. § 193.150.

²²⁶ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²²⁷ Nev. Rev. Stat. Ann. §§ 193.130; 193.140; 193.150.

²²⁸ Nev. Rev. Stat. Ann. § 202.360(1)(a), (b), (c).

²²⁹ Nev. Rev. Stat. Ann. §§ 200.481(2)(b), (c) (felony “Battery”); 200.471(2)(d) (felony “Assault”); 200.280 (felony “Mayhem”)

²³⁰ Nev. Rev. Stat. Ann. §§ 200.481(2)(a); 207.185 (gross misdemeanor hate-motivated “Battery”).

²³¹ Nev. Rev. Stat. Ann. §§ 200.471(2)(a) 207.185 (gross misdemeanor hate-motivated “Assault”)

²³² Nev. Rev. Stat. Ann. §§ 202.290; 202.320.

²³³ Nev. Rev. Stat. Ann. §§ 200.571; 207.185 (gross misdemeanor hate-motivated “Harassment” involving threats of violence).

New Hampshire

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	⚡	✗	✓	✗

New Hampshire’s hate and gun laws have significant gaps that allow people convicted of violent hate crimes to keep and access guns, including assault weapons, under state law, though hate crime convictions in the state generally trigger federal firearm restrictions.

New Hampshire law authorizes judges to impose extended prison sentences for people convicted of hate crimes if it is proven that the defendant was “substantially motivated to commit the [underlying] crime because of hostility towards the victim’s religion, race, creed, sexual orientation . . . national origin, sex, or gender identity.”²³⁴ (Disability and ethnicity are not included as protected categories.) This sentencing enhancement statute makes hate crime misdemeanors punishable by up to five years imprisonment.²³⁵

Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.²³⁶ State law in New Hampshire prohibits firearm access by people convicted of felonies but does not restrict those convicted of violent misdemeanors, including hate crimes, from accessing guns for any period of time.²³⁷ New Hampshire’s hate crime sentencing law makes misdemeanor hate crime convictions punishable by up to five years, so people convicted of these offenses are subject to firearm restrictions under federal but not state law.

New Hampshire generally classifies violent crimes as firearm-prohibiting felonies if they involve serious bodily injury, bodily injury with a deadly weapon,²³⁸ or criminal threats involving use of a deadly weapon.²³⁹

However, people convicted of violent hate crime misdemeanors are not restricted from accessing guns under state law, including those convicted of violently injuring a hate crime victim,²⁴⁰ stalking,²⁴¹ or making credible threats of violence without using a deadly weapon.²⁴²

²³⁴ N.H. Rev. Stat. Ann. § 651:6(I)(f). A defendant may receive this extended prison sentence if written notice of the potential sentence is given to the defendant at least 21 days prior to the commencement of jury selection for the trial. N.H. Rev. Stat. Ann. § 651:6(III).

²³⁵ N.H. Rev. Stat. Ann. § 625:9(III)(b).

²³⁶ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²³⁷ N.H. Rev. Stat. Ann. § 159:3. See also, N.H. Rev. Stat. Ann. § 159:7.

²³⁸ N.H. Rev. Stat. Ann. §§ 631:1(I) (felony “First degree assault”); 631:2(I) (felony “Second degree assault”).

²³⁹ N.H. Rev. Stat. Ann. § 631:4(II)(a) (felony “Criminal threatening”). See also, *State v. Kousounadis*, 159 N.H. 413, 433 (2009) (brandishing a firearm constitutes “use”).

²⁴⁰ N.H. Rev. Stat. Ann. § 631:2-a(I)(a) (misdemeanor “Simple assault”).

²⁴¹ N.H. Rev. Stat. Ann. § 633:3-a (misdemeanor “Stalking”).

²⁴² N.H. Rev. Stat. Ann. § 631:4(II)(b) (misdemeanor “Criminal threatening”).

New Jersey

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

New Jersey has some of the nation’s strongest laws to disarm hate.

New Jersey makes it a crime (called “bias intimidation”) to commit specified offenses, including most violent crimes,²⁴³ to intimidate a group or individual because of their race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.²⁴⁴ Under this law, bias intimidation crimes are treated, at a minimum, as “crimes of the fourth degree,” punishable by up to 18 months in prison.²⁴⁵ (New Jersey generally does not classify offenses as “felonies” or “misdemeanors,” but crimes that are punishable by more than one year under New Jersey law are generally considered the equivalent of felonies.)²⁴⁶

New Jersey is one of the few states that expressly prohibits people from accessing firearms based on a hate crime conviction: those convicted of bias intimidation or similar crimes in other jurisdictions are generally prohibited from accessing guns.²⁴⁷ Nearly all violent hate crime conduct may be charged under New Jersey’s bias intimidation statute, including assault, reckless endangering, criminal (“terroristic”) threats, stalking, and violent harassment.²⁴⁸

Because New Jersey makes bias intimidation punishable by more than one year in prison in all cases, people convicted of bias intimidation are also subject to federal law’s firearm restrictions as well.²⁴⁹

²⁴³ N.J. Stat. Ann. § 2C:16-1. The underlying crimes include (among others) homicide, murder, manslaughter, assault, reckless endangering, terroristic threats, stalking, kidnapping, arson, causing or risking widespread injury or damage, criminal mischief, and criminal trespass.

²⁴⁴ N.J. Stat. Ann. § 2C:16-1(a)(1)-(2). Bias intimidation may also occur if the perpetrator knows that their underlying criminal conduct would cause an individual or group of individuals to be intimidated because of protected characteristics. A third prong of this statute, however, was ruled unconstitutional vague by state courts in 2015. *State v. Pomianek*, 110 A.3d 841 (N.J. 2015).

²⁴⁵ N.J. Stat. Ann. § 2C:16-1(c); N.J. Stat. Ann. § 2C:43-6.

²⁴⁶ See, e.g., *In re Rettschlag*, No. A-5557-06T3, 2008 WL 1787466, at *1 (N.J. Super. Ct. App. Div. Apr. 22, 2008) (“Offenses that are punishable by imprisonment for more than one year are considered common law felonies.”); *Zaborowski v. New Jersey Div. of State Police*, No. A-4760-05T1, 2007 WL 935603, at *2 (N.J. Super. Ct. App. Div. Mar. 30, 2007) (“It is well established that our fourth-degree crimes, which are punishable in State prison for a term of up to eighteen months, are equivalent to common law felonies.”); *Kaplowitz by Kaplowitz v. State Farm Mut. Auto. Ins. Co.*, 201 N.J. Super. 593, 598 (Law. Div. 1985) (explaining that the New Jersey Supreme Court “concluded in *State v. Doyle*, 42 N.J. 334, 349 (1964), that only offenses that are punishable by more than one year in state prison should be treated as common law felonies. Hence, the term ‘felony’ may embrace fourth degree crimes, which are punishable by imprisonment of as much as 18 months . . . but it would not include disorderly persons offenses, for which the maximum term of imprisonment is 6 months.”).

²⁴⁷ N.J. Stat. Ann. § 2C:39-7.

²⁴⁸ N.J. Stat. Ann. § 2C:16-1(a).

²⁴⁹ Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

New Mexico

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

New Mexico's hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

New Mexico law generally authorizes judges to impose extended prison sentences when it is proven a person committed a hate-motivated felony based on a victim's actual or perceived race, religion, color, national origin, ancestry, age, handicapped status, gender, sexual orientation, or gender identity.²⁵⁰ (Disability and ethnicity are not included as protected categories.) However, state law does not provide extended sentences for misdemeanor hate crimes and does not otherwise treat hate-motivated misdemeanors more severely.²⁵¹

Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.²⁵² In New Mexico, misdemeanors, including hate crimes, are not punishable by more than one year in prison,²⁵³ so people are only subject to federal firearm restrictions if they are convicted of felonies.

State law in New Mexico prohibits people from accessing firearms for 10 years after completing a sentence or probation for a felony.²⁵⁴ New Mexico does not prohibit people convicted of violent hate crime misdemeanors from accessing guns for any period of time.

New Mexico generally classifies violent crimes as felonies if they involve the likelihood of "great bodily harm"²⁵⁵ or violence or threats with a deadly weapon.²⁵⁶ However, people convicted of many other hate-motivated assault, stalking, and battery offenses have nearly unrestricted access to guns,²⁵⁷ including those convicted of violently causing a victim to suffer "painful temporary disfigurement or temporary loss or impairment of the functions of [a bodily organ]."²⁵⁸

²⁵⁰ N.M. Stat. Ann. §§ 31-18B-3(A)-(B); 31-18B-2(D) (defining the term "motivated by hate"). In cases where it is proven beyond reasonable doubt that a person committed a crime motivated by hate, New Mexico law requires courts to include that determination in the judgement or sentence, pursuant to N.M. Stat. Ann. § 31-18B-3. State law also requires DAs and state and local law enforcement to collect and report data regarding hate crimes to the FBI "to the maximum extent possible." N.M. Stat. Ann. § 31-18B-4.

²⁵¹ N.M. Stat. Ann. § 31-18B-3(D).

²⁵² 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²⁵³ N.M. Stat. Ann. §§ 30-1-6(B)-(C); 31-19-1.

²⁵⁴ N.M. Stat. Ann. § 30-7-16(A).

²⁵⁵ N.M. Stat. Ann. § 30-3-5(C) (felony "Aggravated battery").

²⁵⁶ *Id.*; N.M. Stat. Ann. §§ 30-3-2 (felony "Aggravated assault"); 30-3A-3.1 (felony "Aggravated stalking").

²⁵⁷ *E.g.*, N.M. Stat. Ann. §§ 30-3-1 (petty misdemeanor "Assault"); 30-3A-3 (misdemeanor "Stalking" intended to place victim in apprehension of death or bodily harm); 39-3A-4 (petty misdemeanor "Battery").

²⁵⁸ N.M. Stat. Ann. § 30-3-1(B) (misdemeanor "Aggravated battery").

New York

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	⚡	✓	⚡
State	✓	✓	⚡	✓	⚡

New York has relatively strong laws to disarm hate, although some people convicted of violent hate-motivated misdemeanors are still eligible to access guns.

New York law classifies specified crimes as hate crimes when the offender intentionally commits the offense or selects the victim based at least in part “because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation” of the victim.²⁵⁹ In sentencing, New York law reclassifies these hate crimes as one level above the underlying crime: an offense that is ordinarily a class A misdemeanor (punishable by up to one year in prison), for instance, is elevated to a class E felony when it is a hate crime, and punishable by up to four years.²⁶⁰

New York does not expressly prohibit hate crime offenders from accessing firearms on this basis, but does broadly restrict gun access by people convicted of felonies or other specified “serious offenses.”²⁶¹ Under New York law, most violent conduct may be charged as a felony hate crime,²⁶² so most people convicted of violent hate crimes in the state are restricted from accessing firearms under both state and federal law.²⁶³

However, there are some gaps that allow people convicted of certain misdemeanor hate crimes to access firearms, including those convicted of “third degree menacing” (intentionally placing a victim in fear of death or imminent serious physical injury by physical act),²⁶⁴ and harassment offenses that involve “striking, shoving, [or] kicking,” or harassing conduct that places a victim in reasonable fear of physical injury.²⁶⁵ (However, in some cases, such conduct could instead be charged as felony hate crimes under other statutes, like assault.)

²⁵⁹ N.Y. Penal Law § 485.05(1)(a)-(b). The underlying offenses that are classified as hate crimes include, among other offenses: assault in the first, second, and third degrees; menacing in the first, second, and third degrees; reckless endangerment in the first and second degrees; strangulation in the first and second degrees; manslaughter in the second degree and, with some limitations, in the first degree; murder in the second degree; stalking in the first, second, third, and fourth degrees; certain rape and sexual abuse offenses each requiring an element of “forcible compulsion”; unlawful imprisonment in the first and second degrees; kidnapping in the first and second degrees; coercion in the first and second degrees; criminal mischief in the first, second, third, and fourth degrees; arson in the first, second, third, and fourth degrees; harassment in the first degree; and *certain* aggravated harassment offenses in the second degree. N.Y. Penal Law § 485.05(3).

²⁶⁰ N.Y. Penal Law § 485.10(2). See also N.Y. Penal Law §§ 70.15; 70.00.

²⁶¹ N.Y. Penal Law §§ 265.01; 400.00(1); 265.00(3) (defining “firearm”); 265.00(17) (defining “serious offense”).











²⁶² See, e.g., N.Y. Penal Law § 485.05(3); N.Y. Penal Law §§ 120.00 (assault in the third degree reclassified as a felony hate crime); 120.14 (“menacing in the second degree” reclassified as a felony hate crime); 120.50(3) (“stalking in the third degree” reclassified as a felony hate crime); 240.30(1), (2), (4) (“aggravated harassment in the second degree” reclassified as a felony hate crime).

²⁶³ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²⁶⁴ N.Y. Penal Law § 120.15 (reclassified as a class A misdemeanor as a hate crime and not considered a firearm-prohibiting “serious offense.”).

²⁶⁵ N.Y. Penal Law § 240.25; 240.26; 240.30(3) (Only certain subsections of New York’s “Aggravated harassment in the second degree” statute may be charged as hate crimes, omitting subsection (3)).

North Carolina

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

North Carolina’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

North Carolina has two hate crime sentencing statutes that generally reclassify the severity of misdemeanors committed because of a victim’s “race, color, religion, nationality, or country of origin,”²⁶⁶ and authorize extended prison terms if it is proven beyond a reasonable doubt that a person committed any offense on this basis.²⁶⁷ (Disability, sexual orientation, ethnicity, gender, and gender identity are not included as protected categories.) Under this law, Class 1 or A1 misdemeanors, which are punishable by less than one year in prison, are elevated to Class H felonies punishable by more than one year.²⁶⁸ State law also makes it a misdemeanor (called “ethnic intimidation”) to commit or threaten to commit a hate-motivated assault.²⁶⁹

North Carolina generally restricts firearm access by people convicted of most felonies or of misdemeanor assault by pointing a gun.²⁷⁰ North Carolina does not otherwise prohibit people convicted of violent hate crime misdemeanors from accessing guns for any period of time. Because the maximum punishment for misdemeanors is well under two years in prison in North Carolina,²⁷¹ hate crime offenders are only subject to federal firearm restrictions if they are convicted of felonies or misdemeanors that are reclassified as felonies.²⁷²

North Carolina generally classifies violent hate crimes as firearm-prohibiting felonies if they involve serious bodily injury, use of a deadly weapon,²⁷³ credible threats of violence,²⁷⁴ or stalking with fear of violence.²⁷⁵ However, people convicted of hate-motivated misdemeanors have nearly unrestricted access to guns, including people convicted of “ethnic intimidation” or of otherwise violently assaulting and battering a victim.²⁷⁶

²⁶⁶ N.C. Gen. Stat. Ann. § 14-3(c). The hate crime statute does not cover cases where the underlying crime is a felony. In March 2019, a bill called the Hate Crimes Prevention Act was introduced, which would have created a new category of hate crimes of “felonious assaults.” However, the bill failed to get a hearing. 2019 NC S.B. 209.

²⁶⁷ N.C. Gen. Stat. Ann. § 15A-1340.16(d)(17).

²⁶⁸ N.C. Gen. Stat. Ann. §§ 14-3(c); 15A-1340.17.

²⁶⁹ N.C. Gen. Stat. Ann. § 14-401.14(a).

²⁷⁰ N.C. Gen. Stat. § 14-415.11. This restriction does not apply to felony convictions for antitrust, unfair trade practices, or restraints of trade offenses, or if the person has been pardoned or has had their firearms rights restored as specified.

²⁷¹ See N.C. Gen. Stat. Ann. § 15A-1340.23.

²⁷² Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).











²⁷³ N.C. Gen. Stat. Ann. §§ 14-3(c); 14-32; 14-32.4; 14-33(c); 14-34; 14-34.10.

²⁷⁴ N.C. Gen. Stat. Ann. § 14-277.1 (class 1 misdemeanor “Communicating threats” reclassified as felony pursuant to Section 14-3(c)).

²⁷⁵ N.C. Gen. Stat. Ann. § 14-277.3A.

²⁷⁶ N.C. Gen. Stat. Ann. §§ 14-3(c); 14-33(a) (class 2 misdemeanor assault, battery); 14-404.14 (class 1 misdemeanor ethnic intimidation, assuming this hate crime misdemeanor is not eligible for reclassification under Section 14-3(c)).

North Dakota

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

North Dakota’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

North Dakota’s only criminal law directed against hate is a narrow statute banning discrimination in public places.²⁷⁷

Under North Dakota law, people are prohibited from accessing guns for 10 years after completing a sentence for a felony involving violence or intimidation, or for 5 years for any other felony.²⁷⁸ The state also restricts people from accessing guns for 5 years for a class A misdemeanor involving violence or intimidation if the person used or possessed a dangerous weapon when committing the crime.²⁷⁹ North Dakota does not otherwise prohibit people convicted of violent hate crime misdemeanors from accessing guns for any period of time.

Because the maximum punishment for misdemeanors in North Dakota is well under two years in prison,²⁸⁰ hate crime offenders are only subject to federal firearm restrictions if they are convicted of felonies.²⁸¹

North Dakota generally classifies violent hate crimes as felonies if they involve infliction or attempted infliction of “serious” bodily injury, bodily injury through use of a deadly weapon, firing a gun at another person,²⁸² as well as certain threats of violence.²⁸³ People convicted of such offenses are generally restricted from accessing guns for 10 years under state law and permanently under federal law.

However, people convicted of hate-motivated misdemeanors generally have nearly unrestricted access to guns, including those convicted of violently inflicting “substantial” (as opposed to “serious”) bodily injury,²⁸⁴ threatening imminent serious bodily injury,²⁸⁵ and stalking.²⁸⁶ People convicted of such offenses are restricted from accessing guns for five years under state law if they used or possessed a dangerous weapon in committing the crime.

²⁷⁷ N.D. Cent. Code Ann. § 12.1-14-04.

²⁷⁸ N.D. Cent. Code Ann. § 62.1-02-01.

²⁷⁹ N.D. Cent. Code Ann. § 62.1-02-01.

²⁸⁰ N.D. Cent. Code Ann. § 12.1-32-01(5)-(7).

²⁸¹ Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²⁸² N.D. Cent. Code Ann. § 12.1-17-02(1) (felony “Aggravated assault”).











²⁸³ N.D. Cent. Code Ann. § 12.1-17-04 (felony “Terrorizing”).

²⁸⁴ N.D. Cent. Code Ann. § 12.1-17-01.1 (class A misdemeanor “Assault”); see also, *State v. McAllister*, 939 N.W.2d 502, 509 (2020).

²⁸⁵ N.D. Cent. Code Ann. § 12.1-17-05 (class A misdemeanor “menacing”). See also, N.D. Cent. Code Ann. § 12.1-17-07(1)(a).

²⁸⁶ N.D. Cent. Code Ann. § 12.1-17-07.1 (class A misdemeanor “stalking”).

Ohio

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Ohio’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Ohio makes it an offense (called “ethnic intimidation”) to commit specified misdemeanors “by reason of the race, color, religion, or national origin” of a victim or victims.²⁸⁷ (Disability, gender, gender identity, and sexual orientation are not included as protected categories). Under this law, ethnic intimidation offenses are treated as one degree higher than the underlying crime,²⁸⁸ so certain misdemeanors are reclassified as lower-level (“fifth degree”) felonies.²⁸⁹

Under Ohio law, people are generally prohibited from accessing guns if they have been convicted of a violent felony,²⁹⁰ but Ohio does not prohibit people convicted of violent misdemeanors from accessing guns for any period of time. Federal law is somewhat broader, prohibiting firearm access by people convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.²⁹¹ Ohio does not make misdemeanors or fifth degree felonies punishable by terms long enough to trigger this federal law,²⁹² so people are only subject to federal firearm restrictions if they have been convicted of at least a fourth-degree felony in Ohio.

As a result, hate crime offenders are generally prohibited from accessing guns under both Ohio and federal law only if they have been convicted of violent felonies involving serious physical harm or stalking with threats of violence.²⁹³ People convicted of fifth degree felonies, like certain hate-motivated threats of serious physical harm, are restricted under state but not federal law.²⁹⁴

However, people convicted of violent hate-motivated misdemeanors in Ohio generally remain eligible to access guns under both state and federal law, including those convicted of injuring a victim in a hate crime assault,²⁹⁵ criminally threatening violence, or causing evacuation of a public place through threats of violence.²⁹⁶

²⁸⁷ Ohio Rev. Code Ann. § 2927.12. Judges may also consider hate-motivation in sentencing for felonies. Ohio Rev. Code Ann. § 2929.12(A).

²⁸⁸ Ohio Rev. Code Ann. § 2927.12(B).

²⁸⁹ See Ohio Rev. Code Ann. § 2901.02(A).

²⁹⁰ Ohio Rev. Code Ann. § 2923.13(A)(2); Ohio Rev. Code Ann. § 2901.01(9).

²⁹¹ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

²⁹² Ohio Rev. Code Ann. §§ 2929.14(A)(5); § 2929.24(A)(1). Under Ohio law, fifth degree felonies are punishable by a maximum term of 12 months in prison so do not trigger federal restrictions applicable to felonies punishable by a term “exceeding one year.”











²⁹³ Ohio Rev. Code Ann. §§ 2923.13(A); 2903.11; 2903.12 (aggravated assault); 2903.211(B)(2)(b) (stalking with threats of physical harm).

²⁹⁴ Ohio Rev. Code Ann. § 2903.21 (aggravated menacing reclassified as fifth degree felony).

²⁹⁵ Ohio Rev. Code Ann. § 2903.13 (first degree misdemeanor assault, not eligible for reclassification under ethnic intimidation statute).

²⁹⁶ Ohio Rev. Code Ann. §§ 2903.22 (menacing, reclassified as third degree misdemeanor under ethnic intimidation statute); 2917.31 (first degree misdemeanor “inducing panic,” not eligible for reclassification under ethnic intimidation statute).

Oklahoma

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Oklahoma’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Oklahoma’s hate crime statute generally makes it a misdemeanor (called “malicious harassment”) to commit specified conduct—including assault, battery, and credible threats of assault or battery—maliciously and with specific intent to intimidate or harass another person because of their race, color, religion, ancestry, national origin, or disability.²⁹⁷ (Ethnicity, sexual orientation, gender, and gender identity are not included as protected categories.) Under this law, first time malicious harassment offenses are misdemeanors punishable by up to one year in prison, although repeat convictions for this same offense may instead be charged as felonies.²⁹⁸

Oklahoma law generally prohibits people from accessing guns if they have been convicted of a felony.²⁹⁹ But Oklahoma generally does not prohibit people convicted of violent misdemeanors from accessing guns for any period of time, and does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions either.³⁰⁰ As a result, hate crime offenders in Oklahoma are generally prohibited from accessing guns, under state and federal law, only if they have been convicted of a felony.

Oklahoma generally classifies violent hate crimes as firearm-prohibiting felonies if they involve infliction or attempted infliction of serious bodily harm or death,³⁰¹ assault or battery with a dangerous weapon, or shooting at a person with the intent to injure or kill.³⁰²

However, people convicted of violent hate-motivated misdemeanors in Oklahoma generally remain eligible to access guns under both state and federal law, including those convicted of injuring a victim in a hate crime assault and battery,³⁰³ threatening to violently inflict serious bodily harm or death,³⁰⁴ brandishing firearms,³⁰⁵ and stalking.³⁰⁶

²⁹⁷ Okla. Stat. Ann. tit. 21, § 850(A)-(C). State and local law enforcement are also required to submit monthly reports detailing the incidence and disposition of hate crimes to the Oklahoma State Bureau of Investigation. Okla. Stat. Ann. tit. 21, § 850(F).

²⁹⁸ Okla. Stat. Ann. tit. 21, § 850(D)-(E).

²⁹⁹ Okla. Stat. Ann. tit. 21, § 1283. State law defines crimes as felonies if they *may* be punishable by imprisonment in the state penitentiary (or death), even if an individual defendant’s punishment does not involve imprisonment in the penitentiary. Okla. Stat. Ann. tit. 21, § 5; *Braly v. Wingard*, 326 P.2d 775, 775 (Okla. 1958); *United States v. Maxwell*, 492 Fed. Appx 860, 868 (10th Cir. 2012).

³⁰⁰ Okla. Stat. Ann. tit. 21, § 10. Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁰¹ Okla. Stat. Ann. tit. 21, § 1378(A) and (C). See also Okla. Stat. Ann. tit. 21, § 646 (aggravated assault involving “great bodily injury”).

³⁰² Okla. Stat. Ann. tit. 21, §§ 645 – 647; 652 – 53.











³⁰³ Okla. Stat. Ann. tit. 21, § 850(A).

³⁰⁴ Okla. Stat. Ann. tit. 21, §§ 1378(B); 644(A) and (B); 1172(A)(2), (A)(3).

³⁰⁵ Okla. Stat. Ann. tit. 21, § 1279.

³⁰⁶ Okla. Stat. Ann. tit. 21, § 1173(A).

Oregon

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Oregon’s hate and gun laws have gaps that allow some people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Oregon’s hate crime (or “bias crime”) laws generally make it a felony to intentionally, knowingly, or recklessly cause physical injury, or intentionally place another person in fear of imminent serious physical injury, because of the victim’s actual or perceived race, color, religion, gender identity, sexual orientation, disability, or national origin.³⁰⁷ (Note, however, that judges are authorized to reclassify this crime as a misdemeanor instead if the court believes a felony conviction would be “unduly harsh.”)³⁰⁸ Oregon also makes it a misdemeanor to, among other things, intentionally alarm a bias crime victim by threatening to inflict serious physical injury.³⁰⁹ This bias crime misdemeanor is punishable by up to 364 days in prison.³¹⁰

Oregon generally prohibits people from accessing guns if they have been convicted of a felony or of a misdemeanor stalking offense.³¹¹ Oregon also prohibits people from selling or transferring guns to people who have been convicted of specified violent misdemeanors, including assault and bias-motivated offensive contact, within the previous four years.³¹² Unusually, however, this law only applies to the person selling or transferring a firearm and does not actually penalize the person convicted of a violent misdemeanor if they acquire guns or continue to possess them after conviction.³¹³ Oregon does not make misdemeanors punishable by a term long enough to trigger federal firearm laws, so hate crime offenders are generally restricted from accessing guns under both Oregon and federal law only if they have been convicted of a felony (or under state law if they are convicted of misdemeanor stalking).³¹⁴

Oregon generally classifies violent hate crimes as firearm-prohibiting felonies if they involve physical injury or acts that intentionally place a victim in fear of imminent serious injury.³¹⁵ However, people convicted of misdemeanor bias crimes involving credible threats of serious violence, or offensive physical contact, remain eligible to access guns under both state and federal law.³¹⁶

³⁰⁷ Or. Rev. Stat. § 166.165. This law also makes it a felony to cause physical injury to another person with criminal negligence by means of a deadly weapon on this basis.

³⁰⁸ Or. Rev. Stat. § 161.705.

³⁰⁹ Or. Rev. Stat. § 166.155.

³¹⁰ Or. Rev. Stat. § 161.615.

³¹¹ Or. Rev. Stat. § § 166.270(1)(c)(C), (4); 166.470(1)(b).

³¹² Or. Rev. Stat. § 166.470(1)(g).











³¹³ See Or. Rev. Stat. § 166.255.

³¹⁴ Or. Rev. Stat. § 161.615. Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³¹⁵ Or. Rev. Stat. §§ 166.165 (unless judges reclassify such offenses as misdemeanors under § 161.705); 163.175; 163.185.

³¹⁶ See Or. Rev. Stat. § 166.470(1)(g) (violent misdemeanor offenders not prohibited from possessing or acquiring guns and sale or delivery of guns to people convicted of misdemeanor bias crimes under § 166.155(1)(c)(A) for threatening to inflict serious physical injury is also not prohibited).

Pennsylvania

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Pennsylvania’s hate and gun laws have significant gaps that allow some people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Pennsylvania makes it an offense (called “ethnic intimidation”) to commit specified crimes “motivated by hatred” toward the race, color, religion, or national origin of a victim or victims.³¹⁷ (Disability, gender, gender identity, and sexual orientation are not included as protected categories.) Under this law, ethnic intimidation offenses are generally treated as one degree higher than the underlying crime, so certain misdemeanors are reclassified as lower-level felonies when perpetrated as “ethnic intimidation” hate crimes.³¹⁸

Pennsylvania prohibits people from accessing guns if they have been convicted of any of a list of specified, mostly violent crimes, regardless of whether the offense is a felony or misdemeanor.³¹⁹ This list of firearm-prohibiting offenses does not include ethnic intimidation, so hate crime offenders are generally not prohibited from accessing guns under Pennsylvania law. Hate crimes also do not become firearm-prohibiting under state law when they are reclassified as felonies.

Federal law, however, generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³²⁰ In Pennsylvania, “first degree” misdemeanors are punishable by up to five years,³²¹ so both felony and first degree misdemeanor convictions trigger federal firearm restrictions.

People convicted of violent hate crimes involving serious physical injury, injury with a deadly weapon, or stalking are generally prohibited from accessing guns under both Pennsylvania and federal law.³²² Others convicted of offenses like hate crime assaults and “terroristic threats” of violence,³²³ are generally subject to federal firearm restrictions only. People convicted of other violent hate crime misdemeanors, however, like violent harassment (striking, shoving, or kicking a victim), remain eligible to access guns under both state and federal law, as well as people convicted of assault if their crime is not prosecuted as a hate crime.³²⁴

³¹⁷ 18 Pa.C.S. § 2710(a) and (c). People may be convicted of ethnic intimidation without being separately convicted of another underlying offense, so long as the judge or jury finds that the person committed acts constituting the underlying offense. *Commonwealth v. Magliocco*, 584 Pa. 244, 265-66 (Pa. 2005).

³¹⁸ 18 Pa.C.S. § 2710(b); Se 18 Pa.C.S. § 106.

³¹⁹ 18 Pa.C.S. § 6105.

³²⁰ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).











³²¹ 18 Pa.C.S. § 106(b)(6).

³²² 18 Pa.C.S. §§ 6105; 2702(a) (felony aggravated assault); 2709.1 (stalking reclassified as felony pursuant to § 2710);

³²³ 18 Pa.C.S. §§ 2701 (simple assault reclassified as first degree misdemeanor); 2706 (terroristic threats reclassified as felony).

³²⁴ See 18 Pa.C.S. § 2709(a)(1) (reclassified as second degree misdemeanor).

Rhode Island

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Rhode Island’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Rhode Island has a hate crime sentencing enhancement statute that provides extended sentences in cases where it is proven beyond reasonable doubt that a person committed any crime because of “hatred or animus toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender” of the victim.³²⁵ (Ethnicity and gender identity are not expressly included as protected categories.) This law does not, however, authorize punishment for hate crime misdemeanors longer than one year in prison or otherwise reclassify hate crime misdemeanors as felonies.³²⁶

Rhode Island prohibits people from accessing guns if they have been convicted of specified “crime[s] of violence,” nearly all of which are felonies.³²⁷ Federal law generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³²⁸ (In Rhode Island misdemeanors are not punishable by more than one year,³²⁹ so people are only subject to federal firearm restrictions if they are convicted of felonies.)

As a result, hate crime offenders are generally prohibited from accessing guns under both Rhode Island and federal law if they are convicted of felony “crimes of violence,” which includes crimes like assault or battery involving grave bodily injury and assault with a dangerous weapon.³³⁰ People convicted of felonies that are not defined as “crimes of violence,” including harassment by stalking,³³¹ are subject to federal firearm restrictions only. (Some very violent crimes, such as “drive-by shootings,” are not explicitly defined as “crimes of violence” either.)³³²

People convicted of violent hate crime misdemeanors generally remain eligible to access guns under both state and federal law, including people convicted of hate crime assaults and batteries for threatening and/or inflicting bodily injury, or engaging in other threatening and violent behavior.³³³

³²⁵ R.I. Gen. Laws § 12-19-38. State law also requires police departments to report hate crimes to the State Police. R. I. Gen. Laws § 12-24-1; R. I. Gen. Laws §§ 42-28-46(a)(2), (b).

³²⁶ R.I. Gen. Laws §§ 12-19-38(c), (d); R.I. Gen. Laws § 11-1-2.

³²⁷ R.I. Gen. Laws § 11-47-5(a); R.I. Gen. Laws § 11-47-2(4).

³²⁸ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³²⁹ R.I. Gen. Laws § 11-1-2.











³³⁰ R.I. Gen. Laws §§ 11-5-1; 11-5-2; 11-47-2(4); 11-29-1. Note that the terms used in R.I. Gen. Laws § 11-47-2(4) do not line up perfectly with the terms used in the felony statutes in R.I. Gen. Laws § 11-5.

³³¹ R.I. Gen. Laws § 11-59-1; R.I. Gen. Laws § 11-59-2.

³³² See, e.g., R.I. Gen. Laws §§ 11-47-2(4); 11-47-61.

³³³ See R.I. Gen. Laws §§ 11-5-3 (misdemeanor simple assault or battery); 11-45-1-(a)(1) (misdemeanor violent disorderly conduct).

South Carolina

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

South Carolina’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

South Carolina is one of the only states in the nation that still has no criminal hate crime statute.

Under state law, South Carolina prohibits people from accessing guns if they have been convicted of specified violent felonies.³³⁴ Federal law is broader and generally prohibits people from accessing firearms if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³³⁵ In South Carolina, Class A misdemeanors are punishable by up to three years,³³⁶ so people are generally subject to federal firearm restrictions if they are convicted of either felonies or Class A misdemeanors in South Carolina.

As a result, hate crime offenders are generally prohibited from accessing guns under both South Carolina and federal law only if they are convicted of specified violent felonies, including assault and battery involving great bodily injury.³³⁷

However, people convicted of many other violent felonies and class A misdemeanors in South Carolina are subject to federal firearm restrictions only, including people convicted of shooting a firearm into an occupied building or home; violently inflicting “moderate bodily injury” (defined to include “prolonged loss of consciousness” or temporary or moderate disfigurement or loss of the function of a bodily organ); seriously injuring a victim through acts of mob violence; threateningly pointing a firearm at a victim; threatening or attempting to injure a person with a deadly weapon; and stalking with threats of violence.³³⁸

People convicted of other violent hate crime misdemeanors also generally remain eligible to access guns under both state and federal law, including people convicted of injuring a victim in a hate crime assault and battery, or threatening violence.³³⁹

³³⁴ S.C. Code Ann. § 16-23-500(A); S.C. Code Ann. § 16-1-60.

³³⁵ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³³⁶ S.C. Code Ann. § 16-1-20(A)(7)-(9).

³³⁷ S.C. Code Ann. §§ 16-1-60, 16-3-600(B).

³³⁸ S.C. Code Ann. §§ 16-1-60; 16-23-440(A); 16-3-210(C); 16-3-600(C), (D); 16-23-410; 16-3-1730(A).

³³⁹ S.C. Code Ann. §§ 16-1-60; 16-3-600(E); 16-3-210(D).

South Dakota

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

South Dakota’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

South Dakota’s hate crime law makes it a felony (called “malicious intimidation or harassment”) to, among other things, maliciously cause or credibly threaten to cause physical injury with specific intent to intimidate or harass a victim or victims because of their race, ethnicity, religion, ancestry, or national origin.³⁴⁰ (Gender, gender identity, disability, and sexual orientation are not included as protected categories.)

South Dakota prohibits people from accessing guns for 15 years after completing a sentence for a “crime of violence,” which is defined to include specified crimes like aggravated assault and any other felony in which the perpetrator used force or was armed with a dangerous weapon.³⁴¹ Broader federal laws prohibit people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁴² (In South Dakota, misdemeanors are not punishable by more than one year,³⁴³ so people are generally subject to federal firearm restrictions only if they are convicted of felonies.)

Most violent hate-motivated conduct may be charged as felony “malicious intimidation or harassment” in South Dakota, so people convicted under that hate crime law are generally subject to federal law’s firearm restrictions. If the hate crime involves the use of force or presence of a dangerous weapon, that offense will generally be considered a “crime of violence” and trigger South Dakota’s 15-year state law firearm restriction too.

People convicted of other felonies, including a felony hate crime for credibly threatening violence, are subject to federal firearm restrictions only since the offense is not considered a “crime of violence” under South Dakota law.³⁴⁴

Additionally, people convicted of violent misdemeanors generally remain eligible to access guns in South Dakota under both state and federal law, including people convicted of injuring someone in an assault, or stalking with threats of violence,³⁴⁵ though these crimes could in some cases be charged as a felony “malicious intimidation or harassment” hate crime instead.

³⁴⁰ S.D. Codified Laws § 22-19B-1. As a class 6 felony, this crime is generally punishable by up to two years imprisonment in the state penitentiary, although judges may instead sentence the defendant to up to one year in county jail instead. S.D. Codified Laws §§ 22-6-1(9); 22-6-1.1.

³⁴¹ S.D. Codified Laws § 22-14-15; S.D. Codified Laws § 22-1-2(9).











³⁴² 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁴³ S.D. Codified Laws § 22-6-2.

³⁴⁴ S.D. Codified Laws § 22-19B-1(4). This offense is a firearm-prohibiting felony for the purposes of federal firearm laws because it is punishable by more than one year in prison but is not a firearm-prohibiting “crime of violence” under South Dakota law unless the perpetrator uses force or is armed with a dangerous weapon in committing the offense.

³⁴⁵ S.D. Codified Laws § 22-18-1; S.D. Codified Laws § 22-19A-1.

Tennessee

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Tennessee's hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Tennessee has a narrow hate crime law, which makes it a felony (called “civil rights intimidation”) to, among other things, injure or threaten to injure another person with the intent to unlawfully intimidate them from freely exercising legally and constitutionally protected rights.³⁴⁶ Tennessee also makes hate motivation a factor in criminal sentencing, though this generally does not affect the maximum sentence that may be imposed for an offense or otherwise reclassify any misdemeanors as felonies.³⁴⁷

Tennessee law prohibits people from accessing firearms if they have been convicted of specified violent felonies, including aggravated assault, or of a felony involving the use of a deadly weapon.³⁴⁸ Tennessee also generally prohibits people convicted of all other felonies from accessing handguns but not other firearms such as assault rifles.³⁴⁹

Federal law is somewhat broader and generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁵⁰ (In Tennessee, misdemeanors are not punishable by more than one year,³⁵¹ so people are generally subject to federal firearm restrictions only if they are convicted of felonies.)

As a result, hate crime offenders in Tennessee are generally prohibited from accessing guns under both state and federal law only if they are convicted of specified felonies like aggravated assault resulting in serious bodily injury or of other felonies involving use of a deadly weapon. People convicted of most felonies, including most violent “civil rights intimidation” offenses and stalking with threats of violence,³⁵² are generally prohibited from accessing handguns under both state and federal law but are restricted from accessing long guns under federal law only.

People convicted of violent hate-motivated misdemeanors generally remain eligible to access firearms under both state and federal law, including people convicted of violently injuring someone in an assault or making credible threats of hate-motivated violence.³⁵³

³⁴⁶ Tenn. Code Ann. § 39-17-309.

³⁴⁷ Tenn. Code Ann. § 40-35-114(17). This law authorizes judges to depart from standard sentencing ranges if the victim was intentionally selected due to their race, religion, color, disability, sexual orientation, national origin, ancestry, or gender.

³⁴⁸ Tenn. Code Ann. §§ 39-17-1307(b)(1)(B); 39-17-1301 (defining “Crime of violence”); 39-13-102(a) (defining “aggravated assault”).

³⁴⁹ Tenn. Code Ann. § 39-17-1307(c)(1).











³⁵⁰ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁵¹ Tenn. Code Ann. § 40-35-111(e).

³⁵² Tenn. Code Ann. § 39-17-315(c)(1)(D), (c)(2).

³⁵³ Tenn. Code Ann. §§ 39-13-101; 39-17-308(a)(1).

Texas

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Texas’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Texas has a hate crime sentencing enhancement statute, which generally increases the maximum sentence for violent crimes where it is proven that the perpetrator intentionally selected the victim because of bias or prejudice based on race, color, disability, religion, national origin or ancestry, age, gender or sexual preference, or by status as a peace officer or judge.³⁵⁴ (Ethnicity and gender identity are not expressly included as protected categories). However, this law does not reclassify any misdemeanors as felonies or otherwise make misdemeanors punishable by longer than one year.³⁵⁵

Texas law prohibits people from accessing firearms for five years after completing a sentence for a felony conviction; after that five-year period, Texas generally authorizes such individuals to acquire guns and possess them on their residential property.³⁵⁶ People convicted of violent hate-motivated misdemeanors are not restricted from accessing guns for any period of time.

Federal law is somewhat broader and generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁵⁷ (In Texas, misdemeanors are not punishable by more than one year,³⁵⁸ so people are generally subject to state and federal firearm restrictions only if they are convicted of felonies.)

Texas generally defines violent conduct as felonies if they result in serious bodily injury, involve the use or display of a deadly weapon, or involve threatening stalking.³⁵⁹

However, people convicted of violent hate-motivated misdemeanors generally remain eligible to access firearms under both state and federal law, including people convicted of violently injuring or choking someone in an assault, threateningly brandishing firearms, or making credible “terroristic” threats of serious violence.³⁶⁰

³⁵⁴ Tex. Penal Code Ann. § 12.47(a); Tex. Code Crim. Proc. Ann. art. § 42.014(a). (This sentencing statute applies to offenses under Title 5 of the Penal Code, which encompasses “offenses against the person”).

³⁵⁵ Tex. Penal Code Ann. §§ 12.47(a); 12.21.

³⁵⁶ Tex. Penal Code Ann. §§ 46.04(a)(1); 46.04(a)(2).











³⁵⁷ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁵⁸ Tex. Penal Code Ann. §§ 12.47(a); 12.21.

³⁵⁹ Tex. Penal Code Ann. §§ 22.02(b) (felony “aggravated assault”); 42.072(a) (felony “stalking”).

³⁶⁰ Tex. Penal Code Ann. §§ 22.01(a) (misdemeanor “assault”); 22.07(a)(2), (c) (misdemeanor “terroristic threats”); 42.07(a)(2) (misdemeanor “harassment” with threats of violence); 42.01(a)(8) (misdemeanor “disorderly conduct” for brandishing firearm). *See also*, 22.01(b)(2)(B) and 22.01(b-3) (assault involving choking defined as felony only in specified domestic violence incidents). Terroristic threats may be charged as a firearm-prohibiting felony instead if it is proven the defendant threatened to commit violence with intent to place the public or a substantial group of the public in fear of serious bodily injury, as opposed to an individual victim or victims. *See* Tex. Penal Code Ann. § 22.07(a)(5), (e).

Utah

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Utah’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Under a new law enacted in 2019, Utah authorizes extended prison sentences for people convicted of hate crimes. This law generally classifies offenses as one degree higher than the underlying crime if it is proven the offender intentionally selected the victim because of a belief or perception regarding the victim’s ancestry, disability, ethnicity, gender identity, national origin, race, religion, and sexual orientation or other enumerated personal attributes.³⁶¹ Under this law, Class A misdemeanors (typically punishable by less than one year in prison) are reclassified as felonies (punishable by up to five years) when perpetrated as hate crimes.³⁶²

Utah law generally prohibits people from accessing firearms if they have been convicted of a felony.³⁶³ Federal law similarly prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁶⁴ In Utah, misdemeanors are not punishable by more than one year,³⁶⁵ so people are generally subject to state and federal firearm restrictions only if they are convicted of felonies (or crimes reclassified as felonies under Utah’s new hate crime law).

Utah generally defines violent conduct as a firearm-prohibiting felony if it involves the use of a dangerous weapon or force likely to produce death or serious bodily injury.³⁶⁶ People convicted since May 2019 of hate crime assault resulting in “substantial” bodily injury or stalking with threats of violence are also generally subject to both state and federal firearm restrictions since Utah’s new hate crime law reclassifies these offenses as felonies when they are hate crimes.

However, people convicted of violent hate crime misdemeanors generally remain eligible to access firearms in Utah under both state and federal law, including people convicted of violently injuring or choking someone in an assault, threateningly brandishing firearms, or making credible threats of serious violence.³⁶⁷

³⁶¹ Utah Code Ann. § 76-3-203.14, enacted by 2019 UT SB 103. A separate Utah law also authorizes extended jail terms for lower-level (class B or C) misdemeanors committed with intent to terrorize or intimidate a person from freely exercising legally or constitutionally protected rights, but this statute does not reclassify any misdemeanors as felonies or trigger any state or federal firearm restrictions. See Utah Code Ann. §§ 76-3-203.3(2)(a); 76-3-203.3(3).

³⁶² Utah Code Ann. § 76-3-203.14(3)(a)(iii); Utah Code Ann. § 76-3-204; Utah Code Ann. § 76-3-203(3).

³⁶³ Utah Code Ann. § 76-10-503(1)(b)(i), (3)











³⁶⁴ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁶⁵ Utah Code Ann. § 76-3-204.

³⁶⁶ Utah Code Ann. §§ 76-5-103(1)(b) (felony “aggravated assault”); 76-5-106.5(8)(a) (felony aggravated stalking).

³⁶⁷ Utah Code Ann. §§ 76-5-102 (class B misdemeanor “assault” not resulting in substantial bodily injury); 76-5-106 (“harassment”); 76-5-107 (“threat of violence”). See also, Utah Code Ann. § 76-5-103(1)(b) (for limited instances where choking is felony aggravated assault).

Vermont

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Vermont’s hate and gun laws have significant gaps that allow people to keep and access guns, including assault weapons, after they have been convicted of violent hate crimes.

Vermont has a hate crime sentencing enhancement statute, which provides for extended prison sentences for people convicted of committing any crime that was maliciously motivated by the victim’s actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the Armed Forces, disability, sexual orientation, or gender identity.³⁶⁸ Under this law, misdemeanors that are typically punishable by over one year in prison are reclassified as felonies when they are committed as hate crimes.³⁶⁹

Vermont law prohibits people from accessing firearms if they have been convicted of specified violent crimes, including felony aggravated assault and stalking offenses.³⁷⁰ Federal law prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁷¹ Though misdemeanors are not punishable by more than two years in Vermont, the state’s hate crime statute reclassifies some misdemeanors as felonies punishable by well over one year in prison.

As a result, people convicted of hate-motivated violent felonies (or crimes reclassified as felonies) are generally prohibited from accessing guns under both Vermont and federal law,³⁷² including those convicted of hate-motivated stalking, or aggravated assault for inflicting or attempting to inflict serious bodily injury or bodily injury with a deadly weapon, or for threatening to use a deadly weapon against a person while armed with that weapon.³⁷³

However, people convicted of violent hate crime misdemeanors generally remain eligible to access firearms in Vermont under both state and federal law, including people convicted of violently injuring someone in an assault, threateningly shooting a firearm toward another person, or making credible threats of serious violence.³⁷⁴

³⁶⁸ Vt. Stat. Ann. tit. 13, § 1455.

³⁶⁹ Vt. Stat. Ann. tit. 13, § 1455(2). Vermont defines felonies as any offense with a maximum term of imprisonment of over two years. All other crimes are considered misdemeanors. Vt. Stat. Ann. tit. 13, § 1.

³⁷⁰ Vt. Stat. Ann. tit. 13, §§ 4017(a), (d)(3); 5301(7); 1024; 1062; 1063. Misdemeanor stalking is reclassified as a felony when committed as a hate crime. Vt. Stat. Ann. tit. 13, §§ 1455; 1062.











³⁷¹ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁷² People convicted of felonies, or hate crime offenses reclassified as felonies, that are not defined as firearm-prohibiting “violent crimes” under Vt. Stat. Ann. tit. 13, § 4017 are only be subject to federal firearm restrictions. However, few if any crimes fall into this category in Vermont.

³⁷³ See Vt. Stat. Ann. tit. 13, § 1024 (felony “aggravated assault”). People convicted of hate-motivated stalking are also prohibited under state and federal law since this crime is a firearm-prohibiting “violent crime” under Vermont law and is punishable by up to five years as a hate crime.

³⁷⁴ These offenses are not punishable by more than two years or reclassified as felonies even under Vermont’s hate crime law and are also not defined as firearm-prohibiting “violent crimes” under state law either: Vt. Stat. Ann. tit. 13, §§ 1023 (“Simple assault”); 1026a(1), 4 (“Aggravated disorderly conduct”); 1702 (“Criminal threatening”); 4011 (“Aiming gun at another” and discharging firearm);

Virginia

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Virginia’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Virginia law provides for extended prison terms for hate-motivated assault and battery offenses specifically: it is a felony in Virginia to commit an “assault and battery resulting in bodily injury” if the offender selected the victim on the basis of race, religion, gender, gender identity, disability, sexual orientation, color, or national origin.³⁷⁵ Unless the victim suffered bodily injury, however, violent hate-motivated assault and battery offenses are classified as misdemeanors, punishable by up to one year confinement.³⁷⁶

Virginia generally prohibits people from accessing firearms if they have been convicted of a felony.³⁷⁷ Federal law similarly prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁷⁸ In Virginia, misdemeanors are punishable by no more than one year,³⁷⁹ so hate crime offenders are generally subject to state and federal firearm restrictions only if they are convicted of felonies.

As described above, Virginia generally makes it a felony to perpetrate a hate-motivated assault and battery resulting in bodily injury or to make credible threats of violence in a written or electronic communication.³⁸⁰ People convicted of these offenses are generally prohibited from accessing guns under both state and federal law in Virginia.

However, people convicted of violent hate crime misdemeanors generally remain eligible to access firearms under Virginia and federal law, including those convicted of assault and batteries that do not result in bodily injury, verbal threats of violence, threateningly brandishing a firearm, or stalking.³⁸¹

³⁷⁵ Va. Code Ann. §§ 18.2-57(B). Virginia law also requires state and local law enforcement agencies to report hate crimes to the State Police Department, and defines a “hate crime” for these purposes. See Va. Code Ann. § 52-8.5. Other Virginia laws criminalize specific hate-motivated conduct, including a law that makes it a felony to conspire to “incite the population of one race to acts of violence and war against the population of another race.” Va. Code Ann. § 18.2-485.

³⁷⁶ Va. Code Ann. § 18.2-57(A); Va. Code Ann. § 18.2-11(a).

³⁷⁷ Va. Code Ann. § 18.2-308.2(A).

³⁷⁸ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁷⁹ Va. Code Ann. § 18.2-11.

³⁸⁰ Va. Code Ann. §§ 18.2-57(B); Va. Code Ann. § 18.2-60(A)(1).

³⁸¹ See Va. Code Ann. §§ 18.2-57(A) (Simple assault or assault and battery without bodily injury); 18.2-282 (Threateningly brandishing a firearm); Va. Code Ann. § 18.2-60.3 (Stalking).

Washington

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

Washington has relatively strong laws to disarm hate, since state law generally classifies hate crimes involving violence or credible threats of violence as firearm-prohibiting felonies.

Washington has a broad, standalone hate crime offense that makes it a felony to maliciously and intentionally cause physical injury to another person or their property, or to make threats that cause reasonable fear of harm to a specific person or group of people, based on the victim’s “race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.”³⁸²

Like federal law, Washington law generally prohibits people from accessing a firearm if they have been convicted of a felony.³⁸³ Because Washington generally classifies hate crimes as felonies if they involve violence or credible threats of violence, people convicted of violent hate crimes in Washington are generally prohibited from accessing firearms under both state and federal law.³⁸⁴

Washington does not prohibit people convicted of violent misdemeanors from accessing firearms for any period of time, except in the domestic violence context, and also does not make violent misdemeanors punishable by a term long enough to trigger federal firearm restrictions.³⁸⁵

As a result, people who commit certain assault, harassment, firearm brandishing, and stalking offenses are only prohibited from accessing firearms in Washington if they are convicted under the state’s felony hate crime statute.

³⁸² Wash. Rev. Code § 9A.36.080. Washington law also requires state authorities to collect data reported by local law enforcement regarding hate crimes. Wash. Rev. Code § 36.28A.030.

³⁸³ Wash. Rev. Code § 9.41.040(2)(a). Federal law prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁸⁴ *Id.*

³⁸⁵ Wash. Rev. Code § 9A.20.021(3); Wash. Rev. Code § 9A.20.010(2)(a); Wash. Rev. Code § 9A.04.040(2).

West Virginia

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal	✓	✓	✓	✓	✓
State	✓	✓	✓	✓	✓

West Virginia has relatively strong laws to disarm hate since state law generally makes it a firearm-prohibiting felony to commit a hate crime involving the use or threatened use of force.

West Virginia’s hate crime statute makes it a felony to use force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten a person in the free exercise or enjoyment of any legally or constitutionally protected right or privilege, including the right to be free from violence or intimidation, because of the victim’s color, religion, ancestry, national origin, political affiliation, or sex.³⁸⁶ (Disability, sexual orientation, gender identity, and ethnicity are not included as protected categories).³⁸⁷ State law also specifies that hate motivation shall be considered an aggravating factor in sentencing for any other offenses, although this does not extend the maximum sentence available for the offense or otherwise reclassify such offenses.³⁸⁸

West Virginia prohibits people from possessing a firearm if they have been convicted of a crime punishable by more than one year in prison.³⁸⁹ Federal law similarly prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁹⁰

Because West Virginia generally classifies hate crimes as felonies if they involve use or threats of violence against protected groups, people convicted of O under the state’s felony hate crime statute are generally subject to both state and federal firearm restrictions.³⁹¹

However, West Virginia generally does not prohibit people convicted of violent misdemeanors from accessing firearms for any period of time, and also does not make misdemeanors punishable by a term long enough to trigger federal firearm restrictions.³⁹² As a result, a conviction for a hate-motivated assault, battery, firearm brandishing, or stalking offense would generally not result in a firearm prohibition unless the offense is charged as a felony hate crime.

³⁸⁶ W. Va. Code Ann. § 61-6-21(a), (b). The law also makes it unlawful to attempt to commit such an offense, or to conspire to do so and assemble to teach or learn a method of intimidation. W. Va. Code Ann. § 61-6-21(b), (c).

³⁸⁷ Several bills were introduced in 2020 to add these to the list of protected categories, though none were enacted. See S. 271, 84th Leg., Reg. Sess. (2020 W. Va.), S. 212, 84th Leg., Reg. Sess. (2020 W. Va.),

³⁸⁸ W. Va. Code Ann. § 61-6-21(d).











³⁸⁹ W. Va. Code Ann. § 61-7-7(a)(1).

³⁹⁰ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁹¹ W. Va. Code Ann. § 61-6-21(b), (c).

³⁹² West Virginia’s criminal code does not contain any misdemeanors punishable by imprisonment of more than two years. Such misdemeanor convictions do not trigger federal firearm restrictions unless they are punishable by *more than* two years imprisonment under state law. 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

Wisconsin

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Wisconsin’s hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Wisconsin’s hate crime law reclassifies the severity of many crimes if it is proven that the offender selected a victim at least in part because of a belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of the victim.³⁹³ (Gender and gender identity are not included as protected categories). Under this law, crimes that are ordinarily classified as Class A misdemeanors (punishable by up to nine months in jail) are reclassified as firearm-prohibiting felonies when they are committed as hate crimes.³⁹⁴

Wisconsin law generally prohibits people from accessing firearms if they have been convicted of a felony.³⁹⁵ Federal law similarly prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.³⁹⁶ In Wisconsin, misdemeanors are punishable by no more than one year in jail,³⁹⁷ so hate crime offenders are generally subject to state and federal firearm restrictions only if they are convicted of felonies (or hate crimes reclassified as felonies).

Wisconsin generally defines violent hate crimes as firearm-prohibiting felonies if they result in bodily harm, or involve stalking, threateningly brandishing a firearm or dangerous weapon, or terroristic threats intended, among other things, to cause public panic or fear.³⁹⁸ People convicted of these offenses are subject to state and federal gun restrictions.

However, people convicted of violent hate crime misdemeanors generally remain eligible to access firearms under both state and federal law in Wisconsin, including people convicted of hate crimes involving striking, shoving, or kicking a victim, or making credible threats of violence.³⁹⁹

³⁹³ Wis. Stat. § 939.645(1).

³⁹⁴ Wis. Stat. § 939.645(2).

³⁹⁵ Wis. Stat. § 941.29(1m). Wisconsin defines a felony as a crime “punishable by imprisonment in the Wisconsin state prisons.” Wis. Stat. § 939.60.











³⁹⁶ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

³⁹⁷ Wis. Stat. § 939.645(2).

³⁹⁸ Wis. Stat. § 939.645(2); Wis. Stat. §§ 940.19(1) (Battery involving bodily harm reclassified as felony when committed as a hate crime); 941.20 (Endangering safety by use of dangerous weapon reclassified as felony when committed as a hate crime); 940.32(2)(a) (felony Stalking);

³⁹⁹ Wis. Stat. §§ 947.013(1m) (misdemeanor “Harassment” only reclassified as felony hate crime if perpetrator is subject to specified restraining orders while committing the act); 947.012 and 947.0125 (telephonic and electronic communications threatening violence).

Wyoming

	Violence with severe bodily injury	Violence with bodily injury	Other crimes involving intentional use of force	Threats with deadly weapons	Other credible threats to physical safety
Federal					
State					

Wyoming's hate and gun laws have significant gaps that allow people to keep and access firearms, including assault weapons, after they have been convicted of violent hate crimes.

Wyoming is one of the only states in the nation that still has no criminal hate crime statute, although a state anti-discrimination statute does make it a lower-level misdemeanor to deny a person access to public accommodations and facilities or “the right to life, liberty, pursuit of happiness, or the necessities of life,” based on their race, religion, color, sex, or national origin.⁴⁰⁰ (Sexual orientation, gender, and gender identity are not included as protected categories.)

Wyoming generally restricts people from accessing firearms only if they have been convicted of specified violent felonies.⁴⁰¹ This narrow restriction applies to people convicted of some of the most serious violent crimes, including aggravated assault and battery for causing or attempting to cause a victim to suffer serious bodily injury or any bodily injury with a deadly weapon, or threatening to use a drawn deadly weapon.⁴⁰²

Federal law is somewhat broader, and generally prohibits people from accessing guns if they have been convicted of a felony punishable by over one year in prison, or a state law misdemeanor punishable by more than two years.⁴⁰³ (In Wyoming, misdemeanors are generally not punishable by more than one year in jail,⁴⁰⁴ so hate crime offenders are generally subject to federal firearm restrictions only if they are convicted of felonies.)

People convicted of a number of violent felony offenses in Wyoming are eligible to access firearms under state but not federal law, including those convicted of making felony terroristic threats of violence, causing serious bodily harm to a stalking victim, possessing a firearm with intent to threaten a person's life or physical well-being.⁴⁰⁵

People convicted of violent hate crime misdemeanors in Wyoming generally remain eligible to access firearms under both state and federal law, including people convicted of violently injuring a hate crime victim, making credible threats to inflict bodily injury or death, or stalking that causes the victim to suffer substantial fear for their safety.⁴⁰⁶

⁴⁰⁰ Wyo. Stat. Ann. §§ 6-9-101; 6-9-102.

⁴⁰¹ Wyo. Stat. Ann. §§ 6-8-102; §6-1-104(a)(xi) (defining “violent felony” for these purposes).

⁴⁰² *Id.*; Wyo. Stat. Ann. § 6-2-502 (felony “Aggravated assault and battery”).

⁴⁰³ 18 U.S.C. § 922 (g)(1); 18 U.S.C. § 921(a)(20)(B).

⁴⁰⁴ Wyo. Stat. Ann. § 6-10-101.

⁴⁰⁵ Wyo. Stat. Ann. §§ 6-2-505 (felony “Terroristic threats”); 6-2-506(e)(ii) (felony stalking involving serious bodily harm); 6-8-103 (Possession of deadly weapon with unlawful intent). These felonies are not defined as firearm-prohibiting “violent felonies” under Wyo. Stat. Ann. § 6-10-104(a)(xi).

⁴⁰⁶ Wyo. Stat. Ann. §§ 6-2-501 (misdemeanor “Simple assault; battery”); 6-2-506 (misdemeanor “Stalking”); 6-6-103(b)(ii) (misdemeanor threats of bodily injury or death).