

HATE CRIME FAQs

MISSISSIPPI

Disclaimer: This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Lawyers' Committee for Civil Rights does not warrant any information contained in this guide, nor does the Committee suggest that the information in this guide should be used as a basis to pursue legal advice or decision-making.

Note: This guide is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, please call 844-9-NO-HATE.

TABLE OF CONTENTS

<ol style="list-style-type: none"> 1. What is a hate crime or hate incident? 2. I believe I was the victim of a hate crime or hate incident. What should I do? 3. Does Mississippi have a state hate crime law? 4. Who is protected under Mississippi's hate crime law? 5. Someone attacked me or a family member. The attack appears to have been motivated by bias, prejudice, or hatred against a certain social group. What are Mississippi's relevant laws? 6. Someone damaged my property and it appears to have been motivated by bias, prejudice, or hatred against a certain social group. What are Mississippi's relevant laws? 7. Someone defaced my place of worship or otherwise interfered with my religious practice. Does Mississippi have any special laws protecting religious groups from hate motivated acts? 8. Someone hung a noose at my work, burnt a religious symbol by my home, or otherwise tried to humiliate me and members of my community with a symbol or message. Are there any special 	<ol style="list-style-type: none"> 9. The state is not investigating my case or bringing a lawsuit. How can I get in touch with an attorney with the state to discuss my case? 10. The state is not investigating my case or bringing a lawsuit, but I would like to explore bringing a case with a private attorney against the perpetrator (known as a "civil case"). Does Mississippi have civil laws relevant to hate crimes or hate incidents? 11. I have been attacked, put in fear of danger, intentionally made to suffer emotional distress, had my property vandalized, or harmed in another way due to an act motivated by hate. What other civil laws can I use to bring a case? 12. I would like to explore bringing a case with a private attorney against the perpetrator, but I do not know any private attorneys. How can I find someone to represent me? 13. What are some local and state organizations working on hate crimes and hate incidents? 14. Where can I find additional information or get help?
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

laws against crimes which are meant to intimidate based on someone's social identity in Mississippi?	
------------------------------------------------------------------------------------------------------	--

1. What is a hate crime or hate incident?

A hate crime is generally defined as a crime against a person or property that is motivated by bias, prejudice, or hatred toward the personal, or perceived personal, characteristics of a victim, including: race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

The definition of a hate crime differs from state to state, but always includes an underlying crime.¹ Several states do not have separate statutes for crimes motivated by hate, but at a minimum, most states have enhanced penalties for crimes motivated by hatred based upon the above characteristics. Furthermore, if state and local authorities do not sufficiently protect victims of hate crimes, then the federal government may step in and prosecute hate crime violations.

In Mississippi there is no stand-alone crime or cause of action for a hate crime, but a penalty enhancement can be levied against the perpetrator if a criminal offense was committed because of the person's (1) race, (2) color, (3) ancestry, (4) ethnicity, (5) religion, (6) national origin, (7), gender, or (8) employment as a law enforcement officer, firefighter, or emergency medical technician.²

A hate incident is based on the same behaviors and motivations as a hate crime, but does not rise to the level of a crime. For example, you may be a victim of hate speech, which, depending on the circumstances, may not constitute a crime (and may be protected under the First Amendment), but which may constitute a hate incident.

2. I believe I was the victim of a hate crime or incident. What should I do?

If you think you may be a victim of a hate crime or hate incident, you should immediately take the following three steps:

STEP 1 - - REPORT IT

For emergencies:

- If you (or others) have been injured or fear for your safety, call 911 immediately.
- If you are uncomfortable calling 911 or local law enforcement, consider calling the local United States Attorney, the local FBI Field Office, or the State Attorney

¹ Examples of underlying crimes include: assault, battery, destruction of property, threats, rape, murder, arson, robbery, and burglary. This list of criminal offenses is not exhaustive, however, and other criminal offenses may also be considered hate crimes.

² See Miss. Code § 99-19-301; Miss. Code. § 99-19-351.

General's office to report the offense. Understand, however, that these authorities may not respond as quickly as local law enforcement responding to a 911 call.

- State Attorney General's Office
 - (601) 359-3680
- United States Attorney's Offices
 - Southern District: (601) 965-4480
 - Northern District: (662) 234-3351
- FBI Field Office (Jackson, MS)
 - (601) 948-5000
- Obtain medical attention if necessary.

For non-emergencies:

- If a non-emergency, call your local police station, or visit your local police office or federal law enforcement office as soon as possible to report the offense.
- If you are not comfortable calling law enforcement, consider calling a trusted community or legal services organization. You can call 1-844-9-NO-HATE to be connected to a local organization.

Follow-up and key things to remember for both emergencies and non-emergencies:

- Ensure that a police report is filed regarding the offense and obtain a copy of the report (which should include the responding officer's name and badge number).
- Request that the police report indicate that the offense may have been a hate crime or a hate incident.
- File the report with local law enforcement, the State Attorney General's office, and federal law enforcement.
- For additional support and documentation, also report it to 844-9-NO HATE.

STEP 2 - - GATHER INFORMATION

- Preserve any evidence and take photographs of the evidence. For example, do not remove graffiti but instead, take photographs of the graffiti. Do not delete electronic correspondence (e.g., text messages, emails, social media posts, etc.), including your own. If you decide to involve law enforcement, you should preserve all evidence as directed by law enforcement.

- Document the experience in writing as soon as possible after the offense, including any specific words used during the offense. Record all your thoughts.
- Record any information you can remember about the perpetrator, including approximate age, height, weight, gender, race, clothing and any other distinguishing characteristics.
- Obtain contact information (names, addresses, and telephone numbers) of any other victims or witnesses to the offense.

STEP 3 - - GET ADDITIONAL SUPPORT

- Find support in the community -- through friends and family, victims' organizations, advocacy or community groups, religious organizations, legal groups, professional counseling, etc.
- Consider seeking legal representation.
- Remember, you can always contact 1-844-9-NO-HATE.

3. Does Mississippi have a state hate crimes law?

While Mississippi does not have a stand-alone hate crime law, it does have a penalty enhancement under Section 99-19-301 for crimes that are motivated by a person's actual or perceived (1) race, (2) color, (3) ancestry, (4) ethnicity, (5) religion, (6) national origin or (7) gender of the victim, or the victim's actual or perceived (8) employment as a law enforcement officer, firefighter, or emergency medical technician.³ This penalty enhancement can double the maximum duration of imprisonment and/or double the maximum fine for the crime committed.⁴

4. Who is protected under Mississippi's hate crime law?

Mississippi's hate crime law protects any person who is the victim of a crime because of his or her:

- | | |
|-------------|------------------------------------------------------------------------------------------|
| • Race; | • Gender; |
| • Color; | • Ethnicity; or |
| • Religion; | • Employment as a law enforcement officer, firefighter, or emergency medical technician. |
| • Ancestry; | |

³ Miss. Code § 99-19-301

⁴ Miss. Code. § 99-19-307

- National origin;

Unlike some other states, Mississippi's hate crime protections do not include a person's gender identity or sexual orientation.

Unrelated to the penalty enhancements listed above, under Mississippi law, there are enhanced penalties for crimes committed against elderly persons (ages 65 and up), or persons with a disability.⁵

5. Someone damaged my property and it appears to have been motivated by hate against a certain social group (e.g., a swastika, derogatory terms, etc.). What are the relevant laws in my state?

As described above, Sections 99-19-301 and 99-19-307 provide for an enhanced penalty that can double the imprisonment and/or fine if the underlying offense felony or misdemeanor—including a crime resulting in property damage—was committed because of the actual or perceived (1) race, (2) color, (3) ancestry, (4) ethnicity, (5) religion, (6) national origin or (7) gender of the victim, or the victim's actual or perceived (8) employment as a law enforcement officer, firefighter, or emergency medical technician.⁶

Note that this is a criminal law, and any claims utilizing the penalty enhancement must be brought by a prosecutor.

6. Someone attacked me or a family member. The attack appears to have been motivated by hate against a certain social group (e.g., before attacking, the perpetrator shouted "Go home!"). What are the relevant laws in my state?

As described above, Sections 99-19-301 and 99-19-307 provide for an enhanced penalty that can double the imprisonment and/or fine for the underlying offense if that underlying felony or misdemeanor was committed because of the actual or perceived (1) race, (2) color, (3) ancestry, (4) ethnicity, (5) religion, (6) national origin or (7) gender of the victim, or the victim's actual or perceived (8) employment as a law enforcement officer, firefighter, or emergency medical technician.⁷

Additionally, under Mississippi law, crimes of violence, burglary, or breaking and entering against someone who is 65 years of age or older or is disabled are subject to the same penalty enhancement, regardless of whether the crime was motivated by hate against the elderly or disabled.

⁵ Miss. Code § 99-19-351.

⁶ Miss. Code §§ 99-19-301, 99-19-307.

⁷ Miss. Code §§ 99-19-301, 99-19-307.

Note that this is a criminal law, and any claims utilizing the penalty enhancement must be brought by a prosecutor.

7. Someone defaced my place of worship or interfered with my religious practice. Does Mississippi have any special laws protecting religious groups from hate motivated acts?

Section 97-17-39 makes it a crime to vandalize places of worship and cemeteries and imposes fines and imprisonment based on the damage done.⁸ For example, if the damage caused by the destruction or defacement of property is \$500 or more, the person convicted can face five years of imprisonment or fined up to \$5,000, or both.⁹

Note that this is a criminal law, and any claims under this section must be brought by a prosecutor.

8. Someone hung a noose at my work, burnt a religious symbol by my home, or otherwise tried to intimidate my community with a symbol or message. Are there any special laws against crimes which are meant to intimidate based on someone's social identity?

While some states have special laws prohibiting actions such as hanging a noose or cross burning, Mississippi has no such applicable law. However, if a symbol or action rises to the level of a felony or misdemeanor offense such as assault, arson, criminal trespass, or destruction of property as discussed above, Sections 99-19-301 and 99-19-307 will be applicable and could result in enhance penalties for the perpetrator.

9. The state is not investigating my case or bringing a lawsuit. How can I get in touch with an attorney with the state to discuss my case?

You can contact the State Attorney's Crime Prevention & Victim Services Division at (601) 359-6766 or toll-free at (800)-829-6766, as well as the Mississippi Attorney General's Office at (601) 359-3680.

You can also contact the United States Attorney's Office Victim/Witness Assistance Program in your district, (listings available online at <https://www.justice.gov/usao-ne/victimwitness-assistance>), or the United State District Attorney's Office at (601) 965-4480 (Southern District) or at (662) 234-3351 (Northern District).

You can also contact the Stop Hate Hotline at 1-844-9-NO-HATE.

10. The state is not investigating my case or bringing a lawsuit, but I would like to explore bringing a case with a private attorney against the perpetrator (known as a "civil case"). Does Mississippi have civil laws relevant to hate incidents?

⁸ Miss. Code § 97-17-39

⁹ See *id.*

No, unlike several other states that provide civil remedies for hate crimes or hate incidents, Mississippi does not have a civil law allowing private citizens to sue for hate crimes.

11. I have been attacked, put in fear of danger, intentionally made to suffer emotional distress, had my property vandalized, or harmed in another way due to an act motivated by hate. What civil laws can I use to bring a case?

There are a number of other civil laws that you can use to bring a case against someone who physically or emotionally injures you. This is true even if the person's actions do not rise to the legal definition of a hate crime or hate incident. These other civil laws, or causes of action, are generally known as torts. A tort is a wrongful act that results in legal liability.

In Mississippi, if someone intentionally injures you or your property, you may be able to sue that person for damages using any of the following tort causes of action:

- Assault - An assault is defined as an act with the intent of putting another in apprehension of an immediate harmful or offensive contact.¹⁰ An example of an assault is when someone uses a toy gun to threaten another.
- Battery - Battery is defined as an unconsented touching of another.¹¹ An example of a battery is when someone uses a real gun and shoots another. Another, less extreme, example of a battery is when someone punches or kicks another.
- False Imprisonment – False imprisonment has two elements: (1) the detention of a person and (2) the unlawfulness of that detention.¹² A detention is only lawful if, considering the “totality of the circumstances,” the defendant’s actions “were objectively reasonable in their nature, purpose, extent, and duration.”¹³ In other words, a person is falsely imprisoned if he is wrongfully deprived of his freedom to leave a particular place by the unreasonable conduct of another. An example of false imprisonment would be if someone locked you in a room and you were unable to escape.
- Intentional Infliction of Emotional Distress (“IIED”) - IIED is best defined by its elements. To bring an IIED claim, you must be able to show: (1) the defendant’s intentional or reckless conduct (2) which is so outrageous and so extreme that the conduct goes beyond all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized community and (3) which causes emotional distress so severe as to evoke outrage or evulsion.¹⁴ An example of outrageous

¹⁰ See, e.g., *Jordan v. Wilson*, 5 So.3d 442, 449 (Miss. Ct. App. 2008).

¹¹ See, e.g. *Fox v. Smith*, 594 So.2d 596, 604 (Miss. 1992).

¹² *Lee v. MGM Resorts Miss., Inc.*, 200 So.3d 1129, 1140 (Miss. Ct. App. 2016).

¹³ *Id.*

¹⁴ See, e.g., *Perkins v. Wal-Mart Stores, Inc.*, 46 So.3d 839, 487–48 (Miss. Ct. App. 2010).

conduct that could lead to a successful IIED claim would be someone calling your home phone and leaving threatening messages of physical violence or death.

- Trespass to Land & Conversion – Trespass to land and conversion are causes of action used when another damages your real or personal property. Trespass to land applies to real property and is defined as when a person enters onto land without the consent or right to do so.¹⁵ An example of trespass to land would be if someone vandalized, or otherwise damaged, your front lawn. Conversion, on the other hand, applies to personal property and is defined as “a wrongful possession, or the exercise of a dominion in exclusion or defiance of the owner’s right, or of an unauthorized and injurious use, or of a wrongful detention after demand.”¹⁶ An example of conversion would be if someone damaged your car.

Private citizens can bring these civil tort claims.

12. I would like to explore bringing a case with a private attorney against the perpetrator (known as a “civil case”), but I do not know any private attorneys. How can I find someone to represent me?

Contact your local bar association ((601) 948-4471) or 844-9-NO HATE.

13. What are some local and state organizations working on hate crimes and incidents?

The Mississippi Access to Justice Commission provides contact information to every free legal aid organization in Mississippi, available at <http://www.msatjc.org/wp-content/uploads/2015/01/Marketing-Piece-Free-Legal-Resources-in-Mississippi-6.pdf>. Additionally, the State Bar of Mississippi also has a legal aid services directory, available at <https://www.msbar.org/for-the-public/pro-bono-resources/>. Some of the notable organizations from those directories are listed below.

Mississippi Workers’ Center for Human Rights

Phone: (662) 334-1122

American Civil Liberties Union of Mississippi

Phone: (601) 354-3408

Website: www.aclu-ms.org

Mississippi Center for Legal Services Corporation

Phone: (800) 498-1804

¹⁵ See, e.g., *Simcox v. Hunt*, 874 So.2d 1010, 1019-18 (Miss. Ct. App. 2004).

¹⁶ See, e.g., 141 So.3d 396, 404 (Miss. Ct. App. 2013).

14. I need additional help. Where can I find additional information or get help?

If you would like additional information or need additional help, please visit the Communities Against Hate resource page at www.communitiesagainsthate.org. If the information you are seeking is not on the resource page or if you need immediate help, please contact 844-9-NO-HATE.