

ANTI-DEFAMATION LEAGUE STATE LEVEL ANTI-KLAN STATUTORY PROVISIONS JULY 2005

OVERVIEW

Total states with some type of "anti-Klan" statute: 20

States criminalizing cross-burning: 15

States criminalizing public mask-wearing: 14

State	Cross-Burning	Mask-Wearing
AL	✓	✓
AK		
AZ	✓	
AR		
CA	✓	
CO		
CT	✓	✓
DC	✓	✓
DE	✓	✓
FL	✓	✓
GA	✓	✓
HI		
ID	✓	

State	Cross-Burning	Mask-Wearing
IL	✓	
IN		
IA		
KS		
KY		
LA		
ME		
MD		
MA		
MI		✓
MN		
MS		
MO		
MT		
NE		
NV		
NH		
NJ		
NM		
NY		✓
NC		✓*
ND		

State	Cross-Burning	Mask-Wearing
OH		✓
OK	✓	✓
OR		
PA		
RI		
SC	✓	✓
SD	✓	
TN		
TX		
UT		
VT		
VA	✓	✓
WA	✓	
WV		✓
WI		
WY		

*North Carolina also has a statute (N.C. Gen. Stat. § 14-12.3) which criminalizes membership/association with a secret political society or any secret military society or any secret society having for a purpose the violating or circumventing the laws of the State.

ALABAMA

Code of Ala. § 13A-6-28

§ 13A-6-28. Burning of cross or American flag

(a) A person commits the crime of cross or the American flag burning if he or she, with the intent to intimidate any person or group of persons, burns, or causes to be burned, a cross or the American flag on the property of another, a highway, or other public place.

(b) As used in this section, "intent to intimidate" means the intent to place a person or a group of persons in fear of bodily harm.

(c) The crime of cross or the American flag burning is a Class C felony.

HISTORY: Acts 2003, No. 03-338.

NOTES: EFFECTIVE DATES. Acts 2003, No. 03-338, effective June 20, 2003

Code of Ala. § 13A-11-9

§ 13A-11-9. Loitering

(a) A person commits the crime of loitering if he:

(4) Being masked, loiters, remains or congregates in a public place; or

(b) A person does not commit a crime under subdivision (a)(4) of this section if he is going to or from or staying at a masquerade party, or is participating in a public parade or presentation of an educational, religious, or historical character or in an event as defined in subdivision (1) of Section 13A-11-140.

(e) Loitering is a violation.

HISTORY: Acts 1977, No. 77-607.

ARIZONA

A.R.S. § 13-1707

§ 13-1707. Unlawful cross burning; classification

A. It is unlawful for a person to burn or cause to be burned a cross on the property of another person without that person's permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred solely from the act of burning a cross, but shall be proven by independent evidence.

B. A person who violates this section is guilty of a class 1 misdemeanor.

HISTORY: Laws 2004, Ch. 328, § 1.

CALIFORNIA

Cal Pen Code § 11411

§ 11411. Placing marks or desecrating religious symbols on private property to terrorize owner or occupant; Punishment

(a) Any person who places or displays a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika on the private property of another, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing the owner or occupant of that private property shall be punished by imprisonment in the county jail not to exceed one year, by a fine not to exceed five thousand dollars (\$ 5,000), or by both the fine and imprisonment for the first conviction and by imprisonment in the county jail not to exceed one year, by a fine not to exceed fifteen thousand dollars (\$ 15,000), or by both the fine and imprisonment for any subsequent conviction.

(b) Any person who engages in a pattern of conduct for the purpose of terrorizing the owner or occupant of private property or in reckless disregard of terrorizing the owner or occupant of that private property, by placing or displaying a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika, on the private property of another on two or more occasions, shall be punished by imprisonment in the state prison for 16 months or 2 or 3 years, by a fine not to exceed ten thousand dollars (\$ 10,000), or by both the fine and imprisonment, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed five thousand dollars (\$ 5,000), or by both the fine and imprisonment. A violation of this subdivision shall not constitute felonious conduct for purposes of Section 186.22.

(c) Any person who burns or desecrates a cross or other religious symbol, knowing it to be a religious symbol, on the private property of another without authorization for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing the owner or occupant of that private property, or who burns, desecrates, or destroys a cross or other religious symbol, knowing it to be a religious symbol, on the property of a primary school, junior high school, or high school for the purpose of terrorizing any person who attends or works at the school or who is otherwise associated with the school, shall be punished by imprisonment in the state prison for 16 months or 2 or 3 years, by a fine of not more than ten thousand dollars (\$ 10,000), or by both the fine and imprisonment, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed five thousand dollars (\$ 5,000), or by both the fine and imprisonment for the first conviction and by imprisonment in the state prison for 16 months or 2 or 3 years, by a fine of not more than ten thousand dollars (\$ 10,000), or by both the fine and imprisonment, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed fifteen thousand dollars (\$ 15,000), or by both the fine and imprisonment for any subsequent conviction.

(d) As used in this section, "terrorize" means to cause a person of ordinary emotions and sensibilities to fear for personal safety.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

History: Added Stats 1982 ch 1624 § 2. Amended: [Stats 1991 ch 605 § 1 \(AB 1829\)](#). Amended: [Stats 1998 ch 414 § 1 \(SB 1404\)](#).

Cal Pen Code § 650a. [Section **REPEALED** 1984.]

History: Added Stats 1953 ch 32 § 18. **REPEALED** Stats 1984 ch 438 § 9. The repealed section related to limitations on right to wear mask or concealing regalia.

Notes of Decisions: Under U.S. Const., First Amend., protecting the rights of freedom of speech, peaceful assembly and free association, former Pen C § 650a, prohibiting one from appearing in public with one's face covered by a mask or other means of

disguise for the purpose of concealing one's identity, was unconstitutionally overbroad. The statute is overbroad on its face because it flatly prohibited anonymity under circumstances where protected activities might be involved and because the restriction was not required by a compelling state interest nor implemented in the least restricted manner possible. The fact that the state, through the statute, took no direct action to restrict the exercise of constitutional rights was not dispositive, nor was the fact that the restraint on such rights might come about as a result of private, as opposed to state, action. Moreover, other statutes existed which prohibited illegitimate and improper use of concealment of identity. *Ghafari v Municipal Court for San Francisco Judicial Dist.* (1978, 1st Dist) 87 Cal App 3d 255, 150 Cal Rptr 813.

Former Pen C § 650a, prohibiting persons from wearing masks in public for the purpose of concealing their identity, violated equal protection under U.S. Const., Fourteenth Amend. It contained an exception for wearing masks for purposes of entertainment or amusement, and thus, rather than regulating the time, place and manner of anonymous activities, it meted out differential treatment based on the content of the masked person's message. Moreover, because the statute affects fundamental rights of the U.S. Const., First Amend., it was not clothed with the usual presumption of constitutionality, and, in enforcing it against Iranian national picketing peacefully in disguise by placing leaflets between their glasses and faces, the state failed to establish it had a compelling interest justifying the law and the distinctions drawn. *Ghafari v Municipal Court for San Francisco Judicial Dist.* (1978, 1st Dist) 87 Cal App 3d 255, 150 Cal Rptr 813.

Former Pen C § 650a, prohibiting a person from wearing a mask in public for the purpose of concealing his identity, was unconstitutionally vague on its face where it contained an exception for "amusement or entertainment" purposes. Communication for amusement and entertainment purposes was protected by U.S. Const., First Amend., as fully as was communication for the exposition and exchange of ideas, and it was impossible to draw a clear line between the two areas. Thus, the "amusement and entertainment" exception was inherently vague because it does not give a citizen notice of what is prohibited, failed to set standards for law enforcement officers, and would have a chilling effect on the exercise of constitutional rights. *Ghafari v Municipal Court for San Francisco Judicial Dist.* (1978, 1st Dist) 87 Cal App 3d 255, 150 Cal Rptr 813.

CONNECTICUT

Conn. Gen. Stat. § 46a-58

§ 46a-58. (Formerly Sec. 53-34). Deprivation of rights. Desecration of property. Cross burning. Penalty.

(c) Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, shall be in violation of subsection (a).

(d) Any person who violates any provision of this section shall be guilty of a class A misdemeanor, except that if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a class D felony.

History: (1949 Rev., S. 8374; P.A. 74-80; P.A. 77-278, S. 1; P.A. 80-54; 80-422, S. 7; P.A. 84-15.)

Conn. Gen. Stat. § 53-37a

§ 53-37a. Deprivation of a person's civil rights by person wearing mask or hood: Class D felony.

Any person who, with the intent to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges

or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, blindness or physical disability, violates the provisions of section 46a-58 while wearing a mask, hood or other device designed to conceal the identity of such person shall be guilty of a class D felony.

History: (P.A. 82-14, S. 1, 2.)

DISTRICT OF COLUMBIA

D.C. Code § 22-3312.02

§ 22-3312.02. Defacing or burning cross or religious symbol; display of certain emblems [Formerly § 22-3112.2]

(a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a cross or other religious symbol on any private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, or religion, or on any public property in the District of Columbia; or to place or to display in any of these locations a sign, mark, symbol, emblem, or other physical impression including, but not limited to, a Nazi swastika or any manner of exhibit which includes a burning cross, real or simulated, with the intent:

(1) To deprive any person or class of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing to all persons within the District of Columbia equal protection of the law;

(2) To injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws;

(3) To intimidate, threaten, abuse, or harass any other person; or

(4) To cause another person to fear for his or her personal safety, or where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability.

(b) The provisions of subsection (a) of this section shall not apply to acts committed on the private property of another person, if prior to those acts:

(1) Written permission was received from the owner and occupant of the property; and

(2) The written permission was filed with the Chief of the Metropolitan Police Department.

(c) Nothing in this section shall be deemed to amend or repeal any provision of the District of Columbia Fire Prevention Code (7 DCRR).

HISTORY: 1981 Ed., § 22-3112.2; Mar. 10, 1983, D.C. Law 4-203, § 3, 30 DCR 180.

D.C. Code § 22-3312.03

§ 22-3312.03. Wearing hoods or masks [Formerly § 22-3112.3]

(a) No person or persons over 16 years of age, while wearing any mask, hood, or device whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the wearer, shall:

(1) Enter upon, be, or appear upon any lane, walk, alley, street, road highway, or other public way in the District of Columbia;

(2) Enter upon, be, or appear upon or within the public property of the District of Columbia; or

(3) Hold any manner of meeting or demonstration.

(b) The provisions of subsection (a) of this section apply only if the person was wearing the hood, mask, or other device:

(1) With the intent to deprive any person or class of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing for all persons within the District of Columbia equal protection of the law;

(2) With the intent, by force or threat of force, to injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws;

(3) With the intent to intimidate, threaten, abuse, or harass any other person;

(4) With the intent to cause another person to fear for his or her personal safety, or, where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability; or

(5) While engaged in conduct prohibited by civil or criminal law, with the intent of avoiding identification.

HISTORY: 1981 Ed., § 22-3112.3; Mar. 10, 1983, D.C. Law 4-203, § 4, 30 DCR 180.

DELAWARE

11 Del. C. § 805

§ 805. Cross or religious symbol burning; class A misdemeanor

A person is guilty of cross or religious symbol burning when the person burns, or causes to be burned, any cross or other religious symbol, upon any private or public property without the express written consent of the owner of such property and without a minimum of 48 hours advanced notification of the proposed burning to the fire board or call board of the county in which the burning is to take place.

Cross or religious symbol burning is a class A misdemeanor.

HISTORY: 69 Del. Laws, c. 106, § 1; 70 Del. Laws, c. 186, § 1.

11 Del. C. § 1301

§ 1301. Disorderly conduct; unclassified misdemeanor

A person is guilty of disorderly conduct when:

(1) The person intentionally causes public inconvenience, annoyance or alarm to any other person, or creates a risk thereof by:

g. Congregating with other persons in a public place while wearing masks, hoods or other garments rendering their faces unrecognizable, for the purpose of and in a manner likely to imminently subject any person to the deprivation of any rights, privileges or immunities secured by the Constitution or laws of the United States of America

(2) The person engages with at least 1 other person in a course of disorderly conduct as defined in subdivision (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer to the participants.

Disorderly conduct is an unclassified misdemeanor.

HISTORY: 11 Del. C. 1953, § 1301; 58 Del. Laws, c. 497, § 1; 59 Del. Laws, c. 203, §§ 23, 24; 63 Del. Laws, c. 305, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1.

FLORIDA

Fla. Stat. § 876.18

§ 876.18. Placing burning or flaming cross on property of another

It shall be unlawful for any person or persons to place or cause to be placed on the property of another in the state a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is a whole or part without first obtaining written permission of the owner or occupier of the premises to so do. Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#).

History: s. 8, ch. 26542, 1951; [s. 3, ch. 91-83](#).

Fla. Stat. § 876.13

§ 876.13. Wearing mask, hood, or other device on public property

No person or persons shall in this state, while wearing any mask, hood, or device whereby any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer, enter upon, or be, or appear upon or within the public property of any municipality or county of the state.

GEORGIA

O.C.G.A. § 16-11-37

§ 16-11-37. Terroristic threats and acts; penalties

(a) A person commits the offense of a terroristic threat when he or she threatens to commit any crime of violence, to release any hazardous substance, as such term is defined in [Code Section 12-8-92](#), or to burn or damage property with the purpose of terrorizing another or of causing the evacuation of a building, place of assembly, or facility of public transportation or otherwise causing serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience. No person shall be convicted under this subsection on the uncorroborated testimony of the party to whom the threat is communicated.

(b) A person commits the offense of a terroristic act when:

(1) He or she uses a burning or flaming cross or other burning or flaming symbol or flambeau with the intent to terrorize another or another's household;

(c) A person convicted of the offense of a terroristic threat shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both. A person convicted of the offense of a terroristic act shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than ten years, or both; provided, however, that if any person suffers a serious physical injury as a direct result of an act giving rise to a conviction under this Code

section, the person so convicted shall be punished by a fine of not more than \$250,000.00 or imprisonment for not less than five nor more than 40 years, or both.

HISTORY: Ga. L. 1884-85, p. 131, § 1; Ga. L. 1892, p. 108, § 1; Ga. L. 1893, p. 130, § 1; Penal Code 1895, §§ 511, 512, 730; Ga. L. 1905, p. 86, § 1; Penal Code 1910, §§ 512, 513, 782; Code 1933, §§ 26-1803, 26-7308, 26-7309; Code 1933, § 26-1307, enacted by Ga. L. 1968, p. 1249, § 1; Code 1933, § 26-1307.1, enacted by Ga. L. 1974, p. 1022, § 1; Ga. L. 1998, p. 270, § 6; Ga. L. 2002, p. 1094, § 4.

O.C.G.A. § 16-11-38

§ 16-11-38. Wearing mask, hood, or device which conceals identity of wearer

(a) A person is guilty of a misdemeanor when he wears a mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer and is upon any public way or public property or upon the private property of another without the written permission of the owner or occupier of the property to do so.

HISTORY: Ga. L. 1951, p. 9, §§ 3, 7; Code 1933, § 26-2913, enacted by Ga. L. 1968, p. 1249, § 1.

NOTES: LAW REVIEWS. --For note, "Klan, Cloth and Constitution: Anti-mask Laws and the First Amendment," see [25 Ga. L. Rev. 819 \(1991\)](#).

IDAHO

Idaho Code § 18-7902

§ 18-7902. Malicious harassment defined -- Prohibited

It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to:

(a) Cause physical injury to another person; or

(b) Damage, destroy, or deface any real or personal property of another person; or

(c) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur.

For purposes of this section, "deface" shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

HISTORY: I.C., § 18-7902, as added by 1983, ch. 110, § 2, p. 236.

ILLINOIS

720 ILCS 5/12-7.6

§ 720 ILCS 5/12-7.6. Cross burning

(a) A person commits the offense of cross burning who, with the intent to intimidate any other person or group of persons, burns or causes to be burned a cross.

(b) Sentence. Cross burning is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c) For the purposes of this Section, a person acts with the "intent to intimidate" when he or she intentionally places or attempts to place another person in fear of physical injury or fear of damage to that other person's property.

HISTORY: Source: P.A. 93-764, § 5.

NOTES: EFFECTIVE DATE.

This section is effective January 1, 2005, pursuant to [Ill. Const. \(1970\) Art. IV, § 10](#) and [5 ILCS 75/1](#).

MARYLAND

Md. CRIMINAL LAW Code Ann. § 6-102. See note on cross burning and constitutional question.

Revisor's Notes: A statute expressly directed at cross burning would be unconstitutional; however, cross burning is, in many instances, punishable under existing criminal statutes. Moreover, other legislative action not focused on cross burnings specifically would effectively make most cross burnings punishable. [78 Op. Att'y Gen. 90](#)

Does not recognize any Anti-Klan legislation beyond the federal Ku Klux Klan Act ([28 U.S.C. § 1343](#)).

MICHIGAN

MCL § 750.396

A person who intentionally conceals his or her identity by wearing a mask or other device covering his or her face for the purpose of facilitating the commission of a crime is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

History: Pub Acts 1931, No. 328, Ch. LVII, § 396, eff September 18, 1931; amended by Pub Acts 2002, No. 672, eff March 31, 2003 (see Mich. Const. note below).

Effect of Amendment Notes: The Pub Acts 2002, No. 672 amended this statute *from* one which read: "Wearing masks or face coverings in public—Any person who shall assemble, march or parade on any street, highway or public place in this state while wearing a mask or covering which conceals in whole or in part, the face of the wearer, shall be guilty of a misdemeanor: Provided, This chapter shall not apply to the pranks of children on Halloween, to those going to and from masquerade parties, to those participating in any public parade of an educational, religious or historical character and to those participating in the parades of minstrel troupes, circuses or other amusement or dramatic shows." **This language (originally adopted in 1931) is no longer part of the statute.**

NEW YORK

NY CLS Penal § 240.35

A person is guilty of loitering when he being masked or in any manner disguised by unusual or unnatural attire or facial alteration, loiters, remains or congregates in a public place with other persons so masked or disguised, or knowingly permits or aids persons so masked or disguised to congregate in a public place

NORTH CAROLINA

N.C. Gen. Stat. § 14-12.7

No person or persons at least 16 years of age shall, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, be or appear upon any lane, walkway, alley, street, road, highway or other public way in this State.

N.C. Gen. Stat. § 14-12.8

No person or persons shall in this State, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, or appear upon or within the public property of any municipality or county of the State, or of the State of North Carolina

N.C. Gen. Stat. § 14-12.9

No person or persons at least 16 years of age shall, while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, demand entrance or admission, enter or come upon or into, or be upon or in the premises, enclosure or house of any other person in any municipality or county of this State.

N.C. Gen. Stat. § 14-12.10

No person or persons at least 16 years of age shall while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, hold any manner of meeting, or make any demonstration upon the private property of another unless such person or persons shall first obtain from the owner or occupier of the property his or her written permission to do so, which said written permission shall be recorded in the office of the register of deeds of the county in which said property is located before the beginning of such meeting or demonstration.

N.C. Gen. Stat. § 14-12.14

It shall be unlawful for any person or persons, while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, to place or cause to be placed at or in any place in the State any exhibit of any kind whatsoever, with the intention of intimidating any person or persons, or of preventing them from doing any act which is lawful, or of causing them to do any act which is unlawful.

N.C. Gen. Stat. § 14-12.3

It shall be unlawful for any person to join, unite himself with, become a member of, apply for membership in, form, organize, solicit members for, combine and agree with any person or persons to form or organize, or to encourage, aid or assist in any way any secret political society or any secret military society or any secret society having for a purpose the violating or circumventing the laws of the State. **See generally N.C. Criminal Law, Subchapter 01, Article 4A, Prohibited Secret Societies and Activities. Enacted in 1953 (?).

OHIO

Cross burning may be punishable under existing hate crime ("ethnic intimidation") statute.

ORC Ann. 3761.12

No person shall unite with two or more others to commit a misdemeanor while wearing white caps, masks, or other disguise.

OKLAHOMA

21 Okl. St. § 1174

It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place. Any person who shall violate any provision of this section shall be guilty of a felony.

21 Okl. St. § 1301

It shall be unlawful for any person in this state to wear a mask, hood or covering, which conceals the identity of the wearer.

SOUTH CAROLINA

S.C. Code Ann. § 16-7-120

It shall be unlawful for any person to place or to cause to be placed in a public place in the State a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is the whole or a part or to place or cause to be placed on the property of another in the State a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is the whole or a part, without first obtaining written permission of the owner or occupier of the premises so to do.

History: 1962 Code § 16-116; 1952 Code § 16-116; 1951 (47) 132.

S.C. Code Ann. § 16-7-110

No person over sixteen years of age shall appear or enter upon any lane, walk, alley, street, road, public way or highway of this State or upon the public property of the State or of any municipality or county in this State while wearing a mask or other device which conceals his identity. Nor shall any such person demand entrance or admission to or enter upon the premises or into the enclosure or house of any other person while wearing a mask or device which conceals his identity. Nor shall any such person, while wearing a mask or device which conceals his identity, participate in any meeting or demonstration upon the private property of another unless he shall have first obtained the written permission of the owner and the occupant of such property.

History: 1962 Code § 16-114; 1952 Code § 16-114; 1951 (47) 132.

SOUTH DAKOTA

S.D. Codified Laws § 22-19B-1

No person may maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry or national origin: (2) Deface any real or personal property of another person.

History: 1993 S.D. ALS 177

S.D. Codified Laws § 22-19B-2

For purposes of this chapter the term, "deface," includes cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without that person's permission.

VIRGINIA

Va. Code Ann. § 18.2-423

It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place. Any person who shall violate any provision of this section shall be guilty of a Class 6 felony.

Any such **burning** of a **cross** shall be prima facie evidence of an intent to intimidate a person or group of persons. **History:** Code 1950, §§ 18.1-365 through 18.1-367; 1960, c. 358; 1968, c. 350; 1975, cc. 14, 15; 1983, c. 337.

Va. Code Ann. § 18.2-422

It shall be unlawful for any person over sixteen years of age while wearing any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to persons

- (i) wearing traditional holiday costumes;
- (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons;
- (iii) engaged in any bona fide theatrical production or masquerade ball; or
- (iv) wearing a mask, hood or other device for bona fide medical reasons upon the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device. The violation of any provisions of this section shall constitute a Class 6 felony.

History: Code 1950, §§ 18.1-364, 18.1-367; 1960, c. 358; 1975, cc. 14, 15; 1986, c. 19.

WASHINGTON

Rev. Code Wash. (ARCW) § 9A.36.078

Malicious harassment – Finding. Therefore, the legislature finds that any person who burns or attempts to burn a **cross** or displays a swastika on the property of the victim or burns a **cross** or displays a swastika as part of a series of acts directed towards a particular person, the person's family or household members, or a particular group, knows or reasonably should know that the **cross burning** or swastika may create a reasonable fear of harm in the mind of the person, the person's family and household members, or the group.

WEST VIRGINIA

W. Va. Code § 61-6-22

a) Except as otherwise provided in this section, no person, whether in a motor vehicle or otherwise, while **wearing any mask**, hood or device whereby any portion of the face is so covered as to conceal the identity of the wearer, may:

- (1) Come into or appear upon any walk, alley, street, road, highway or other thoroughfare dedicated to public use;
- (2) Come into or appear in any trading area, concourse, waiting room, lobby or foyer open to, used by or frequented by the general public;
- (3) Come into or appear upon or within any of the grounds or buildings owned, leased, maintained or operated by the state or any political subdivision thereof;
- (4) Ask, request, or demand entrance or admission to the premises, enclosure, dwelling or place of business of any other person within this state; or
- (5) Attend or participate in any meeting upon private property of another unless written permission for such meeting has first been obtained from the owner or occupant thereof.

(c) Any person who violates any provision of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars or imprisoned in the county jail not more than one year, or both fined and imprisoned.

History: 1988, c. 38.