

27 | 1. A misdemeanor of the second degree is reclassified to a
28 | misdemeanor of the first degree.

29 | 2. A misdemeanor of the first degree is reclassified to a
30 | felony of the third degree.

31 | 3. A felony of the third degree is reclassified to a
32 | felony of the second degree.

33 | 4. A felony of the second degree is reclassified to a
34 | felony of the first degree.

35 | 5. A felony of the first degree is reclassified to a life
36 | felony.

37 | (b) As used in paragraph (a), the term:

38 | ~~4.1.~~ "Mental or physical disability" means that the victim
39 | suffers from a condition of physical or mental incapacitation
40 | due to a developmental disability, organic brain damage, or
41 | mental illness, and has one or more physical or mental
42 | limitations that restrict the victim's ability to perform the
43 | normal activities of daily living.

44 | ~~1.2.~~ "Advanced age" means that the victim is older than 65
45 | years of age.

46 | 3. "Homeless status" means that the victim:

47 | a. Lacks a fixed, regular, and adequate nighttime
48 | residence; or

49 | b. Has a primary nighttime residence that is:

50 | (I) A supervised publicly or privately operated shelter
51 | designed to provide temporary living accommodations; or

52 | (II) A public or private place not designed for, or

53 ordinarily used as, a regular sleeping accommodation for human
54 beings.

55 2. "Employment" includes a full-time, a part-time, an
56 auxiliary, or a volunteer position.

57 (2) A person or organization that establishes by clear and
58 convincing evidence that it has been coerced, intimidated, or
59 threatened in violation of this section has a civil cause of
60 action for treble damages, an injunction, or any other
61 appropriate relief in law or in equity. Upon prevailing in such
62 civil action, the plaintiff may recover reasonable attorney
63 ~~attorney's~~ fees and costs.

64 (3) It is an essential element of this section that the
65 record reflect that the defendant perceived, knew, or had
66 reasonable grounds to know or perceive that the victim was
67 within the class delineated in this section.

68 Section 2. This act shall take effect October 1, 2016.