



**Maryland General Assembly
Senate Judicial Proceedings Committee
House of Delegates Judiciary Committee
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ADL (the Anti-Defamation League) is pleased to submit this testimony regarding *Criminal Law – Hate Crimes – Penalty (Educate Against Hate Act)*, S.B. 989 (Sen. Hettleman); H.B. 485 (Del. Stewart). While ADL supports the concept of hate crime offenders receiving educational instruction relating to the group or community impacted by a hate crime offense, ADL would urge the Committee to consider an amendment to this bill that would ensure that such training is a discretionary element of sentencing, rather than a mandatory element.

ADL (the Anti-Defamation League)

Since 1913, the mission of ADL has been to “stop the defamation of the Jewish people and to secure justice and fair treatment for all.” Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. We were also privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations for more than a decade in support of the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA).

ADL is also a leading provider of anti-bias education and bullying prevention programs in K-12 schools and on college campuses. For over three decades, ADL has provided in-person programs through A World of Difference Institute, where PreK-12 educators, school faculty, students and family members explore identity and culture and learn to recognize and examine their own personal biases so they are more likely to challenge bias in themselves and society at large. In our region, which covers Maryland, the District of Columbia, Virginia, and North Carolina, we have worked with over 100 schools through our No Place for Hate program and the A World of Difference Institute to help foster inclusive school climates for students, teachers, and administrators of all backgrounds.

Impact of Hate Violence

All Maryland residents have a stake in effective responses to violent bigotry. These crimes demand priority attention because of their special impact. Bias crimes are intended to intimidate not only the individual victim, but also the victim's entire community, leaving members feeling fearful, isolated, and vulnerable. Failure to address this unique type of crime can therefore cause an isolated incident to explode into widespread community tension. By making targeted communities fearful, angry, and suspicious of other groups (and of the power structure that is supposed to protect them) these incidents can damage the fabric of our society and fragment communities.

In light of the unique harm that hate crimes can cause, it is vitally important that the community most impacted has a say in what, if any, education programming might benefit the offender in the aftermath of a hate crime offense. It is also essential that the burden for education programming not be placed solely on the community that has already been the target of hate. While in some cases, a community may wish to play a lead role in providing restorative justice programming, in other cases, the community may not have the resources, bandwidth, or capacity to provide such training. In fact, it is also entirely possible that, in light of residual fear, trauma, and safety concerns, anti-bias training would actually cause even more harm to a community already suffering. While third parties could certainly step in to provide such training, unless and until that training is reviewed and approved by the community most impacted by the crime, a judge should not be required to order it.

Recommendation

For these reasons, ADL recommends that restorative justice programming for hate crime offenders be discretionary in Maryland. This modification to the bill (as reflected below) will allow judges to consider the impact that educational instruction might have on the community most affected by the crime, and it will also empower the community to play a lead role in recommending programming that will not only benefit the perpetrator, but also help make the community whole to the greatest extent possible.

...(C) IN ADDITION TO ANY OTHER PENALTIES IMPOSED BY THIS SECTION, THE COURT ~~SHALL~~ MAY REQUIRE A PERSON WHO VIOLATES THIS SUBTITLE TO COMPLETE AT LEAST 8 HOURS OF EDUCATIONAL INSTRUCTION RELATING TO THE GROUP OR COMMUNITY AGAINST WHOM THE PERSON CONVICTED HAS COMMITTED A PROHIBITED ACT....

We urge the Senate Judicial Proceedings Committee and House Judiciary Committee to release S.B. 989 and H.B. 485 (as amended by ADL above), with a favorable report.