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BILL NO: House Bill 917  
TITLE: Criminal Law – Hate Crimes – Basis (2<sup>nd</sup> Lt. Richard Collins, III's Law)  
COMMITTEE: Judiciary  
HEARING DATE: February 11, 2020  
POSITION: **SUPPORT**

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Under current law, an act is considered a hate crime only if it is determined that the action was done wholly *because* of the victim's identity (gender, race, color, religion, sexual orientation, disability, national origin, or status as a homeless person). House Bill 917 seeks to address challenges in the prosecution and adjudication of hate crimes by changing the definition to make an action a hate crime if it is *motivated in part or in whole* on another's identity.

Hate crimes are intended to intimidate not only the victim but also the victim's community. The burden of proof to establish the perpetrator's intent, that the act was done *because of* the victim's identity, is incredibly burdensome, as a defendant's *mens rea* can often not be established through circumstantial evidence.

Hate crime laws matter. In addition to deterring criminal activity, they possess important symbolic meaning that signals to targeted communities that the government cares and that law enforcement will take their concerns seriously. But studies have shown increasing the likelihood of a successful prosecution is more effective at deterring crime than increased penalties<sup>1</sup>. Having worked with the Office of the Attorney General and a coalition of organizations for the past year seeking to find ways to address the rise in hate crimes throughout the state, the WLC firmly believes that creating a more realistic standard of proof for hate crimes will be an important tool in stopping these crimes from occurring in the future.

Therefore, the Women's Law Center urges support for House Bill 917.

***The Women's Law Center of Maryland is a non-profit, legal services organization that advocates for the rights of women through direct legal representation of individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the state-wide Collateral Legal Assistance for Survivors and Multi-Ethnic Domestic Violence Projects.***

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<sup>1</sup> National Institute of Justice, <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>