



HB0917 Criminal Law - Hate Crimes - Basis (2nd Lieutenant Richard Collins, III's Law)
Presented to the Hon. Luke Clippinger and Members of the House Judiciary Committee
February 11, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the House Judiciary Committee **a favorable report on HB0917 Criminal Law - Hate Crimes – Basis**, sponsored by Delegate C.T. Wilson.

Our organization is an advocate for reproductive health, rights, and justice. We seek to protect every person’s freedom to decide if, when, and how to build their families. This includes the right to raise a family in an environment free from violence, regardless of gender, race, religion, or any other aspect of one’s identity. It also includes the right to freely express one’s sexual orientation and gender identity. Accordingly, we support strengthening Maryland’s hate crime laws as proposed by HB0917.

Hate crimes are illegal acts committed on account of a perceived aspect of the victim’s identity and are generally violent crimes or threats to commit violent crimes.ⁱ Federal hate crime laws cover crimes “committed because of the actual or perceived race, color, religion, national origin, [...] gender, sexual orientation, gender identity, or disability” of the victim.ⁱⁱ Maryland criminal law identifies race, color, religious beliefs, sexual orientation, gender, disability, national origin, and homelessness as potential grounds for hate crimes. According to the Department of Justice’s National Crime Victimization Survey, an estimated 250,000 hate crimes are committed each year in the United States, less than half of which are reported to police.ⁱⁱⁱ In Maryland, 50 hate crimes, about half motivated by race, were reported in 2018, an increase from 48 in 2017.^{iv} This is counter to the national trend, which saw a decrease in reported hate crimes over that period.^v

Hate crimes have varied and significant impacts. They are more likely than other types of violent crime to cause psychological distress, including post-traumatic stress disorder and depression.^{vi} Hate crimes increase feelings of vulnerability, anxiety, and suspicion in victims and reduce their social engagement.^{vii} Beyond their immediate negative impact on victims, hate crimes also damage targeted groups’ feelings of belonging and safety in their communities and can encourage further acts of hatred.^{viii} Perpetrators intend hate crimes to reach beyond the victim to communicate a threat to all members of the targeted group, spreading a sense of vulnerability among the group and leading to heightened community tensions and group isolation.^{ix}

Hate crime laws both provide actual protection for vulnerable people and signal that hate has no place in our communities. HB0917 establishes stronger protections against hate crimes for vulnerable Marylanders by clarifying that when hate is at least a component of the motivation behind a crime, that crime is a hate crime. Hate crimes can be complex, and perpetrators may claim multiple motivations for their attacks. In 25 percent of hate crimes, perpetrators attempt to justify their violence as defensive; in 8 percent of hate crimes, perpetrators claim to act in retaliation to some crime against themselves or their country.^x HB0917 seeks to clarify existing law about these types of cases, enabling better enforcement and reinforcing the unacceptability of hateful, illegal acts in Maryland. This legislation would also bring Maryland law into compliance with federal policy. The Federal Bureau of Investigation defines a hate crime as a “criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.”^{xi} Passage of HB0917 would adopt similar language, allowing Maryland law to better hold offenders accountable for hate crimes.

Every person has the right to live and build a family free from violence, especially that motivated by prejudice. In the spirit of reproductive justice, NARAL Pro-Choice Maryland **urges a favorable committee report on HB0917**. Thank you for your time and consideration.

ⁱ The United States Department of Justice. “Learn About Hate Crimes,” September 5, 2019.

<https://www.justice.gov/hatecrimes/learn-about-hate-crimes>.

ⁱⁱ The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249

ⁱⁱⁱ Masucci, Madeline, and Lynn Langton. “Hate Crime Victimization, 2004-2015.” U.S. Department of Justice, Bureau of Justice Statistics, June 2017. <https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>.

^{iv} FBI Criminal Justice Information Services Division. “Maryland Hate Crime Incidents per Bias Motivation and Quarter by Agency, 2018.” FBI: UCR, 2019. <https://ucr.fbi.gov/hate-crime/2018/tables/table-13-state-cuts/maryland.xls>.

^v FBI Criminal Justice Information Services Division. “2018 Hate Crime Statistics: Incidents and Offenses.” FBI: UCR, 2019. <https://ucr.fbi.gov/hate-crime/2018/topic-pages/incidents-and-offenses>.

^{vi} American Psychological Association. “The Psychology of Hate Crimes,” 2020.

<https://www.apa.org/advocacy/interpersonal-violence/hate-crimes>.

^{vii} Paterson, Jenny, Mark A Walters, Rupert Brown, and Harriet Fearn. “The Sussex Hate Crime Project: Final Report,” 17. University of Sussex, January 2018. <https://www.sussex.ac.uk/webteam/gateway/file.php?name=sussex-hate-crime-project-report.pdf&site=430>.

^{viii} American Psychological Association. “The Psychology of Hate Crimes,” 2020.

<https://www.apa.org/advocacy/interpersonal-violence/hate-crimes>.

^{ix} Paterson, Jenny, Mark A Walters, Rupert Brown, and Harriet Fearn. “The Sussex Hate Crime Project: Final Report,” 7. University of Sussex, January 2018. <https://www.sussex.ac.uk/webteam/gateway/file.php?name=sussex-hate-crime-project-report.pdf&site=430>.

^x Shanmugasundaram, Swathi. “Hate Crimes, Explained.” Southern Poverty Law Center, April 15, 2018.

<https://www.splcenter.org/20180415/hate-crimes-explained>.

^{xi} Federal Bureau of Investigation. “Hate Crimes.” Folder. Accessed February 9, 2020.

<https://www.fbi.gov/investigate/civil-rights/hate-crimes>.