



Testimony for the House Judiciary Committee

February 11, 2020

HB 917 Criminal Law - Hate Crimes - Basis (2nd Lieutenant Richard Collins, III's Law)

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The ACLU of Maryland recognizes that heightened protections are warranted to protect historically marginalized communities against hateful violence and acts of intimidation. We are also well aware that prosecution of criminal behavior is itself also rife with bias. We therefore suggest language to guard against politically-motivated or biased prosecution of hate crimes.

As this Committee knows, there were multiple reports of nooses and swastikas being placed across the state in 2018.¹ It is an undeniable fact of our history that marginalized persons and groups continue to be targets of violence, threats, and acts of intimidation.

As drafted, HB 917 could allow for someone to be criminalized if the person is hateful and has committed a crime, even if the crime was not the product of the person's hatefulness. To address this issue, we would recommend the Committee consider amending HB 917 to include language such as the following, "Evidence of expression or association of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to the offense the defendant is charged with."

¹ See for example, Baltimore Sun, [Noose found near Patterson Park Pagoda](#) (Dec. 3, 2018); CBS Baltimore, [Another Noose Found At Chesapeake Bay Middle School](#) (Dec. 19, 2018); Baltimore Sun, [University of Maryland Police investigating swastika, anti-LGBT messages found in dorms](#) (Sept. 5, 2018).