



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2022 Session
HB0290

Hate Crimes – Civil Remedy

Summary

This bill authorizes a person who is the victim of a violation of the State’s hate crime laws to bring a civil action against the person or persons who committed the act and authorizes a court to award a variety of specified remedies. The bill applies prospectively to causes of action arising on or after the bill’s October 1, 2022 effective date.

Maryland Demographics

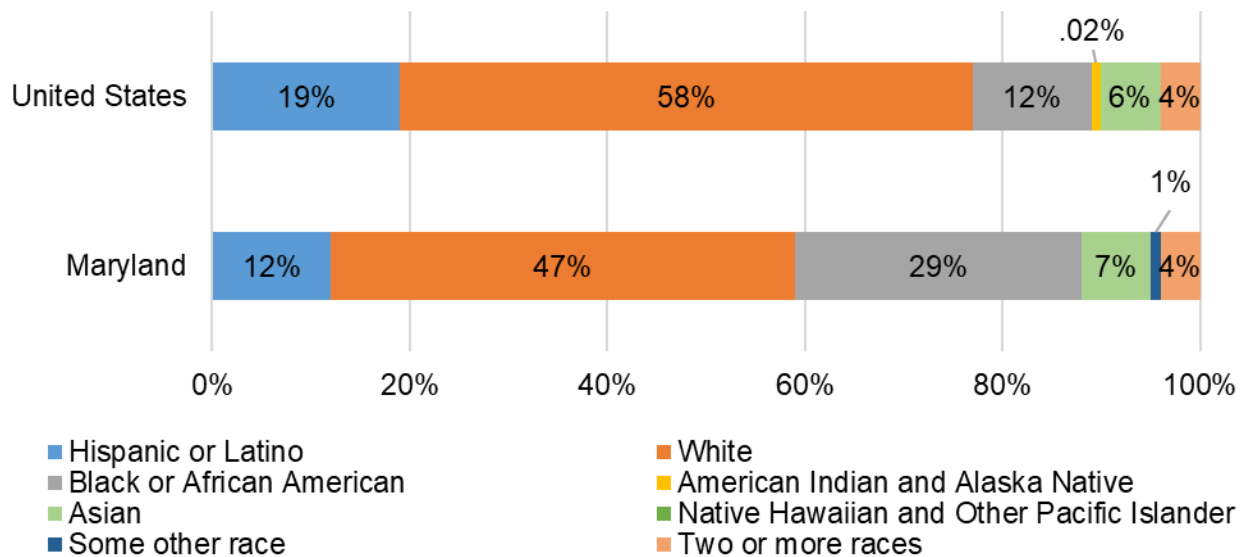
Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “White” as their racial group. Despite this decrease, non-Hispanic Whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as White alone compared to 58% of the national population. Similarly, 51% of the population identify as non-White or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-White population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s

Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



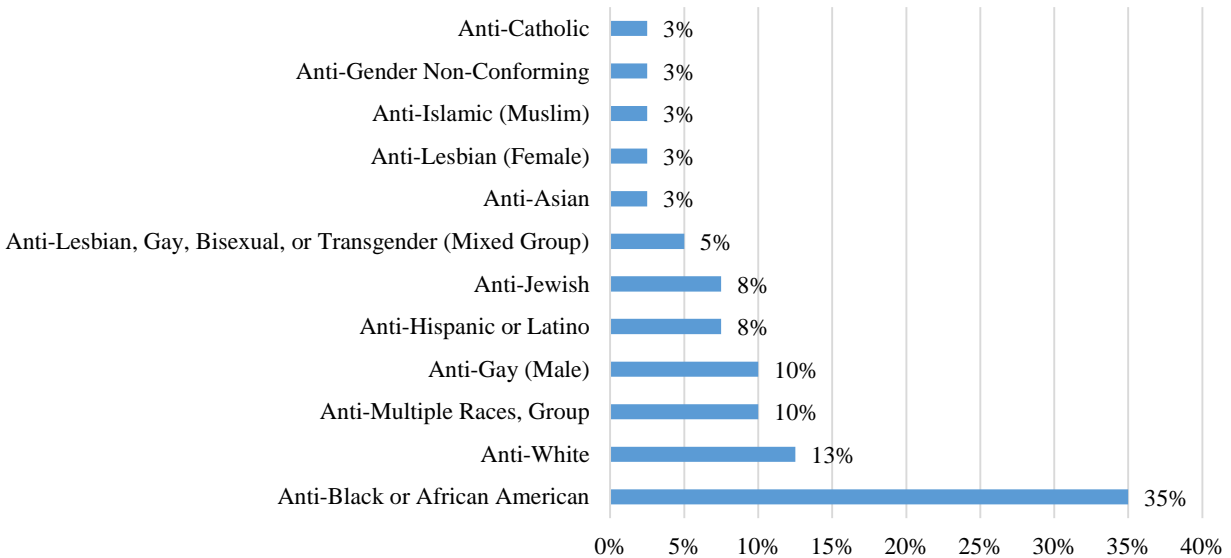
Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.

Racial Equity Impact Statement

The bill authorizes a person who is the victim of a violation of the State’s hate crime laws to bring a civil action against the person or persons who committed the act and authorizes a court to award a variety of remedies, which include both economic and noneconomic damages.

As shown in **Exhibit 2**, hate bias incidents motivated by anti-Black or African American sentiment was the most frequent type of hate bias incident reported in the State in 2020.

Exhibit 2 Hate Bias Incidents in Maryland 2020



Source: FBI Uniform Crime Report (2021)

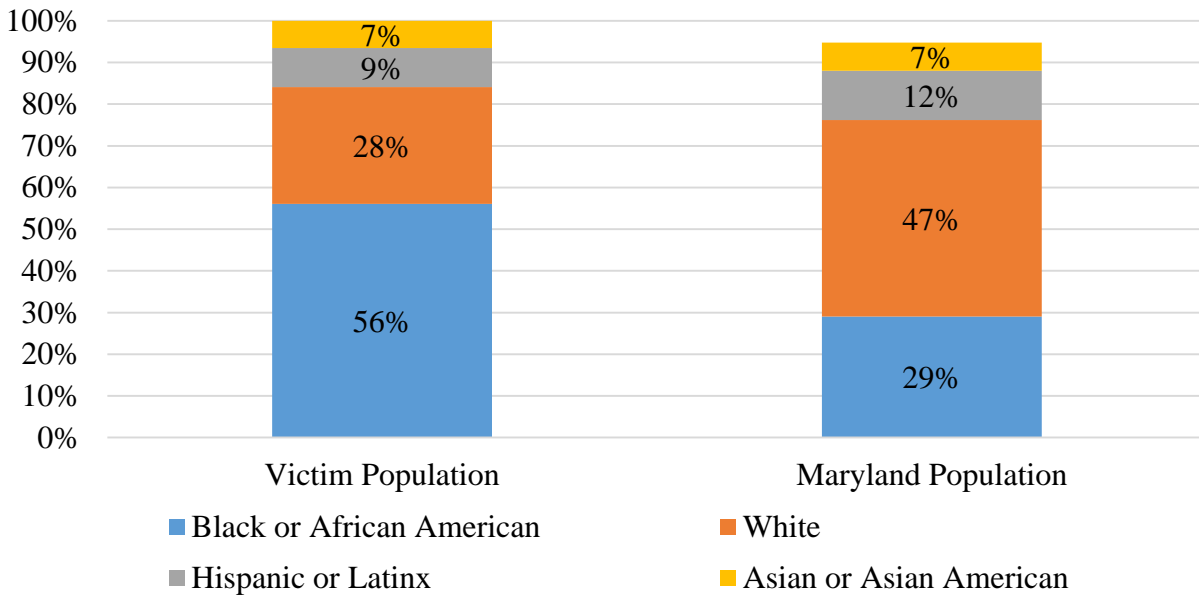
Additionally, as discussed below, a majority of the victims of hate bias incidents in Maryland in 2020 were African American or individuals who identified as Black. The bill would likely provide additional opportunities for restorative justice to communities of color and potentially other groups as they are disproportionately impacted by hate bias incidents in the State.

Data on Race-related Hate Bias Incidents

Hate Crime Victims

The most recent comprehensive data available on hate bias incidents in the State is collected by the Maryland State Police (MSP) in partnership with the Maryland Coordination and Analysis Center. **Exhibit 3** compares the 2020 racial and ethnic distribution of hate crime victims compared to Maryland's overall population. In 2020, there were 321 reported victims of hate bias. Of these victims, 56% identified as Black or African American, 28% were White, 9% were Hispanic or Latinx, and 7% were Asian or Asian American.

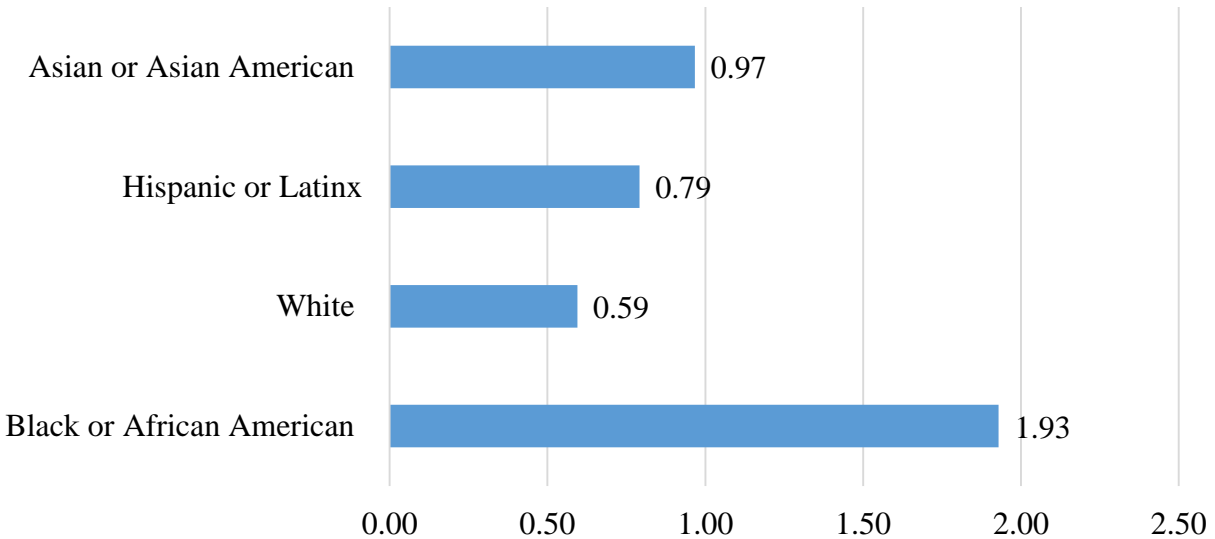
Exhibit 3
Hate Bias Victim Population
2020



Source: State of Maryland 2020 Hate Bias Report

The MSP data shows that Blacks or African Americans are over-represented among hate bias victims. As shown in **Exhibit 4**, the ratio of Black hate bias victims to the overall Black population in Maryland is 1.93. This means that individuals who identified as Black are almost twice as likely to be victims of a hate crime incident as compared to their proportion of the State’s population. While any incidence of hate crime is meaningful, Whites, and to a lesser extent Hispanics/Latinx and Asians, have a disproportionality ratio of less than 1.00 and therefore are less likely to be victims of a hate crime given their proportion of the State’s population.

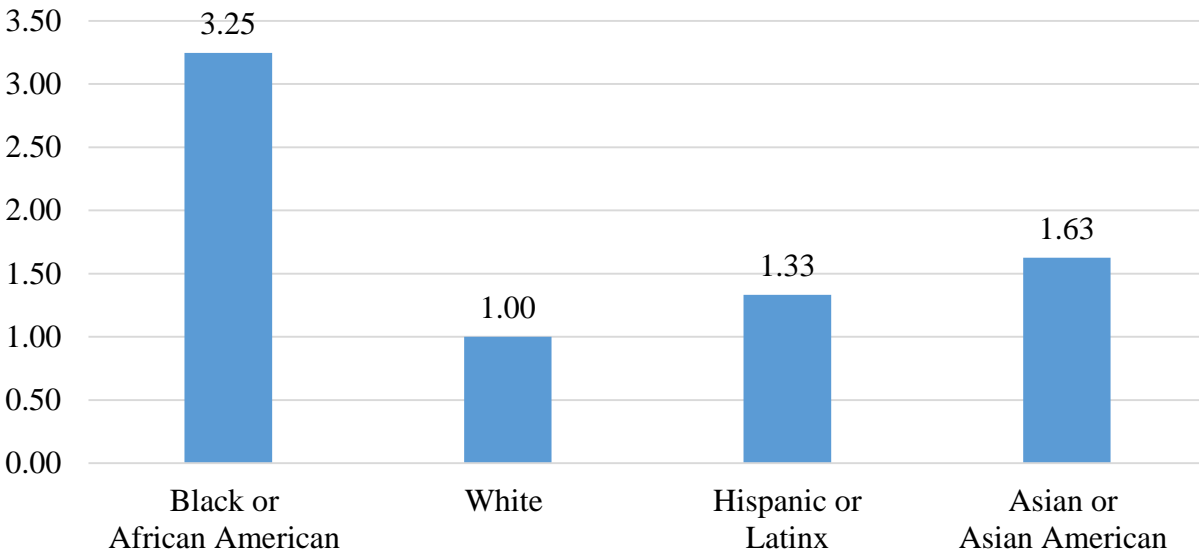
Exhibit 4
Disproportionality Ratios
Victims of Hate Bias Incidents in Maryland
2020



Source: Department of Legislative Services

Similarly, Blacks or African Americans are more likely to be hate crime victims when compared to Whites. **Exhibit 5** shows how racial disparity ratios vary between the different racial groups with respect to the number of hate bias victims in the State. The MSP data shows that Blacks have a racial disparity ratio of 3.25, which means they are over three times more likely than Whites to be victims of a hate crime. For Hispanic or Latinx populations, Exhibit 5 shows that these individuals are 33% more likely than Whites to be victims of a hate bias incident. Lastly, Asian Americans, or people identified as Asian, are 63% more likely than Whites to be victims of a hate bias incident.

Exhibit 5
Disparity Ratios
Victims of Hate Bias Incidents in Maryland
2020

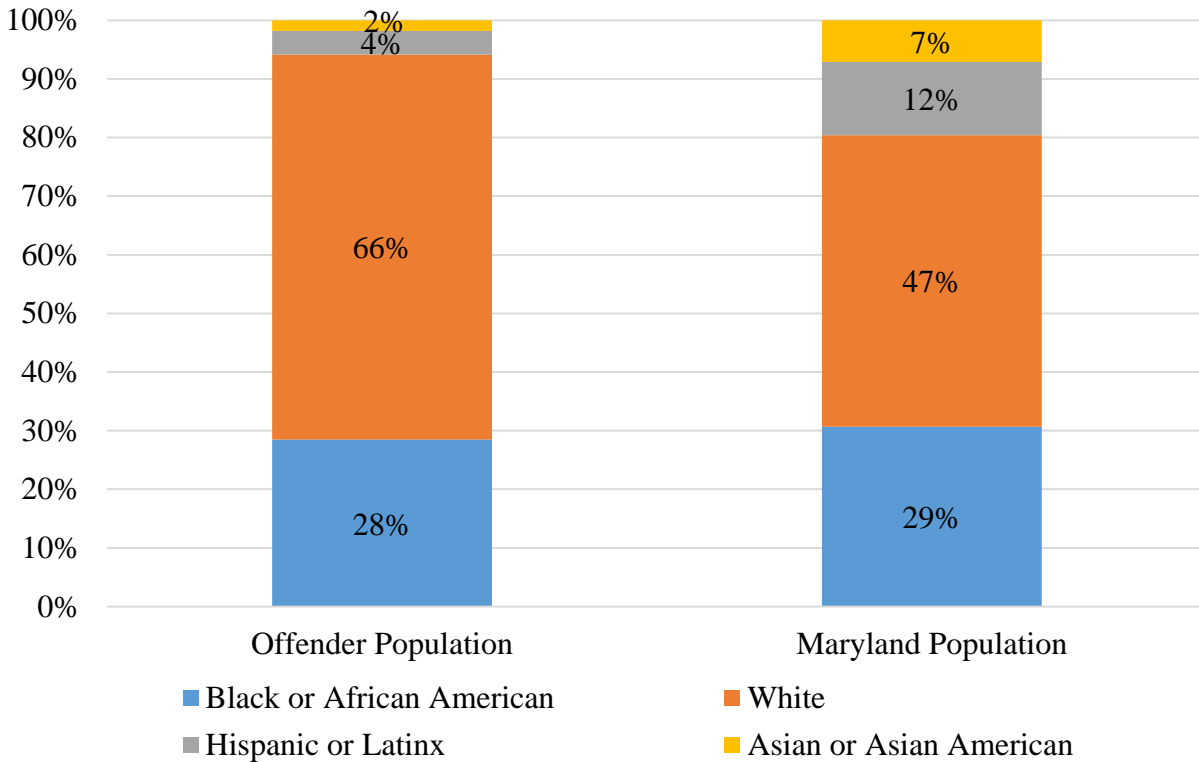


Source: Department of Legislative Services

Hate Crime Offenders

A majority of hate crime offenders in Maryland in 2020 identified as White. Of the total number of offenders reported by MSP, 66% were White, 28% were Black or African American, 4% were Hispanic or Latinx, and 2% were Asian or Asian American. As shown in **Exhibit 6**, Whites are over-represented as hate crime offenders as a share of the State's population while the number of Black offenders is roughly equal to their share of the overall population. The proportions of Asians and Hispanics/Latinx in the hate crime offender population is notably smaller than their respective proportions in the State population.

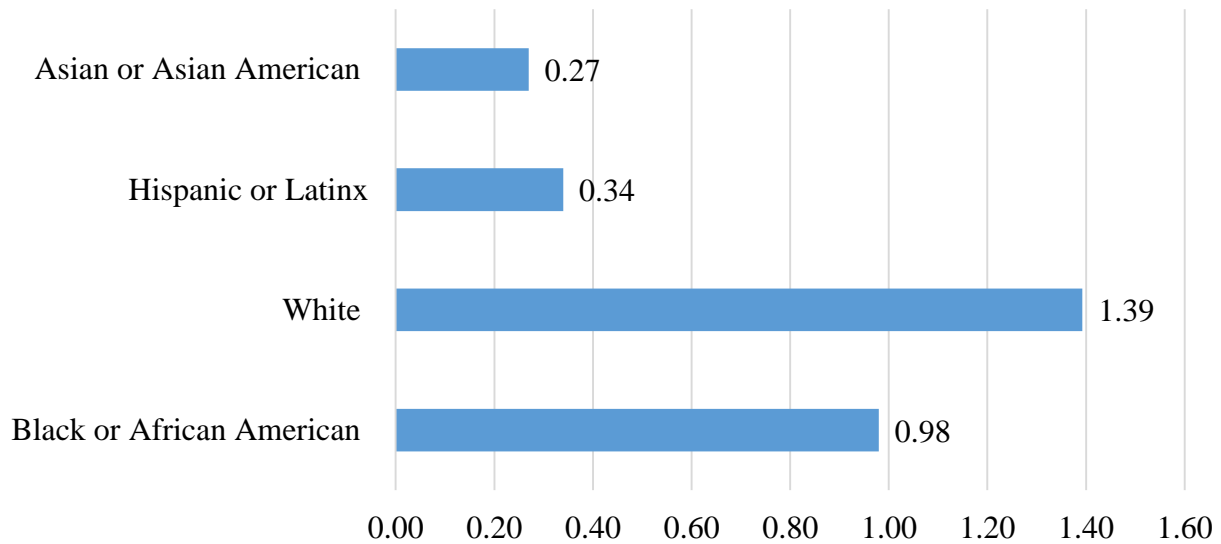
Exhibit 6
Hate Bias Offender Population
2020



Source: State of Maryland 2020 Hate Bias Report

Exhibit 7 illustrates the disproportionality ratios (over or under representation) of hate crime offenders of a specific race or ethnicity versus their share of the State’s population. The MSP data shows a disproportionality ratio for Blacks or African Americans of 0.98, meaning Blacks are just about as likely to be offenders in hate bias incidents as their proportion of the State’s population. With a disproportionality ratio of 1.39, Whites are more likely to be offenders in hate bias incidents as compared to their proportion of the State’s population. Hispanic or Latinx and Asian American or Asian hate crime offenders have disproportionality ratios of less than 1.00, so these groups are less likely to be hate crime offenders than their proportion of the State’s population.

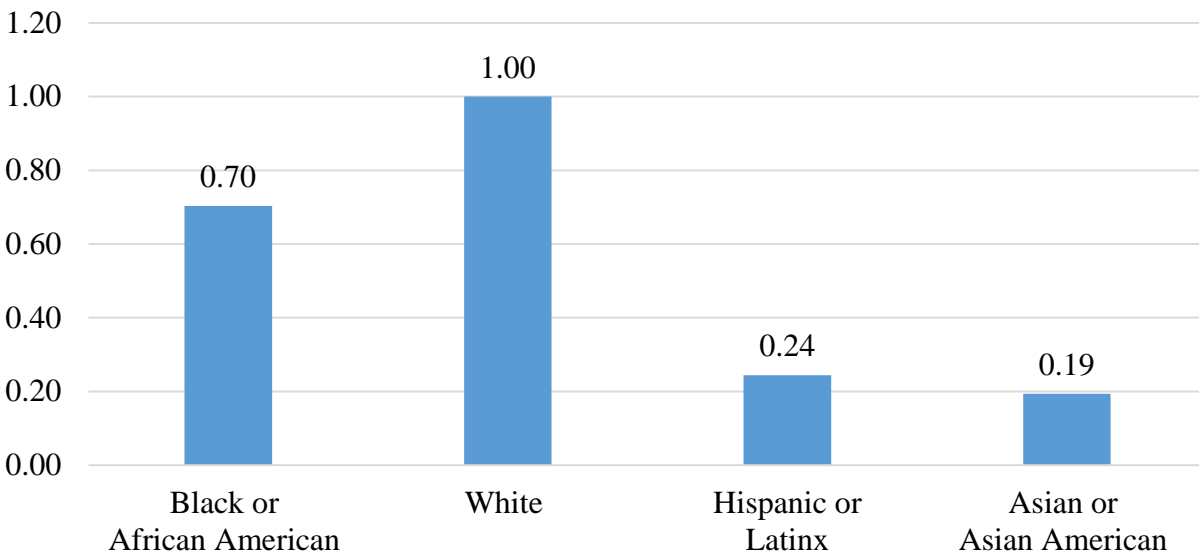
Exhibit 7
Disproportionality Ratios
Offenders of Hate Bias Incidents in Maryland
2020



Source: Department of Legislative Services

According to the MSP data, non-White racial groups are less likely to be offenders in hate bias incidents. **Exhibit 8** shows the disparity ratios among the different racial groups with respect to the number of offenders of hate bias incidents in Maryland. When compared to Whites, Blacks or African Americans are somewhat less likely and Hispanics or Latinx and Asians or Asian Americans are significantly less likely to be a hate crime offender.

Exhibit 8
Disparity Ratios
Offenders of Hate Bias Incidents in Maryland
2020



Source: Department of Legislative Services

Conclusion

While evidence shows that individuals across all racial and ethnic groups can be victims of hate bias incidents, documented data indicates that African Americans, or individuals who identify as Black, are disproportionately and disparately impacted by hate bias incidents. According to 2020 MSP data, Blacks are more frequently the target of hate bias incidents as compared to other racial and ethnic groups in the State and anti-Black or African American motivation was the most frequent hate bias incident in Maryland.

Given the statewide racial and ethnic disparities of victims and offenders of hate bias incidents, the bill will significantly impact communities of color. While there was not sufficient data to analyze the magnitude of the impact for other groups covered under the State's hate crime laws, it is reasonable to assume that other victims of hate crimes based on religious, sexual orientation, gender, gender identity, disability, national origin, or homeless status will have opportunities to seek restorative justice for hate bias incidents under the bill. Black victims in particular will likely see the most significant benefit from the ability to seek monetary damages due to their increased likelihood of being a victim of a hate crime.

Methodologies, Assumptions, and Uncertainties

Although some reports use disparity and disproportionality interchangeably, this racial and equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the same racial or ethnic demographic group in the general population. Disparity, however, refers to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population.

The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

Information Sources: FBI Uniform Crime Report (2021); State of Maryland's 2020 Hate Bias Report; Department of Legislative Services

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