RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES

MARYLAND • GENERAL • ASSEMBLY

2023 Session
HB0013

Hate Crimes – Civil Remedy

Bill 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, 2023 effective date.

Racial Equity Impact Statement

The 2021 Hate Bias Report, which is compiled by the Department of State Police (DSP) in partnership with the Maryland Coordination and Analysis Center (MCAC), shows that the majority of victims of race/ethnicity/ancestry (R/E/A) hate bias incidents in Maryland were Black or African American. The bill provides victims of hate bias with additional opportunities for restorative justice that will have a beneficial impact, particularly for groups that are disproportionately the target of hate bias incidents.
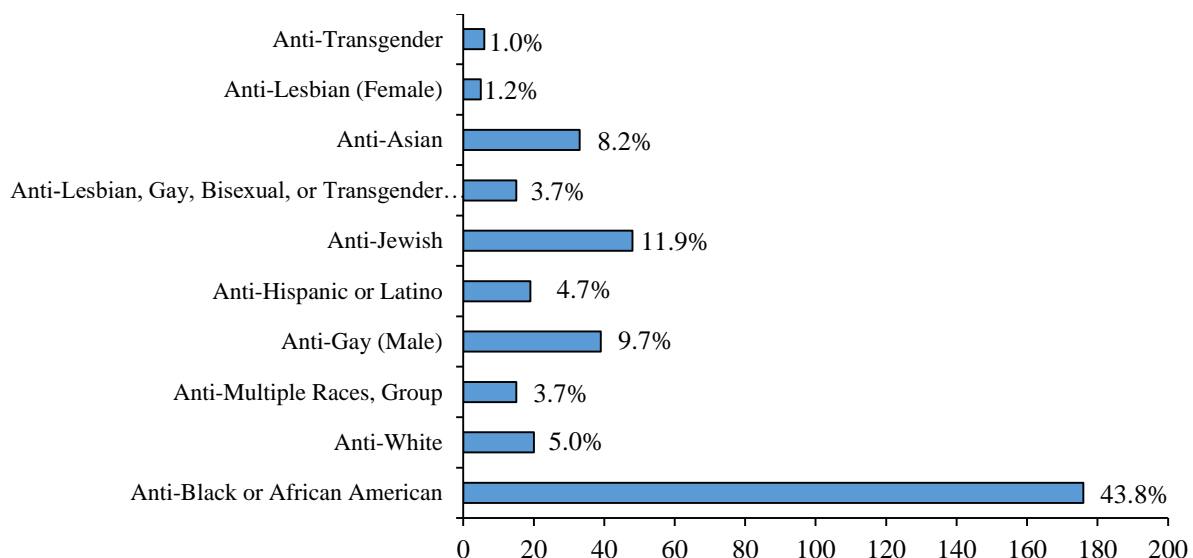

Analysis

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, including, but not limited to, economic and noneconomic damages.

According to the 2021 Hate Bias Report compiled by DSP and MCAC, a total of 388 hate bias incidents were reported in 2021. As shown in **Exhibit 1**, incidents motivated by anti-Black or African American sentiment were the most frequent type of hate bias report.

Exhibit 1
Hate Bias Incidents in Maryland
2021

Note: The total number of incidents reported differs from the number of verified reports.

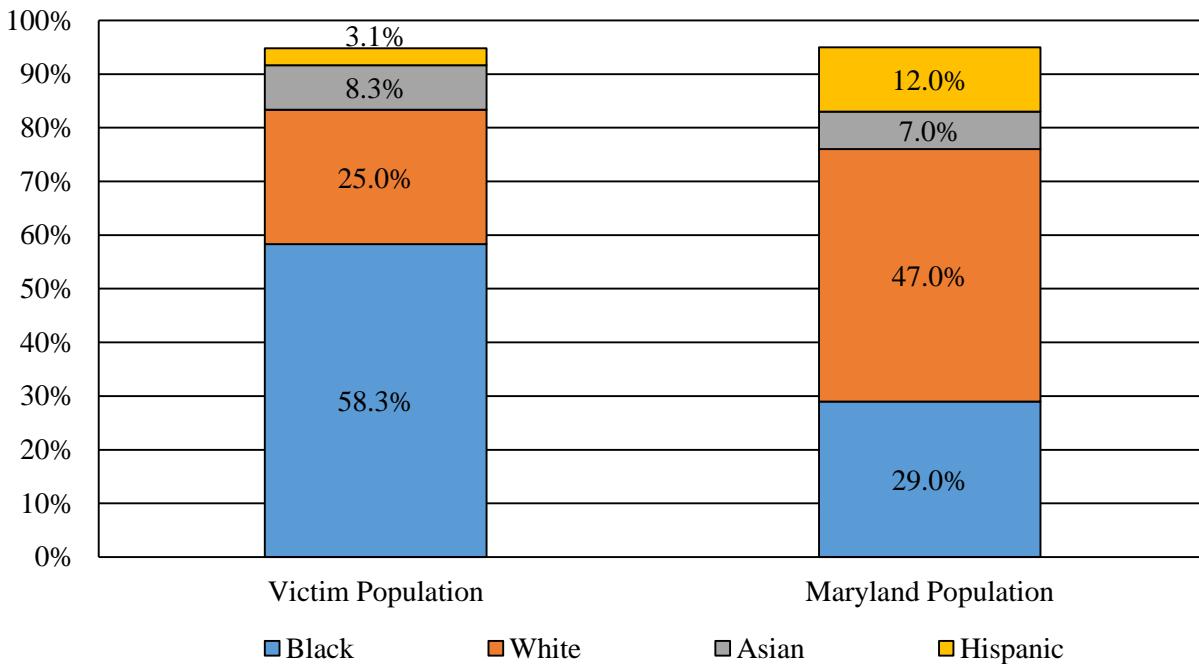Source: *State of Maryland 2021 Hate Bias Report*

Data on Race-related Hate Bias Incidents

Hate Crime Victims

In 2021, there were 347 reported victims of hate bias incidents of which 96 were verified. A verified incident is defined by DSP as one where the investigation leads to a conclusion that the offender's actions were motivated, in whole or in part, by their bias against a person's R/E/A, religion, sexual orientation, disability, gender, gender identity, or homelessness. Of the victims from verified reports, 58% identified as Black or African American, 25% were white, 3% were Hispanic, and 8% were Asian or Asian American. **Exhibit 2** compares the 2021 racial and ethnic distribution of hate crime victims compared to their proportion of Maryland's total population.
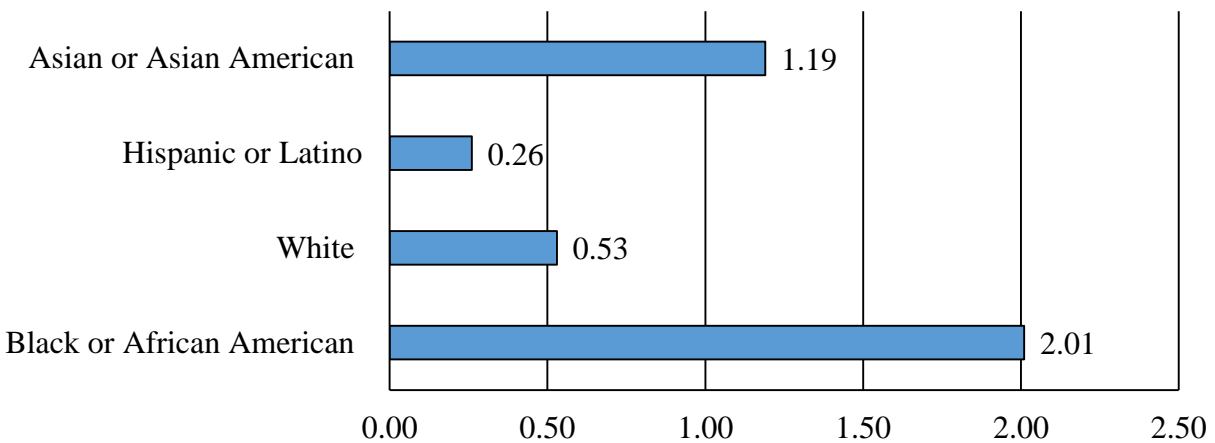
Exhibit 2
Hate Bias Victim Population
2021

Note: Numbers reflect victims of verified reports only.

Source: *State of Maryland 2021 Hate Bias Report*

The DSP data shows that Asians or Asian Americans and Blacks or African Americans are overrepresented among reported hate bias victims. As shown in **Exhibit 3**, the ratio of Black hate bias victims to the overall Black population in Maryland is 2.01. This means that individuals who identified as Black are twice as likely to be victims of a hate crime incident as compared to their proportion of the State's population. Asians or Asian Americans had a slightly greater chance of being victims of a hate crime during the 2021 reporting period as well, with a disproportionality ratio of 1.19. While any incidence of hate crime is meaningful, whites, and even more so Hispanics or Latinos, had a disproportionality ratio of less than 1.00 and therefore were less likely to be victims of a hate crime given their proportion of the State's population.
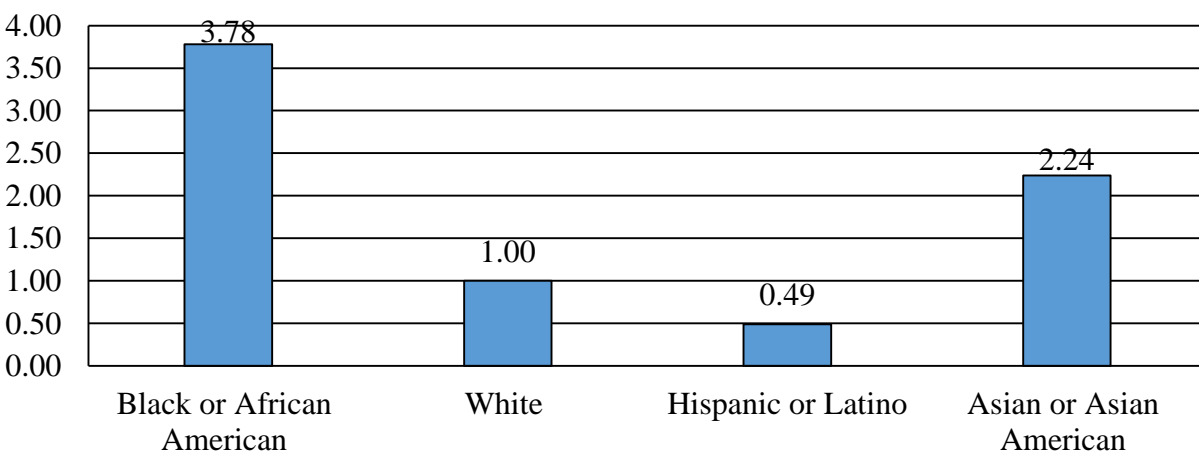
Exhibit 3
Disproportionality Ratios
Victims of Hate Bias Incidents in Maryland
2021

Group	Ratio
Asian or Asian American	1.19
Hispanic or Latino	0.26
White	0.53
Black or African American	2.01

Source: Department of Legislative Services

Similarly, Blacks or African Americans are more likely to be hate crime victims when compared to whites. **Exhibit 4** shows how racial disparity ratios vary between the different racial groups with respect to the number of hate bias victims in the State. The DSP data shows that Blacks or African Americans have a racial disparity ratio of 3.78, which means they were almost four times more likely to be victims of a hate crime than whites during the reporting period. Similarly, with a disparity ratio of 2.24, Asians or Asian Americans were more than twice as likely compared to whites to be a victim of a hate bias incident.

Exhibit 4
Disparity Ratios
Victims of Hate Bias Incidents in Maryland
2021

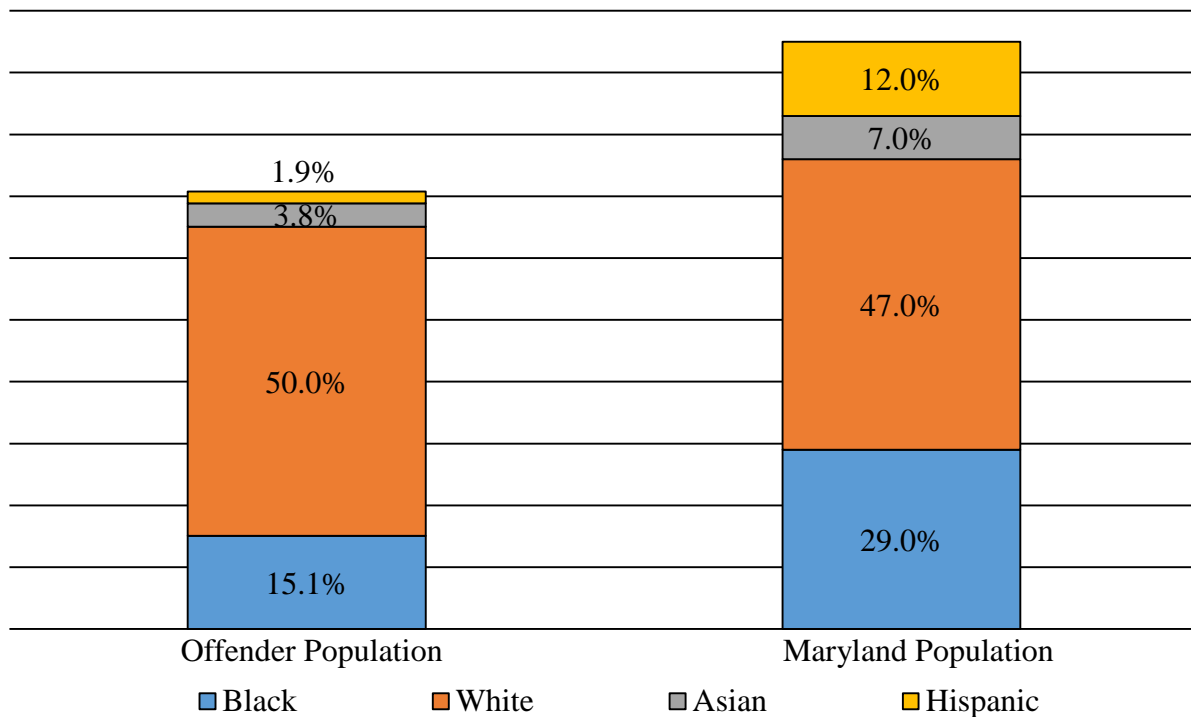| Group	Ratio
Black or African American	3.78
White	1.00
Hispanic or Latino	0.49
Asian or Asian American	2.24

Source: Department of Legislative Services

Hate Crime Offenders

As shown in **Exhibit 5**, the majority of hate crime offenders in Maryland in 2021 identified as white. Of the total number of offenders reported by DSP, 50% were white, 15% were Black or African American, 2% were Hispanic or Latino, and 4% were Asian or Asian American. The race or ethnicity of approximately 29% of offenders was unknown.
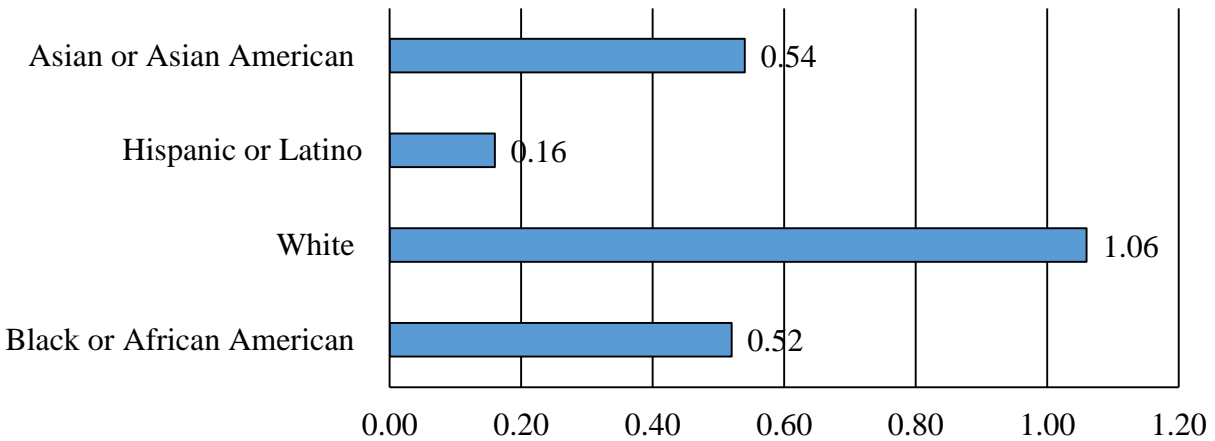
Exhibit 5
Hate Bias Offender Population
2021

	Offender Population	Maryland Population
Hispanic	1.9%	12.0%
Asian	3.8%	7.0%
White	50.0%	47.0%
Black	15.1%	29.0%

Legend: ■ Black ■ White ■ Asian ■ Hispanic

Source: *State of Maryland 2021 Hate Bias Report*

Exhibit 6 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 DSP data shows a disproportionality ratio for Blacks or African Americans of 0.52, meaning Blacks or African Americans were less likely to be offenders in verified hate bias incidents reported for 2021 given their proportion of the State's population. With a disproportionality ratio of 1.06, whites were about as likely to be offenders in hate bias incidents as their proportion of the State's population but remained substantially more likely to be offenders than the other racial groups measured. Hispanic or Latino 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.
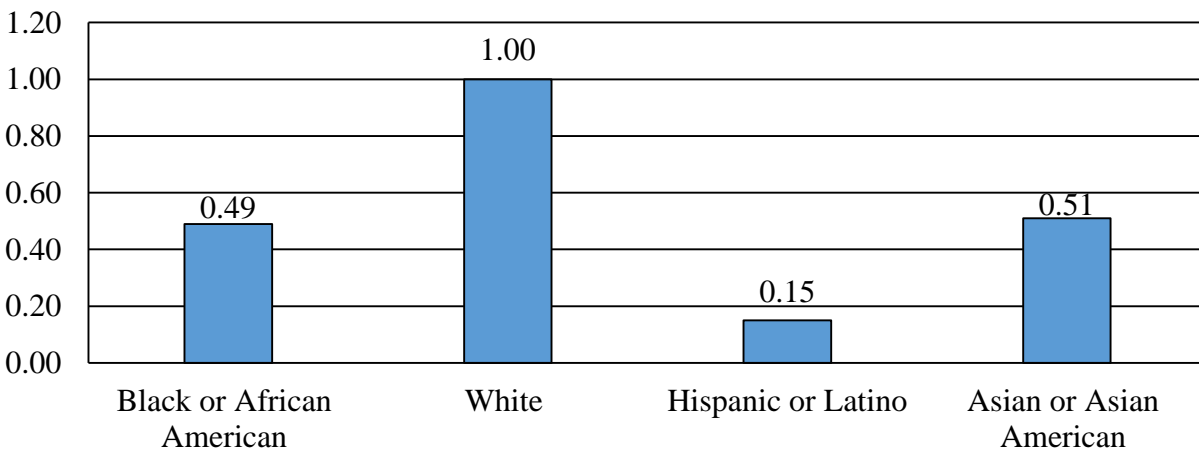
Exhibit 6
Disproportionality Ratios
Offenders of Hate Bias Incidents in Maryland
2021

Group	Ratio
Asian or Asian American	0.54
Hispanic or Latino	0.16
White	1.06
Black or African American	0.52

Source: Department of Legislative Services

According to the DSP data, non-white racial groups are less likely to be offenders in hate bias incidents. **Exhibit 7** 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 and Asians or Asian Americans were somewhat less likely and Hispanics or Latinos were significantly less likely to be a hate crime offender.

Exhibit 7
Disparity Ratios
Offenders of Hate Bias Incidents in Maryland
2021

Group	Ratio
Black or African American	0.49
White	1.00
Hispanic or Latino	0.15
Asian or Asian American	0.51

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 2021 data, Blacks or African Americans 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 by offering another avenue for holding hate bias perpetrators liable for their actions.

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 religion, sexual orientation, gender, gender identity, disability, national origin, or homelessness will have opportunities to seek restorative justice for hate bias incidents under the bill. Black or African Americans victims 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 state level.

Information Sources: Department of State Police; Maryland Coordination and Analysis Center; Department of Legislative Services

Analysis by: Rafael Regales
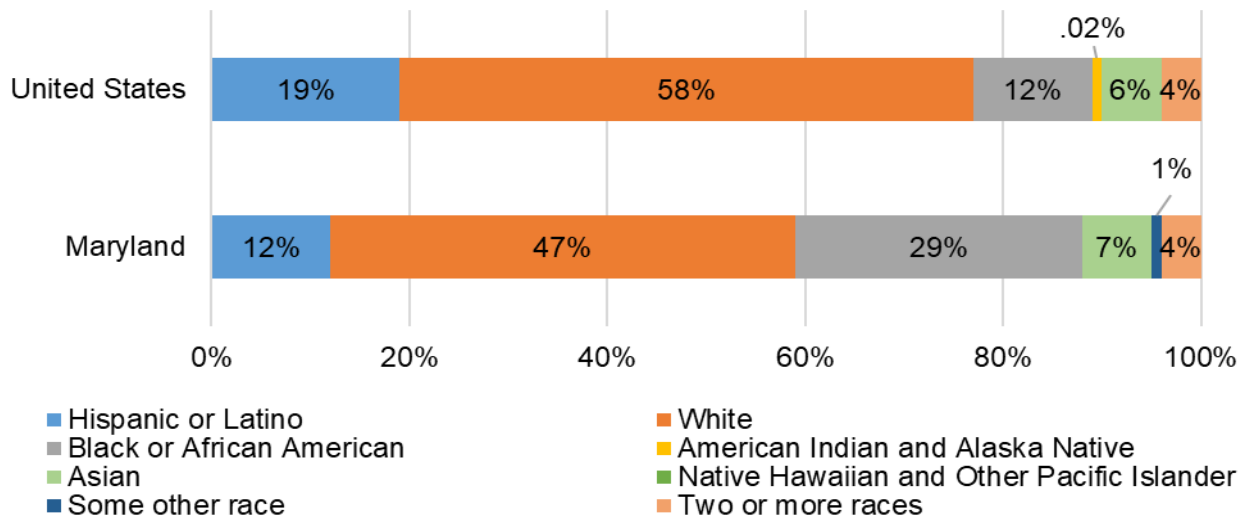
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Race and Ethnicity of the Maryland Population

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, 2021 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.