

JCRC_FAV_SB989

Uploaded by: Bagwell, Ashlie

Position: FAV

Testimony in SUPPORT of SB989
Criminal Law - Hate Crimes - Penalty (Educate Against Hate Act)
Judicial Proceedings Committee
February 11, 2020

The Jewish Community Relations Council of Greater Washington (JCRC) is the public affairs and community relations arm of the Jewish community, representing over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia.

SB989 requires the court to impose, on a person convicted of a hate crime, at least eight hours of educational instruction relating to the group or community against whom the person convicted has committed a prohibited act. Similar legislation is pending in Pennsylvania, and Massachusetts already mandates diversity awareness training.

There is clearly a need for this type of education both for those who have committed hate crimes and to prevent the further manifestation of hate in our society, since polarization, anti-Semitism, racism and bigotry are at historic levels in our nation. Before re-entering society, those who have committed hate crimes, deserve the opportunity to be educated about the irrationality of group based hatred, the harm it causes, and to understand that respect for people of all backgrounds and creating communities that are inclusive must be a goal of American society.

For these reasons, we support Senate Bill 989. We understand that the Department and other stakeholders may want to develop the educational program and promulgate the directive for its implementation based on their knowledge and understanding of what might work best in Maryland, versus what other states

have done. We would support any changes/recommendations that take that into account while maintaining the overall intent of this legislation.

We thank Senator Shelly Hettleman for introducing this important legislation and appreciate the opportunity to provide testimony in support of Senate Bill 989 today. We urge the Senate Judicial Proceedings Committee to vote favorably on this legislation.

CAIR_FAV_SB989

Uploaded by: Chaudry, Zainab

Position: FAV



Council on American-Islamic Relations

CAIR Office in Maryland
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February 11, 2020

Honorable Delegate Luke Clippinger Chair, House Judiciary Committee 101 House Office Building 6 Bladen Street Annapolis, MD 21401	Senator William C. Smith, Jr. Chair, Senate Judicial Proceedings Committee 2 East Miller Senate Office Building 11 Bladen Street Annapolis, MD 21401
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Re: Testimony is SUPPORT of HB485/SB989 – Criminal Law- Hate Crimes – Penalty (Educate Against Hate Act)

Dear Committee Chairs:

On behalf of the Council on American Islamic Relations, I thank you for the opportunity to testify in support of HB485/SB989 - entitled “Criminal Law- Hate Crimes- Penalty (Educate Against Hate Act)” introduced by Delegate Vaughn Stewart and Senators Susan Lee and Shelly Hettleman.

CAIR is the nation’s largest Muslim civil rights and advocacy organization. We are dedicated to protecting civil rights, enhancing the understanding of Islam, promoting justice and empowering Muslim communities to be more engaged members of society. As an organization, we monitor and track the incidents of hate crimes and bias motivated incidents across the country. Over the last few years, we have seen a steady increase in both individual and institutional prejudice towards the American Muslim community, particularly against the African and Black Muslim communities who comprise 1/5 of the American Muslim population.

Unfortunately, the basis for many acts of hatred and intolerance is a lack of education and understanding about the religion, race, ethnicity or other distinguishing characteristic. When we discuss solutions to eradicate racism, a large portion of our efforts must be directed towards education and socialization.

Education is a powerful tool to promote diversity, equity and inclusion. It can help create a society that doesn’t simply “tolerate” those who are different, but, rather in fact, teaches people to welcome them. This measure ensures that a perpetrator of a hate crime goes through the justice system and is required to take a class that teaches the value of diversity and enhances their understanding relating to the group targeted by their hatred.

We live in a time where many communities feel vulnerable. Hate is mainstream in our society, but together we can push it back to the fringes where it belongs. It is our responsibility to ensure that the State of Maryland is indeed a state for all. This bill addresses the deep-rooted issues of intolerance and prejudice. For these reasons, we urge a favorable report on House Bill 485/SB 989.

Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.
Director, CAIR Office in Maryland
Council on American-Islamic Relations

BJC_FAV_SB989

Uploaded by: peterson, matt

Position: FAV

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Congregation Beth Shalom of
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Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Temple Oheb Shalom
Winands Road Synagogue Center
Zionist Organization of America
Baltimore District



WRITTEN TESTIMONY

Senate Bill 989 (SB989) – Criminal Law – Hate Crimes – Penalty (Educate Against Hate Act)

Judicial Proceedings Committee February 11, 2020

SUPPORT

Background: SB989, with sponsor amendment, would allow the court to require an individual who is convicted of a hate crime to undergo at least eight hours of education on the group or community of whom the hate crime was perpetrated against.

Written Comments: The Baltimore Jewish Council (BJC) and Maryland's Jewish community are concerned about the recent rise in hate/bias incidents in Maryland and the damaging effect that is having on our communities. These incidents are impacting not just Jewish communities, but those of other religions and racial minorities. According to the 2018 State of Maryland Hate/Bias Report authored by the Maryland State Police, there has been a sharp increase in hate/bias incidents over the past decade. 2018 saw the second-largest number of incidents in the last 10 years. Incidents were reported in all 24 jurisdictions with Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties reporting the most incidents. These reported incidents targeted both individuals and some of our most vital arenas for community engagement, including schools, community centers, and places of worship. No place, person, place or part of our state is immune to these kinds of hateful incidents.

Education and understanding will always be the most powerful tools that we have for combating hate. If we truly want to make sure those who have committed hate crimes are able to grow from their past misdeeds, it is important that we are not just punishing offenders but using every tool in our arsenal to reduce the likelihood of them committing more acts of hate.

With this in mind, the Baltimore Jewish Council urges a favorable report on SB989.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

BJC_FAV_SB989

Uploaded by: Peterson, Matt

Position: FAV

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SALTZ_FAV_SB989

Uploaded by: Saltz, Debra

Position: FAV

Testimony in Support of SB989
Educate Against Hate Act of 2020
Senate judiciary Committee
February 11, 2020

I am writing about the Educate Against Hate Act. I am criminal defense attorney who has represented persons charged, and convicted, of hate crimes. I have always sought education and community service for my clients to help them understand the offense and their actions. There is nothing in place currently to address these individuals. It is up to the individual charged, or attorney, to locate specific training or community service. Recently, I defended a young man accused and convicted of a hate crime in Howard County. He and three friends painted religious and racial symbols of hate at their high school. It was up to each person accused and their attorneys to locate and recommend education and community service. At least two of the men went to the Holocaust Museum in DC and wrote an essay about their experience there. My client did community service at an African American Church and at the Jewish Museum. But there is nothing in place in terms of education for these individuals. When someone is charged with a drinking and driving offense or drug offense, there is practically an education facility on every corner. It would be nice to have something in place for hate crimes. Education is truly the only cure for these types of crimes. Many of the individuals convicted of hate crimes get time in jail for the actual hate crime, even if the underlying crime would not merit it. In my Howard County case, it is commonplace for an individual charged with malicious destruction of property to get probation for a first offense. The hate crime in that case elevated it to one that the court though merited jail. I believe it was a total waste of time to put my client in jail. It cost the taxpayers money and he sat idle for 27 days when he could have been doing service in the community. He learned far more about his offense by the over 175 hours of community service he had done voluntarily before he was sentenced. I certainly hope this bill passes. I do think, however, it should require more than 8 hours.

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Hettleman_FAV_SB989

Uploaded by: Senator Hettleman, Senator Hettleman

Position: FAV



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SHELLY HETTLEMAN
CRIMINAL LAW - HATE CRIMES - PENALTY (EDUCATE AGAINST HATE ACT)
SB989

As we were reminded last night in the chamber by the presence of Lt, Richard Collins' III parents, unchecked hate can fester and lead to tragic outcomes. Developing more effective policies to address the increase in violence directed at individuals because of their race, gender, religion and the like is essential. Since 2016, incidents of hate crimes have spiked dramatically. In 2016 and 2017 alone, police reported [693 hate crimes](#), nearly [double the number of crimes reported in the previous two years](#). The stories range from swastikas and racial epithets spray painted at a Howard County high school to a noose hanging near a diverse Montgomery County elementary school, and from an aggravated assault on a gay man in Baltimore and tragically to the murder of Army 2nd Lt. Richard Collins III in College Park. This disturbing growing trend has victimized individuals and terrorized larger community and faith-based groups.

The response to such ugly threats has been inadequate. The current punishment for being found guilty of a hate crime ranges from up to 3 years in prison for a misdemeanor and/or a \$5,000 fine to up to 20 years in prison and/or a fine up to \$20,000 if the crime results in a death. The individuals and communities most affected by hate crimes recognize that we can't always end cycles of violence with a purely punitive response. The Brennan Center for Justice reports that punitive approaches to hate crimes "fail to effectively deter future crimes or assuage the concerns of the victimized communities."

Most hate crime offenders are not hardcore bigots, nor do most of them belong to organized hate groups. Instead, most hate crime offenders are young males aged 16-25, many of whom could benefit from instruction and re-education. Research suggests that rehabilitative and restorative approaches to challenging underlying prejudice have the most success in changing offender behavior. Victim-offender mediation and offender counseling and education demonstrate promise for changing hearts and minds.

SB989 will give judges a rehabilitative option in response to hate crimes. Current penalties in statute do not change, but judges will have the option of mandating that offenders complete educational instruction relating to the group or community against which the crime has been committed. Modeled after a program in Massachusetts and a bill in Pennsylvania crafted in response to the shooting at the Tree of Life Synagogue in 2019, SB989 is just one of many strategies we should pursue to combat the growing threat and complexity of hate crimes in our communities.

Countries around the world grappling with histories of genocide and extremism, have implemented rehabilitative programs with high rates of success. In Berlin, the Breaking Away from Hate and Violence program offers violent hate crime offenders the option to attend group training and one-on-one discussions. The program has reported astounding results: Between

2001-2009, 500 participants completed their program, with a drop-out rate under 3%, and recidivism rates under 30%, compared to a 78% recidivism rate for comparable offenders who did not go through the program. In San Diego County, a program called PATHWAYS for Tolerance offered educational programming to young people who had committed or were at a high risk of committing a hate crime. An evaluation of the program concluded that it was successful in reducing hate crime risk and offending. Pilot programs in Sweden, Scotland, New York, Los Angeles, and Connecticut have shown similar promise.

It is time to try this approach here in Maryland. As hate crimes threaten the safety and well being of both individuals and communities, it's time to be proactive in addressing bias head-on. SB989 offers an approach, backed by research that demonstrates its success. I urge a favorable report.

ADL_FAV_SB989

Uploaded by: Weisel, Meredith

Position: FAV



**Maryland General Assembly
Senate Judicial Proceedings Committee
House of Delegates Judiciary Committee
February 11, 2020**

Testimony of Doron F. Ezickson and Meredith R. Weisel
ADL Vice President, Mid-Atlantic/Midwest Division
ADL Washington D.C. Senior Associate Regional Director

ADL (the Anti-Defamation League) is pleased to submit this testimony regarding *Criminal Law – Hate Crimes – Penalty (Educate Against Hate Act)*, S.B. 989 (Sen. Hettleman); H.B. 485 (Del. Stewart). While ADL supports the concept of hate crime offenders receiving educational instruction relating to the group or community impacted by a hate crime offense, ADL would urge the Committee to consider an amendment to this bill that would ensure that such training is a discretionary element of sentencing, rather than a mandatory element.

ADL (the Anti-Defamation League)

Since 1913, the mission of ADL has been to “stop the defamation of the Jewish people and to secure justice and fair treatment for all.” Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. We were also privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations for more than a decade in support of the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA).

ADL is also a leading provider of anti-bias education and bullying prevention programs in K-12 schools and on college campuses. For over three decades, ADL has provided in-person programs through A World of Difference Institute, where PreK-12 educators, school faculty, students and family members explore identity and culture and learn to recognize and examine their own personal biases so they are more likely to challenge bias in themselves and society at large. In our region, which covers Maryland, the District of Columbia, Virginia, and North Carolina, we have worked with over 100 schools through our No Place for Hate program and the A World of Difference Institute to help foster inclusive school climates for students, teachers, and administrators of all backgrounds.

Impact of Hate Violence

All Maryland residents have a stake in effective responses to violent bigotry. These crimes demand priority attention because of their special impact. Bias crimes are intended to intimidate not only the individual victim, but also the victim's entire community, leaving members feeling fearful, isolated, and vulnerable. Failure to address this unique type of crime can therefore cause an isolated incident to explode into widespread community tension. By making targeted communities fearful, angry, and suspicious of other groups (and of the power structure that is supposed to protect them) these incidents can damage the fabric of our society and fragment communities.

In light of the unique harm that hate crimes can cause, it is vitally important that the community most impacted has a say in what, if any, education programming might benefit the offender in the aftermath of a hate crime offense. It is also essential that the burden for education programming not be placed solely on the community that has already been the target of hate. While in some cases, a community may wish to play a lead role in providing restorative justice programming, in other cases, the community may not have the resources, bandwidth, or capacity to provide such training. In fact, it is also entirely possible that, in light of residual fear, trauma, and safety concerns, anti-bias training would actually cause even more harm to a community already suffering. While third parties could certainly step in to provide such training, unless and until that training is reviewed and approved by the community most impacted by the crime, a judge should not be required to order it.

Recommendation

For these reasons, ADL recommends that restorative justice programming for hate crime offenders be discretionary in Maryland. This modification to the bill (as reflected below) will allow judges to consider the impact that educational instruction might have on the community most affected by the crime, and it will also empower the community to play a lead role in recommending programming that will not only benefit the perpetrator, but also help make the community whole to the greatest extent possible.

...(C) IN ADDITION TO ANY OTHER PENALTIES IMPOSED BY THIS SECTION, THE COURT ~~SHALL~~ MAY REQUIRE A PERSON WHO VIOLATES THIS SUBTITLE TO COMPLETE AT LEAST 8 HOURS OF EDUCATIONAL INSTRUCTION RELATING TO THE GROUP OR COMMUNITY AGAINST WHOM THE PERSON CONVICTED HAS COMMITTED A PROHIBITED ACT....

We urge the Senate Judicial Proceedings Committee and House Judiciary Committee to release S.B. 989 and H.B. 485 (as amended by ADL above), with a favorable report.

MDJudiciary_UNF_SB989

Uploaded by: Jones, Tyler

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 989
Criminal Law – Hate Crimes – Penalty (Educate against Hate Act)
DATE: February 7, 2020
(2/11)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 989. This bill requires the court to order a person who is found in violation of Title 10, Subtitle 3 of the Criminal Law Article to complete at least eight hours of education instruction relating to the group or community against whom the person has committed a prohibited act.

The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from considering legislative intent or factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Shelly Hettleman
Judicial Council
Legislative Committee
Kelley O'Connor