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February 10, 2020

Chairman William C. Smith
Miller Senate Office Building, 2 East Wing
11 Bladen St.
Annapolis, Maryland 21401

Dear Chairman Smith,

I write in support of SB606 - Criminal Law – Hate Crimes – Basis (2nd Lt. Richard Collins, III Law). Strengthening this statute will help achieve justice for victims and their families.

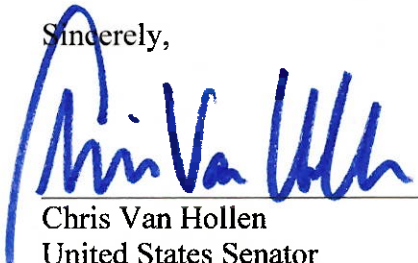
Maryland's hate crime statute, MD Crim. Law Code § 10-304, is similar to the federal statute. The federal hate crimes statute, Title I of the Civil Rights Act of 1968, 18 U.S.C. § 249, does not specify what legal standard should be used in hate crime prosecutions. It states only that the crime must be committed "because of actual or perceived race, color, religion, national origin, sexual orientation, gender identity, or disability." The Sixth Circuit Court of Appeals has interpreted "because of" to mean "but-for." This unduly restrictive interpretation of the statute has chilled hate crime prosecutions and makes it more difficult in both criminal and civil cases for prosecutors and plaintiffs to prove bias or prejudice in hate crimes cases.

SB606 is necessary to reverse this cramped reading of the words "because of" and clarify that hate does not need to be the sole factor to secure a conviction under the hate crime statute. The bill seeks to change the language from "because of" to "in whole or in part," thus broadening the statute.

We are working in Congress to change the federal statute. In the meantime, Maryland can lead by example. The FBI hate crime statistics for 2018, the last year for which FBI data is available, show that personal attacks motivated by race, ethnicity, ancestry, religion, sexual orientation, disability, gender, and gender identity has reached a 16-year high nationwide. Our laws should not offer loopholes to perpetrators of hate crimes.

I urge a favorable report on SB606 - 2nd Lt. Richard Collins, III Law.

Sincerely,



Chris Van Hollen
United States Senator

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