

IN SUPPORT OF HB917/SB606 Criminal Law - Hate Crimes

To: Judiciary Committee (House) and Judicial Proceedings Committee (Senate)
From: Pauline Mandel Director of Legal Services Maryland Crime Victims Resource Center
Date: February 10, 2020
Re: Written Testimony in support of House Bill 917 and Senate Bill 606

I am submitting this written testimony to offer my unqualified support for House Bill 917/ Senate Bill 606.

I am a victim attorney representing clients across the state for the past fourteen years in both district and criminal court. Our agency, Maryland Crime Victim's Resource Center is a statewide organization dealing with victims of all crimes. In the past few years, our agency has seen a steady rise in incidents of bullying, assault and even murder directed at certain groups of individuals. The attorneys from my agency participate in criminal trials and represent victims in criminal hearings. We work closely with the State's Attorneys and other agencies to ensure our clients receive all justice available to them. It is because of our mission to ensure victims receive justice in the criminal justice system that I support this bill.

The Hate Crime Bill was passed in 2015 but there have been variations and adaptations adopted since it's inception. However, to my knowledge there has not been a conviction on this bill as written. Under the current law, a hate crime is defined as a crime done "because of a person's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because someone is homeless." The language is very limiting when discussing actions that define a hate crime. I became aware of the difficulties of the bill while representing Mr. and Ms. Collins during the trial of their son's murderer. In our meetings with the State's Attorneys office and the prosecutors it was clear the wording needed to be tweaked to give the court the ability to apply the law.

The family of Lieutenant Collins waited two and a half years for this case to come to trial. During that period the victim's family avoided the press and public statements to ensure the jury pool would be untainted, and several long-term postponements. It was a grueling time for the family. There were numerous motions and arguments concerning change of venue and other issues. When the trial commenced in December of last year the impact on the family was difficult. Jury selection, six days of testimony and numerous revelations. Both sides presented their case and at the end of the defense's presentation, a motion for acquittal was argued. It was at that point that the judge in the case granted an acquittal in the Hate Crime case because he didn't feel enough evidence had been presented to meet the legal definition. That action devastated the family of the victim. Ms. Collins' characterized it as a "gut punch."

That is why the passage of these bills is so compelling to Crime Victims in Maryland. Changes in the language of the bill will define the definition to a broader base and make convictions easier to ensure. Your prompt passage of this bill is requested.

Thank you,



Pauline Mandel, Director of Legal Services

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