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HB917/SB606- Criminal Law – Hate Crimes – Basis

2nd Lt. Richard Collins, III Law

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Support

Good afternoon Mr. Chair and Honorable Members of the Judiciary/Judicial Proceeding Committees. For the record, I am Aisha Braveboy, State's Attorney for Prince George's County. I am testifying in support of HB917/SB606- Criminal Law – Hate Crimes – Basis (2nd Lt. Richard Collins, III Law). This bill seeks to include strength the hate crimes statute. The bill will clarify that hate can be one of the factors for the crime, but it does not have the sole factor to secure a conviction under the hate crime statute.

On May 20, 2017 newly commissioned second Lt. Richard Collins, III was visiting a friend at the University of Maryland College Park to celebrate their graduation from College. Collins was going to graduate from Bowie State University the following week. Lt. Collins' friend was going to graduate from the University of Maryland the following morning. At 3am, Urbanski brutally and hatefully took the life of Lt. Collins. When Lt. Collins friend, Blake, tried to render aid after Urbanski stabbed him, he gestured to Blake to go and leave him to die. Blake was Caucasian. In the month, weeks and days before the murder, Urbanski possessed several racist and white supremacist photos and meme's depicting Jewish, African Americans, and mentally challenged people in demeaning ways to include advocating violence against those groups. Urbanski uploaded those images into his image folder, where they were stored with pictures of Urbanski with his friends and family. Storing those pictures with his friends and family, showed the importance and value of those pictures to Urbanski.

Additionally, Urbanski is member of, and participated in, a Facebook group called "The Alt Reich: Nation." This group also had propaganda advocating violence against people of color and non-whites, including African Americans, on its page. Group and social media page included several references to Hitler and other Nazi propaganda. This is clearly hate! The court stated that it believed the State had proven that "hate" was one of the motives behind the murder, but the current statute requires that it is

the only factor. I am asking you to fix this! The statute needs to be clarified so no one else has to experience what the Collins Family experienced.

According to this latest federal report, Jewish and African American communities continue to shoulder a disproportionate percentage of federally reported hate crimes: Jewish people comprise an estimated 2 percent of the U.S. population but make up 10 percent of hate crime victims, and the African American community is an estimated 13.4 percent of the U.S. population but makes up 26 percent of hate crime victims.

The bill, before you today, is similar to what other states have or are doing with their hate crime statute. States have added clarifying language showing that the hate crime can be motivated in whole or in part by the bias against members of the protected class. Similarly, the congress just introduced a bill to clarify the federal hate crime statute. U.S. Sens. Amy Klobuchar (D-MN) and Lisa Murkowski (R-AK) introduced a bill that seeks to ensure that federal prosecutors can effectively enforce the federal hate crimes law.

Since it was passed in 2009, the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act in 2009, federal courts have had different interpretations of the motive requirement in the law. An appeals court interpreted the law to require that hate crime prosecutors prove that bias was the sole motivation for the crime – a standard that is difficult to prove and could chill the enforcement of the federal hate crimes law.

The new bill clarifies that prosecutors must prove that bias against a protected characteristic was a motivating factor for the crime not the sole factor.

One of the bill sponsors is a former prosecutor and has stated that she has seen firsthand the trauma that hate crimes can inflict not only on victims but also on entire communities.” We, collectively, must stand together to make combating hate-motivated violence a top priority. “The federal Hate Crimes Act being proposed ensures that law enforcement has the authority needed to prosecute hate crimes. We must do all do everything in our power to put an end to attacks motivated by prejudice.

Hate crimes – or attacks motivated by bias or prejudice – reached a 16-year high in 2018, according to the FBI.

“Prejudice against groups and individuals because of their sexual orientation, religion, race, or other characteristics has been part of our history. While we have made great progress in protecting Marylanders and our fellow Americans from acts of hatred and bias—discrimination, violence, and

stereotyping still continue. **It must be put to a stop now.** HB917/SB606 will empower prosecutors by providing the legal certainty they need to bring the perpetrators of hate crimes to justice.

MSAA, CASA, the Attorney General, Anti-Defamation League, NAACP, the Black Caucus, Asian American and Pacific Islander Caucus, Bowie State University, MD University, MD Crime Victims, the Women's Law Center, MLAW, retired judges, clergy, the Baltimore Jewish Council, and LGBTQIA+ advocacy groups, Brookings Institute, the Southern Poverty Law Center are a sampling of the support this legislation has... I strongly urge your favorable report on HB917/SB606- Lt. Collins' Hate Crime Law.