



*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SHELLY HETTLEMAN  
CRIMINAL LAW - HATE CRIMES – PROTECTED GROUPS AND PENALTIES  
SB220

**SB220 will give judges a rehabilitative option in response to hate crimes. Current penalties in statute would not change, but judges will have the option of mandating that offenders complete an educational program created under the auspices of the University System of Maryland’s (USM) Diversity, Equity & Inclusion Office. The bill also makes explicit that gender identity and expression are covered under the hate crimes statute. An amendment I’m offering will take out “age” as a protected class and will also clarify the role of USM.**

As we know all too well these days, 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. According to a [recent F.B.I. report](#), hate crimes in the United States rose to their highest level in more than a decade. The F.B.I. reported 953 anti-Semitic hate crimes in 2019, a 14 percent increase from the previous year and the most since 2008. In Maryland, 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. They include an aggravated assault on a gay man in Baltimore and, tragically, 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 education. Research suggests that 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.

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, SB220 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. SB220 offers an approach, backed by research that demonstrates its success. I urge a favorable report.