



Maryland General Assembly
Senate Judicial Proceedings Committee
March 10, 2021

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ADL (the Anti-Defamation League) is pleased to submit this testimony in **strong opposition** to ***SB867, Criminal Law – Hate Crimes – First Responders***, which seeks to add first responders (as defined in Sec.18-213.2 of the Health – General Article) as a protected category under Maryland’s hate crime statutes.

As you may know, ADL is both a leading anti-hate organization and the largest non-governmental trainer of law enforcement—offering programming to more than 14,000 law enforcement officers on hate crimes, bias, extremism, and terrorism year. We are proud of the special connections and joint initiatives we have with the law enforcement community, and we strongly support laws that deter attacks against police and first responders. However, as an organization that has been at the forefront of efforts to counteract hate-motivated criminal activity for decades, ADL does not support adding law enforcement or first responders to state or federal hate crime laws.

First and foremost, hate crime laws are designed to protect victims who are targeted based on their most precious and personal identity characteristics, like race, religion, national origin, sexual orientation, gender identity, etc.—traits that are often described as “immutable.” Working in a profession is not a personal characteristic, nor is it immutable, and adding first responders—or any other category based on vocation or employment—only risks confusing the purpose of hate crime laws and weakening their protections for those who are most vulnerable to identity-based attacks.

Second, Maryland¹—like nearly every other state across the country—*already* treats an assault against a law enforcement officer, firefighter, emergency medical technician, or any other first responder, as a very serious crime, carrying a more severe penalty than an assault against a civilian. ADL is aware of no evidence that prosecutors anywhere in our state or across the country are failing to vigorously investigate and prosecute crimes against law enforcement or first responders. Instead, as a society, we have historically and still to this day take great pains to protect law enforcement and first responders to ensure they receive justice. These crimes are also carefully documented and reported out by the FBI on an annual basis.²

Finally, bills like SB867 can have unintended consequences by making crimes against law enforcement *even more* difficult to prove. If police and first responders are included in Maryland’s hate crime laws, for example, prosecutors will face the additional burden of having to prove both

¹ See, e.g., MD Crim Law Code 3-203 (causing physical injury to law enforcement officers and first responders is felony assault (rather than misdemeanor assault) in the second degree).

² <https://ucr.fbi.gov/leoka/2019>.

that the perpetrator attacked the victim and that the act was committed *because the victim was a police officer or first responder*. This additional intent requirement, which is not included in existing laws covering attacks on police officers, would make prosecutions against law enforcement and first responders even more challenging, impeding efforts to protect hate crime victims in the process.

Crimes against police officers and emergency responders are already taken very seriously under Maryland law. Adding law enforcement and first responders to Maryland's hate crime statutes is unnecessary and counterproductive – it obscures the issue of officer safety and at the same time, risks confusing the very purpose of hate crime laws.

**We therefore urge the Senate Judicial Proceedings Committee
to give SB867 an unfavorable report.**