

## **2021 SB867 Hate Crimes - First Responder - FOP Sup**

Uploaded by: consoli, angelo

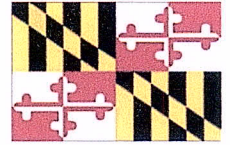
Position: FAV



CLYDE BOATWRIGHT  
STATE PRESIDENT

# Maryland State Lodge FRATERNAL ORDER OF POLICE

8302 COVE ROAD, BALTIMORE, MD 21222



KENNY SCHUBERT  
SECRETARY

EARL KRATSCH  
TREASURER

March 8, 2021

## Senate Bill 867 Criminal Law - Hate Crimes – First Responders

Dear Chairman Smith and Distinguished Members of the Senate Judicial Proceedings Committee,

On behalf of the more than 20,000 courageous Women and Men of the Maryland Fraternal Order of Police, we ask for your **SUPPORT** of Senate Bill 867 **Criminal Law - Hate Crimes - First Responders**.

Americans have watched story after story of law enforcement officers being attacked without warning across this great country. These men and women are the most recognizable symbol of, not only, our government but also our freedoms. Over that last few years, Law Enforcement Officers have become an all too frequent target of those filled with hatred and anger. We have watched as several senseless acts of violence and vandalism have been committed against members and their property solely for the fact that they are a part of law enforcement.

In Maryland, we have had several officers that were attacked or killed in ambush style attacks simply because they were law enforcement officers. The most recent attack coming just over a month ago in Prince George's County. Our Members have also had their personal property vandalized. We have also witnessed vandalism to Police Department property and Buildings, as well as one of our own local FOP Lodges, Baltimore City, FOP Lodge 3.

The men and women who bravely put on their uniforms and go out to protect and serve the citizens of Maryland deserve to feel safe, even though their very profession thrusts them into the perils of danger at any given moment. That is a choice and a call that each and everyone of them has answered freely and voluntarily. What these men and women have not done, is ask to be victimized based on the very profession they have chosen or the calling that chose them. The attacks on law enforcement must stop. We must make every effort to deter these attacks while supporting our law enforcement officers.

SB867 addresses this issue in a different way than other bills have in the past. SB867 creates a separate section just for first responders and lists specific illegal acts and specific penalties. This allows for the proper separation within the hate crimes statute for personal traits and professions. SB867 keeps these categories separate, as they should be, and ensures that the penalties for hate crimes against individuals based on personal traits remains at its already established level which is significantly higher than the new penalties established for the specified violations against first responders. There is a specific and easily seen difference between when a person injures or attacks a first responder due to mental illness, resistance of arrest or apprehension, or other similar reasons and solely attacking a first responder or destroying their property purely for the fact that they are a first responder. For that specific reason alone, we believe there should be a separate crime and penalty for those that would commit the outlined acts with the sole motivation being the hatred of public safety officers and women and men that work in this profession.

Please show your support for the women and men who protect us every day by voting **FAVORABLE** on Senate Bill 867 **Criminal Law - Hate Crimes – First Responders**.

Sincerely,

Angelo L. Consoli Jr.,

President, FOP 89, Prince George's County  
2<sup>nd</sup> Vice President, FOP, Maryland State Lodge

# **UPDATED Testimony SB867.pdf**

Uploaded by: Corderman, Paul

Position: FAV

PAUL D. CORDERMAN  
*Legislative District 2*  
Washington County

Budget and Taxation Committee

*Subcommittees*

Education, Business and Administration

Pensions



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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Hagerstown, Maryland 21740  
240-313-3929

March 10, 2021

**Testimony in Support of Senate Bill 867 Criminal Law – Hate Crimes – First Responders**

Chairman Smith & Members of the Judicial Proceedings Committee;

Police Officers, Fire Fighters, and other first responders put their lives on the line each and every day to keep our communities safe. Unfortunately, many first responders have been the target of unprovoked attacks. In December of 2020, a Montgomery County Police Officer was punched in the face twice by a young man for no apparent reason other than his uniform. In August of 2020, three Prince George's Police Officers were shot in an ambush style attack when responding to a report of a robbery. And in January of 2020, a video surfaced showing a Baltimore Police Officer being kicked by a group of people while he was arresting someone who spat in his face. These are just three examples within the past year and one month of the behaviors shown to our First Responders simply because of their profession.

SB 867 prohibits a person, with a certain motivation, from willfully intimidating, harassing, or terrorizing another person, causing certain damage to property of another person, or causing death or serious bodily harm to another person based on their actual or perceived employment as a first responder. Our First Responders have sworn to protect, serve, and assist our citizens, and we must honor that commitment with legislation that supports the commitment they have made to our respective communities

Thank you for the opportunity to present SB 867 to you this afternoon and I respectfully ask for a favorable report.

A handwritten signature in blue ink, reading "Paul D. Corderman".

Paul D. Corderman

# **MCPA-MSA\_SB 867 \_First-Responder-Hate-Crimes\_Suppo**

Uploaded by: Mansfield, Andrea

Position: FAV



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and  
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 10, 2021

RE: **SB 867 Criminal Law – Hate Crimes - First Responders**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 867. This legislation adds first responders to the protected classes under State hate crimes.

The intentional act of targeting and attacking individuals because they wear a uniform and carry out their official duties in pursuit of providing for public safety should, as this legislation seeks, be included under the provisions of the hate crimes statutes. Such incidents have been on the rise, in some cases where officers have been singled out, targeted and assassinated, simply because of who they are and what they do.

This legislation, just as intended for the other classes covered, would serve both as a deterrent and as a means of appropriately punishing those who would perpetrate such acts.

For these reasons MCPA and MSA SUPPORT SB 867 and urge a FAVORABLE Report.

# **MD Judiciary - Testimony SB 867.pdf**

Uploaded by: Elalamy, Sara

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 867  
Criminal Law – Hate Crimes – First Responders  
**DATE:** February 17, 2021  
(3/10)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 867. Senate Bill 867 expands the hate crime statute by adding §10-306 to the Criminal Law Article. This provision prohibits hate crimes against first responders. Upon conviction the penalty is a term of imprisonment no less than one year and no more than five years and a fine of \$5,000. This penalty is a mandatory minimum and the court may not suspend any part of the mandatory minimum sentence of one year. Any sentence imposed must be consecutive to and cannot be concurrent with any other sentence imposed for any crime based on the act establishing a violation of this section.

The Judiciary traditionally opposes legislation that includes mandatory penalties. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from considering factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Paul Corderman  
Judicial Council  
Legislative Committee  
Kelley O'Connor





## **ADL Testimony SB867 - hate crimes LE and first res**

Uploaded by: Weisel, Meredith

Position: UNF



**Maryland General Assembly**  
Senate Judicial Proceedings Committee  
March 10, 2021

Testimony of Meredith R. Weisel  
ADL Washington D.C. Senior Associate Regional Director

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, Maryland<sup>1</sup>—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.<sup>2</sup>

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

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<sup>1</sup> 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).

<sup>2</sup> <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.**