

2021 JCRC SB 128 Hate Crimes Civil Remedy[1].pdf

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Position: FAV



Testimony in SUPPORT of *Senate Bill 128 – Hate Crimes – Civil Remedy*
Judicial Proceedings Committee
January 28, 2021

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work tirelessly throughout the entire Greater Washington area to advocate for our agencies that serve the most vulnerable residents, support our Jewish day schools and community centers, and to campaign for important policy interests on behalf of the entire Jewish community.

Over the past few years, we have continued to see an increase in hate crimes, hate incidents, and even threats motivated by hate. Maryland has not been immune to this; public and private schools, synagogues, churches, mosques and other local institutions have been tagged with swastikas and hate filled messages both outside and inside the buildings. In 2019, we saw another huge uptick of hate incidents and threats, including bomb threats, hate graffiti, and more targeted against individual members of our community and Jewish institutions. Some of these incidents have been physical harm, while others have caused severe emotional and psychological harm.

According to the Anti-Defamation League, criminal activity motivated by bias is different from other criminal conduct. These crimes occur because of the perpetrator's bias or hatred against the victim on the basis of their actual or perceived status. Specifically, the victim's race, religion, national origin, gender, gender identity, sexual orientation, or disability is the reason for the crime. If that bias did not exist, likely no crime would occur at all.

House Bill 128 authorizes a person who is aggrieved by an act that would constitute a violation of the State's hate crime laws to bring a civil action against the person or persons who committed the act and authorizes a court to award a variety of specified remedies. For these reasons, we ask this committee to give a favorable report on SB 128.

LoS - Hate Crimes Civil Remedy.pdf

Uploaded by: Gillard, Alvin

Position: FAV

State of Maryland

Commission on Civil Rights

"Our vision is to have a State that is free from any trace of unlawful discrimination."



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January 28, 2021

Senate Bill 128 – Hate Crimes – Civil Remedy **POSITION: Support**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights ("MCCR"; "The Commission") is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 128 authorizes a person who is the victim of a hate crime in Maryland to bring a civil action against the person or persons who committed the violation. Maryland is, unfortunately, not immune from acts of hate and bias against members of our community. Each year the Maryland State Police ("MSP") forwards a copy of the State of Maryland Hate/Bias Report to MCCR. According to their 2019 report, MSP received 385 individual reports of alleged acts of hate and bias, up from the 375 reported in 2018. Of these 385 reports, 86 were verified as acts of hate or bias, 276 were inconclusive, and 23 were unfounded. These incidents can include, but are not limited to, bodily harm and property destruction. While the law currently has criminal penalties of fine and/or imprisonment for perpetrators of hate crimes, this bill would provide a civil remedy for victims to recover economic and non-economic damages associated with the unlawful act.

If a victim of unlawful discrimination in employment or housing files a complaint with the Maryland Commission on Civil Rights, the Commission is authorized by Title 20 of the State Government Article to seek financial relief for complainants. MCCR believes that the standard in SB128 is consistent with the spirit of Title 20, and thus is an appropriate vehicle for a victim to seek relief if she or he desires to pursue private action in court.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB128. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

SB128 hate crimes civil remedy BJC.pdf

Uploaded by: Miicke , Sarah

Position: FAV

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Baltimore District



WRITTEN TESTIMONY

Senate Bill 128 - Hate Crimes – Civil Remedy

Judicial Proceedings Committee

January 28, 2021

SUPPORT

Background: Senate Bill 128 (SB128) allows a hate crime victim to bring a civil action against the person or persons who committed the crime. While common law allows for such action, SB128 codifies the common law. Further, the bill would clarify the common-law option for awarding reasonable attorney's fees for hate crimes. Lastly, the bill would allow for treble damages, an enhanced monetary penalty award for egregious crimes.

Written Comments: The Baltimore Jewish Council and Maryland's Jewish community are concerned about the recent rise in hate/bias incidents in Maryland and the damaging effect that is having on our communities. These incidents are impacting not just Jewish communities, but those of many of our other faith partners. According to the 2018 State of Maryland Hate/Bias Report authored by the Maryland State Police, there has been a sharp increase in hate/bias incidents over the past decade. 2018 saw the second-largest number of incidents in the last 10 years. Incidents were reported in all 24 jurisdictions with Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties reporting the most incidents. These reported incidents targeted both individuals and some of our most vital arenas for community engagement, including schools, community centers, and places of worship. No place, person, place or part of our state is immune to these kinds of hateful incidents.

Over 30 other states have already codified civil actions for hate crimes. Maryland should follow in their steps so that a person or persons who are aggrieved by a violation of our hate crime laws can bring a civil action with enhanced penalties against the perpetrator of the crime.

With this in mind, the Baltimore Jewish Council urges a favorable report of SB128.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

SB0128 MD NARAL SUPPORT.pdf

Uploaded by: Philip, Diana

Position: FAV



SB0128 - Hate Crimes - Civil Remedy

Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee
January 28, 2021 11:00am

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to **issue a favorable report on SB0128 – Hate Crimes – Civil Remedy**, sponsored by Senator Ben Kramer.

Our organization is an advocate for reproductive health, rights, and justice for all Marylanders. We believe that all people deserve to live a full of dignity, autonomy, and security, and we know that this makes for healthier individuals, families, and communities. NARAL Pro-Choice Maryland recognizes that victims of hate crimes are often members of our most vulnerable populations—they may hold intersectional identities in regards to sex, gender, sexuality, and ability which put them at greater risk of bigoted attacks. When individuals are wrongly attacked, they deserve, at the very least, the necessary support from the state in order to heal physically, mentally, emotionally, and financially.

When an individual or a community is targeted, immense negative feelings arise and mental anguish results. Individuals will struggle to conduct their jobs while dealing with these emotions, and might suffer financially because of this. Additionally, individuals might require professional services to help them cope with lingering negative feelings which will add to their financial burden. This means that the families of victims of hate crimes will indubitably suffer financially and mentally. SB0128 seeks to establish a civil remedy for victims of hate crimes. As such, it will reduce the financial burden on families of those targeted by hate crimes.

Those of us in the reproductive health community are acutely aware of the types of domestic terrorism that clinic workers, and unfortunately patients as well, have experienced in our country that have culminated in gunfire, bombings, and arson. Our organization supports creating opportunities for legal relief that can be awarded to those seeking available remedies in the civil court system addition to or in place of criminal justice.

Economic justice and reproductive justice are deeply interconnected. In the context of hate crimes, a civil remedy allowing for economic and noneconomic damages is logical and just. For this reason, **NARAL Pro-Choice Maryland urges a favorable committee report on SB0128**. Thank you for your time and consideration.

SB 128 - Hate Crimes - Civil Remedy.pdf

Uploaded by: Siri, Michelle

Position: FAV

BILL NO: Senate Bill 128
TITLE: Hate Crimes – Civil Remedies
COMMITTEE: Judicial Proceedings
HEARING DATE: January 28, 2021
POSITION: **SUPPORT**

Senate Bill 128 would provide a civil remedy for individuals who have been the victim of a hate crime. The Women's Law Center supports Senate Bill 128 because it gives victims of these reprehensible crimes a civil remedy to recover for damages for economic and noneconomic harms caused by the acts.

Hate crimes are motivated by prejudice and malice and are an attack on a victim's personal qualities - race, color, religious belief, sexual orientation and national origin. Hate crimes are intended to intimidate the victim and the victim's community, resulting in isolation and vulnerability. Therefore, these crimes can cause particularly profound emotional and psychological damages. Hate crimes also result in physical and economic repercussions similar to other crimes. Victims of hate crimes should have an avenue to access our justice system and the opportunity to be made whole after experiencing the economic and noneconomic damages of these threatening actions.

Hate crime laws matter. In addition to deterring criminal activity, they possess important symbolic meaning that signals to targeted communities that the government cares and that law enforcement will take their concerns seriously. Having worked with the Office of the Attorney General and a coalition of organizations for the past two years seeking to find ways to address the rise in hate crimes throughout the state, the WLC supports the civil remedy created by Senate Bill 128 and urges a favorable report.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two legal hotlines, the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, the Collateral Legal Assistance for Survivors Project, and the Multi-Ethnic Domestic Violence Project.

ADL Testimony SB128 - Hate Crimes - Civil Remedy.p

Uploaded by: Weisel, Meredith

Position: FAV

Maryland General Assembly
Senate Judicial Proceedings Committee
January 28, 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 **support of SB128, Hate Crimes – Civil Remedy**, a bill that would afford hate crime victims a statutory cause of action to pursue civil remedies against those who have caused harm.

As you may know, ADL is a leading anti-hate organization committed to stopping the defamation of the Jewish people and to securing justice and fair treatment to all. Dedicated to combating antisemitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL has long been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. We were also privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations for more than a decade in support of the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA).

In 1981, ADL crafted the first model hate crime law in the country. Today 46 states, as well as the District of Columbia, have hate crime laws, many of which are based on or substantially similar to our model, which was unanimously upheld by the U.S. Supreme Court. In addition, at least 33 states, as well as the District of Columbia, grant hate crime victims a civil cause of action to pursue statutory claims for the harm that the hate crimes cause. These civil remedies provisions were also included in ADL's model hate crime statute, and they continue to be central to our hate crimes advocacy today.

Behind every hate crime statistic, there is a person, a family, a community – dealing with the unimaginable. Hate crimes cause a distinct type of harm that can have a lasting, immeasurable impact. This is because hate crimes target people due to their protected, immutable characteristics – race, religion, national origin, sexual orientation, sex, gender, gender identity, disability – things about a person that are central to identity and cannot be changed.

In appropriate cases, civil remedies provisions can be incredibly powerful tools for hate crime victims. First, these statutory provisions make sure that victims can recover for the *harm caused by the bias motivation itself*, not merely for the damages that flow from underlying torts. Second, civil remedies provisions provide a necessary stopgap in cases where prosecutors, for any number of reasons, are unable to prove a bias motivation beyond a reasonable doubt. Indeed, in order to prevail on a civil legal claim, hate crime victims must simply be able to show, by a preponderance of the evidence, that they were targeted because of their protected characteristics. And finally, these provisions often afford hate crime victims certain remedies that may not otherwise be available to them. SB128, for example, would permit hate crime victims to seek

injunctive relief and reasonable attorney's fees and costs, as well as up to three times the amount of actual damages sustained, in any civil action filed under the statute.

There is unfortunately no magic wand that we can wave to undo the irreparable harm that hate crimes cause. Yet here in Maryland, we can make sure that our laws and our policies are crafted in a way that will help stem the rising tide and, to the maximum extent possible, help make victims whole. SB128 is one such measure.

We accordingly urge the Senate Judicial Proceedings Committee to give SB128 a favorable report.