



Maryland General Assembly
Senate Judicial Proceedings Committee
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Testimony of Meredith R. Weisel

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ADL (the Anti-Defamation League) is pleased to submit this testimony in **support of SB71, 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. SB71, 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. SB71 is one such measure.

We accordingly urge the Senate Judicial Proceedings Committee to give SB71 a favorable report.