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January 19, 2023

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 13 Hate Crimes – Civil Remedy (Support)

The Attorney General urges the Judiciary Committee to favorably report HB 13, Delegate Crutchfield's legislation creating a civil cause of action for victims of hate crimes to seek redress from anyone who committed a hate crime against them. The legislation further provides for injunctive relief and economic and noneconomic damages, and reasonable attorneys' fees. In Section 10-309(d) of the bill, the legislation caps economic and noneconomic damages at three times the amount of actual damages. Importantly, if enacted, HB 13 would not undermine or supersede "any legal or equitable remedy otherwise provided by law."¹

Adherents to extremist ideologies are on the rise, as are their hate-motivated crimes. "White nationalist hate groups rose fifty-five percent under the Trump administration."² Further, "FBI statistics . . . reveal that hate crimes jumped twenty percent during this time, with the vast majority committed by white supremacists."³ In the face of these dire facts, it is important that victims of hate crimes not only have recourse to our criminal justice system, but that they may be made whole by holding the perpetrators of hate crimes accountable through civil remedies that include damages for pain and suffering. Moreover, the provision permitting reasonable attorneys' fees will ensure that Maryland lawyers have ample incentive to represent victims of hate crimes in civil actions against their perpetrators.

¹ H.B. 13, 2023 Legis. Sess, 445th Gen. Assemb. (Md. 2023) § 10-309(e).

² Suzette M. Malveaux, *Is It Time for A New Civil Rights Act? Pursuing Procedural Justice in the Federal Civil Court System*, 63 B.C. L. REV. 2403, 2464 (2022) (citing Jason Wilson, *White Nationalist Hate Groups Have Grown 55% in Trump Era, Report Finds*, The Guardian (Mar. 18, 2020), <https://www.theguardian.com/world/2020/mar/18/white-nationalist-groups-southern-poverty-law-center>).

³ *Id.* (citing Daniel Villarreal, *Hate Crimes Under Trump Surged Nearly 20 Percent Says FBI Report*, NEWSWEEK (Nov. 16, 2020), <https://www.newsweek.com/hate-crimes-under-trump-surged-nearly-20-percent-says-fbi-report-1547870>).

13. For the foregoing reasons, the Office of Attorney General urges a favorable report on HB

cc: The Honorable Charlotte Crutchfield & Committee Members