

Hate Crimes Fact Sheet

BACKGROUND

Current federal hate crimes law (18 U.S.C. 245), passed by Congress in 1968, permits the federal prosecution of a hate crime *only if* the hate crime was motivated by bias based on race, color, national origin and the assailant intended to prevent the victim from exercising a “federally protected right” such as the right to vote or attend school. Because the crime has to meet both requirements, these stipulations substantially limit the likelihood of federal prosecution of hate crimes even when the crime is particularly heinous. It does not include sexual orientation, gender, or disability.

LEGISLATION

The **Local Law Enforcement Hate Crimes Prevention Act** of 2005 (H.R. 2662) was introduced in the House by Representative John Conyers, Jr. (D-MI). This legislation would expand the current law to cover gender, sexual orientation, gender identity and disability. It also removes the federally protected activity requirement and provides federal support to local law enforcement for criminal investigations and prosecutions of hate crimes by state. Hate crimes advocates won a victory in the House on September 14, when the House of Representatives approved an amendment to the Children's Safety Act (H.R. 3132) that added the provisions of the Local Law Enforcement Hate Crimes Prevention Act of 2005 (H.R. 2662). The amendment was adopted by a large bipartisan vote of 223-199.

The **Local Law Enforcement Enhancement Act 2005 (LLEEA)** (S. 1145) was introduced in the Senate by Senator Edward Kennedy (D-MA) and Gordon Smith (R-OR). This is the Senate counterpart to H.R. 2662 except it does not include gender identity as a protected group.

YWCA POSITION

The YWCA supports the passage of Hate Crimes legislation that protects people from harassment, violence and other crimes on the basis of race, sex, gender, religion, ethnicity, age, disability, or sexual orientation.

FACTS

- Hate crimes[†] are carried out against individuals because of their real or perceived identity. **During 2005, of the 7,163 single-bias incidents, 54.7% were motivated by racial bias, 17.1% were motivated by religious intolerance, 14.2% by sexual orientation bias, 13.7% resulted from an ethnicity /national origin bias, and 0.7% by disability bias.**ⁱ
- **Students are hate crime targets.** Twelve percent of students between the ages of 12 and 18 reported that they had been the subjects of hate-related insults at school during the 6 months prior to a 2003 survey. Thirty-six percent of students had seen hate related graffiti at their school. Insults included comments about race, religion, ethnicity, disability, gender and/or sexual orientation.ⁱⁱ
- **The FBI has reported a dramatic increase in hate-motivated violence since September 11th.** Anti-Islamic crimes increased from 28 in 2000 to 481 in 2001, representing an increase of over 1600%.ⁱⁱⁱ In 2002, 155 Anti-Islamic Crimes were reported to the FBI, five times the number of anti-Islamic crimes reported in 2000.

[†] A hate crime is an act of violence, intolerance or bigotry, intended to hurt or intimidate someone because of her or his real or perceived race, ethnicity, national origin, gender, religion, sexual orientation, or disability.

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- **Hate Crimes committed against lesbian, gay, bi-sexual and transgender (GLBT) people are on the rise nationwide.** The total number of anti-LGBT incidents reported to the National Coalition of Anti-Violence Programs increased 4% from 1,720 incidents in 2002 to 1,792 incidents in 2004.^{iv} Furthermore, since the FBI began collecting hate crimes statistics in 1991, reported hate crimes based on sexual orientation have more than tripled.^v
- **The five states with the highest numbers of reported hate crimes in 2005** were California (1,379 incidents, 19.3% of total reported incidents), New Jersey (738, 4.2%), Michigan (640, 3.6%), Massachusetts (372, 2.1%) and Virginia (296, 1.7%).^{vi}
- **Many states and cities have consistently failed to report hate crime data while deficient reporting occurs in others.** Hawaii did not participate in reporting hate crime in 2005, and has never submitted a hate crime report to the FBI. Alabama and Mississippi participated, but affirmatively reported there were no hate crimes in 2005. In fact, 83.6 percent of participating agencies reported that no hate crimes occurred in their jurisdictions in 2005.^{vii}

TALKING POINTS

- **Current federal law is inadequate.** Federal authorities do not have the jurisdiction to provide support to localities or states prosecuting hate crimes. Currently, only twenty-eight states include coverage of gender based crimes in their hate crimes statutes, only thirty-two include sexual orientation-based crimes, and only thirty-two states include coverage for disability-based crimes.^{viii} It is essential to close this loophole to ensure that hate crimes are properly responded to with adequate technical, forensic and prosecutorial assistance.
- **There is widespread support for Hate Crimes legislation.** Over 175 law enforcement, civil rights, civic and religious organizations, including Attorneys General for 22 states, the National Sheriffs' Association, the International Association of Chiefs of Police and the U.S. Conference of Mayors support Hate Crimes legislation.
- **It is time to bring the Hate Crimes Law into the 21st century.** Hate Crimes legislation would expand the current law to include gender, sexual orientation, and disability. By including groups that have historically been affected by violence, it sends a strong and clear message that hate crimes will not be tolerated. It also removes the federally protected activity requirement.
- **States and local governments will continue to play the primary role in combating violent crime.** An expanded federal role is necessary to ensure adequate and equal response to crimes. Hate crimes legislation would empower federal authorities to prosecute hate crimes if the states/localities are either unable or unwilling to investigate and prosecute.

RESOURCES

Anti-Defamation League: http://www.adl.org/combating_hate/

Federal Bureau of Investigation, Uniform Crime Reports: <http://www.fbi.gov/ucr/ucr.htm>

Human Rights Campaign: <http://www.hrc.org/>

United States Senate: <http://www.senate.gov/>

United States House of Representatives: <http://www.house.gov/>

Legislative Information on the Internet: <http://thomas.loc.gov/>

ⁱ Federal Bureau of Investigation Uniform Crime Reporting Program. 2005. *Hate Crime Statistics, 2005*. Washington, D.C.: U.S. Department of Justice. <http://www.fbi.gov/ucr/hc2005/incidentsoffenses.htm>

ⁱⁱ Bureau of Justice Statistics. November 2003. *Indicators of School Crime and Safety: 2003*. Washington, D.C.: U.S. Department of Justice.

ⁱⁱⁱ Federal Bureau of Investigation. 2001. *Crime in the United States, Uniform Crime Reports, 2001*. Washington, D.C.: U.S. Department of Justice.

^{iv} Patton, C. (2003). *Anti-Lesbian, Gay, Bisexual, and Transgender Violence in 2002*. New York: National Coalition of Anti-Violence Programs.

<http://www.avp.org/publications/reports/2002NCAVPbiasrpt.pdf>

^v <http://www.hrc.org>

^{vi} Federal Bureau of Investigation Uniform Crime Reporting Program. 2005. *Hate Crime Statistics, 2005*.

^{vii} *Ibid*

^{viii} http://www.adl.org/combating_hate/