

Hate Crimes

Hate crimes are committed when a perpetrator intentionally selects his or her victim because of the victim's actual or perceived membership in a particular social group usually defined by characteristics like race, color, national origin, gender, sexual orientation or gender identity. Hate crimes don't just cause harm to the victim; they fray the fabric of society because though an act of crime may target an individual person, the result is that they invoke fear among many in a community.

"The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act" was signed into law on October 28, 2009. The law updates existing federal hate crimes statutes by expanding the legal definition of a hate crime to cover crimes committed because of a victim's actual or perceived gender, sexual orientation, gender identity or disability and lift restrictive requirements regarding engagement in a federally-protected activity. The new law also provides resources to law enforcement officials including federal training and direct assistance, to combat violent, bias-motivated crime.

Previously, federal law permitted prosecution of a hate crime only if the crime was motivated by bias based on race, color, or national origin, and only if the person committing the crime intended to prevent the victim from exercising a federally-protected right, such as the right to vote or attend school. The requirements made it difficult for hate crimes to be prosecuted under this law – even when the crime is particularly heinous.

Forty-five states have enacted laws that address hate crimes. State laws addressing hate crimes vary in scope, but most address crimes that are related to one or more of the following: a victim's race, religion, ethnicity, sexual orientation, gender, gender identity or disability.

Advocates for hate crimes legislation argue that in addition to harming the victim, hate crimes can intimidate, terrorize and disrupt an entire social group, and ultimately disempower people. They argue that the serious nature of hate crimes demand laws that demonstrate that these types of crimes are unacceptable. Advocates also argue that there is strong public support for preventing and ending hate crimes, as well as demonstrated support from elected officials on both sides of the aisle. There is widespread support for federal hate crimes legislation among 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.

Opponents of hate crimes legislation argue that all crimes should be treated the same regardless of motive. Opponents maintain that special legislation is not needed to address crimes that are motivated by a victim's sexual orientation, gender, gender identity or disability. Some also argue that hate crimes legislation infringes upon First Amendment rights.

YWCA Position

The YWCA supports the enforcement of hate crimes laws and resources to law enforcement officials to protect people from harassment, violence and other crimes on the basis of race, sex, gender, gender identity, religion, ethnicity, age, disability, or sexual orientation.