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Hate Crimes Prevention Act (HCPA)**

What You Need to Know

What the HCPA Does.

1. **Closes a critical loophole.** The HCPA closes a loophole in previous federal law, which allowed federal involvement in hate crimes investigation and prosecution only when the victim of a bias-motivated crime was attacked because he/she was engaged in a specified federally-protected activity, such as serving on a jury or attending public school.
2. **Expands protection.** In addition to race, religion, and national origin, the HCPA authorizes the Department of Justice to investigate and prosecute certain bias-motivated crimes based on the victim's actual or perceived sexual orientation, gender, gender identity, or disability. Prior federal law did not provide authority for involvement in these last four categories of cases at all.
3. **Protects people.** The HCPA provides limited jurisdiction for federal law enforcement officials to investigate and prosecute certain bias-motivated crimes in states in which current law is inadequate. 45 states and the District of Columbia have hate crime laws, but
 - Only 30 states and the District include sexual orientation in their law;
 - Only 26 states and the District include gender;
 - Only 12 states and the District include gender identity; and
 - Only 30 states and the District include disability.
4. **Provides federal support.** The HCPA would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support – through training or direct assistance – will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation also facilitates certain federal investigations and prosecutions when local authorities are unwilling or unable to proceed.

Why HCPA is Needed.

Bigotry, racism, homophobia, and anti-Semitism cannot be legislated out of existence. Although the HCPA finally addresses all victims of hate crimes, it will not eliminate them. But federal involvement in select cases where state and local officials cannot or will not act, and expanded federal partnerships with state and local officials will result in more effective response to these crimes.

Hate crimes are still disturbingly prevalent in America.

The FBI has been collecting hate crime statistics and publishing an annual report on their findings under the Federal Hate Crime Statistics Act (HCSA) since 1991. That report now provides the best national picture of the magnitude of the hate violence problem in America.

2009 FBI statistics show a decrease in reported hate crimes from 2008. In 2009, the most recent year for which statistics are available, the FBI reported 6,604 hate crimes, a decrease from the 7,783 reported in 2008.

- Religion-based crimes decreased from 1,519 in 2008 to 1,303 in 2009, with the number of victims decreasing from 1,732 to 1,575. The number of reported anti-Jewish crimes also decreased, from 1,013 in 2008 to 931 in 2009. Reported crimes against Muslims increased slightly from 105 to 107.
- Reversing a disturbing trend, the number of hate crimes directed at gay men and lesbians decreased from 1,297 in 2008 to 1,223 in 2009. The number of victims also decreased, from 1,706 to 1,482.
- For the second straight year the number of reported crimes directed against Hispanics decreased – from 561 in 2008 to 483 in 2009. But these numbers are still unacceptably high.

A Snapshot of Hate in America in 2010

The election of the first African-American President, a deep economic and housing crisis, a broken immigration system, and faster, better means of communication among like-minded individuals have combined to form a perfect storm of grievances for extremists and hate group organizing. We have seen a disturbing series of ideologically-motivated violence against Jews and others in America. In addition, the League has documented an increase in harsh, hateful rhetoric against Hispanics, immigrants, and those who look like immigrants. Some in the mainstream media have contributed to the spreading of inflammatory anti-immigrant messages. The League has partnered with others in the civil rights community to expose these efforts.

ADL has also documented a recent “wave of hate” – a series of ideologically-motivated actions targeting Jews and others, including the shooting at the U.S. Holocaust Memorial Museum, a plot by Muslim extremists to bomb two synagogues in Riverdale, New York, and the murder of three Pittsburgh police officers by a man with virulently racist and anti-Semitic beliefs.

How HCPA Protects Rights.

The HCPA Does Not Punish Thought or Speech. Hate crime legislation has never been about punishing people for their beliefs or speech. Rather, it is about punishing people for their criminal actions. The Supreme Court unanimously upheld Wisconsin’s hate crimes law (which is based on ADL’s model statute) in 1993 because the law *clearly* did not criminalize hate speech, which is constitutionally protected.

The HCPA Will Not Lead To The Prosecution of Religious Leaders Who Preach Against Homosexuality. This is an oft-repeated but false charge. First, our nation’s Constitutional guarantees of free speech and freedom of religion would prohibit such a charge. Second, hate crime laws only punish *criminal acts* that target victims because of the victim’s race, religion, ethnicity, sexual orientation, etc. Preaching is not a criminal act. Third, the federal statute *explicitly* protects this activity.

For More Information: http://www.adl.org/combating_hate/