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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 since 1991. That report now provides the best national picture of the magnitude of the hate violence problem in America.

- In 2007 (the most recent data available) there were 7,624 reported bias-motivated criminal incidents – almost one hate crime every hour of every day.
- Of the 7,624 total incidents, 3,870 were motivated by racial bias; 1,265 by sexual orientation bias; 1,007 by ethnicity/national origin bias; and 79 were reported to have occurred against disabled individuals.
- 1,400 (18.3%) of all reported crimes were motivated by religious bias. Of the incidents motivated by religious bias in 2007, 969 (69.2%) were directed against Jews and Jewish institutions. They accounted for 12.7% of the total number of reported hate crimes in 2007.

Of special concern is the fact that reported crimes directed against Hispanics increased markedly – in a report year in which virtually every other category of crime decreased. In fact, 2007 was the fourth straight year the FBI documented increased reported hate crimes against Hispanics. The number of sexual orientation hate crimes rose to its highest level in six years, as well.

A Snapshot of Hate in America in 2009

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/