



# *An Introduction to* **Hate Crime Laws**

## **What are hate crime laws?**

State hate crime laws impose tougher penalties on criminals who target their victims because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, or disability. So, if a criminal assaults a person because that person is Jewish, the crime would likely be a hate crime.



## **How do hate crime laws work?**

State hate crime statutes are typically “penalty enhancement” statutes, which means that they increase the penalty for an offense if the victim or target is intentionally selected for violence because of his/her personal characteristics.

## **What does the new federal hate crime statute – the *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act* – do?**

This act allows the federal government to provide assistance in the investigation and prosecution of hate crimes – or, in limited circumstances, to investigate and prosecute hate crime cases when a locality is unable or unwilling to prosecute. Second, it ensures that those criminals who target their victims because of race, color, religion, national origin, gender, sexual orientation, gender identity or disability are all covered by the law.

## **Why have hate crimes laws?**

Whenever a bias-motivated crime is committed, the victim's entire community is left feeling victimized, vulnerable, fearful, isolated, and unprotected by the law. Such crimes can also lead to reprisals and a dangerous spiral of escalating inter-group tension and violence. Thus, the impact of the crime is far greater than the already terrible impact on the individual.

## **Don't hate crimes punish thoughts? 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.

## **Won't hate crimes 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.

## **Are hate crimes really a problem in America today?**

Hate crimes are disturbingly prevalent. According to the most recent data available from the FBI, there was almost one hate crime in America in every hour of every day in 2007 – a total of more than 7,600 reported bias-motivated incidents.

In addition, along with an increase in harsh, hateful rhetoric against Hispanics, immigrants and those who look like immigrants in recent months, there have been several very high-profile hate crimes against Hispanics recently, including several murders. Unfortunately, in the aftermath of the election of the first African-American President, a deep economic and housing crisis, and a broken immigration system, we have seen [a disturbing increase in ideologically-motivated violence](#) against Jews and others. Sadly, hate crimes really are a problem.

## **Who supported the new federal hate crime law?**

The bill has attracted the support of nearly 300 civil rights, religious, educational, professional, and civic organizations – and virtually every major law enforcement organization in the country, including the International Association of Chiefs of Police, 26 state Attorneys General, and the National District Attorneys Association.

## **What is ADL's role in hate crime law?**

Most state hate crimes laws are based on or similar to ADL model legislation initially drafted in 1981. Forty-five states and the District of Columbia now have hate crimes laws, and the Supreme Court ruled such laws constitutional in the landmark case *Wisconsin v Mitchell* in 1993. For more than 10 years, ADL has led a broad coalition of civil rights, religious, educational, law enforcement and civic organizations working in support of the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act.

**For More Information: [http://www.adl.org/combating\\_hate/](http://www.adl.org/combating_hate/)**