



Agenda Abstract

Meeting Date: 8/16/2010

Submitting Official: Esther Coleman
Department: Human Relations

Subject:	Chatham County Human Relations Commission (CCHRC) Proposed Hate Crimes Resolution
Action Requested:	Approve the Chatham County Human Relations Commission (CCHRC) Proposed Hate Crimes Resolution.
Attachments (List individually):	<ul style="list-style-type: none">• Chatham County Human Relations Commission (CCHRC) Proposed Hate Crimes Resolution• Background Research used by the CCHRC in the Development of the Proposed Resolution

Introduction & Background

This is the Chatham County Human Relations Commission (CCHRC) Proposed Hate Crimes Resolution.

Discussion & Analysis

This is the Chatham County Human Relations Commission (CCHRC) Proposed Hate Crimes Resolution.

Budgetary Impact

None

Recommendation

Approve the Chatham County Human Relations Commission (CCHRC) Proposed Hate Crimes Resolution.

Chatham County Human Relations Commission Hate Crimes Resolution Proposed to the Chatham County Board of Commissioners

WHEREAS, federal law 18 U.S.C. 245 makes it illegal to commit a crime when the assailant is motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a federally protected right; and

WHEREAS, federal law 28 U.S.C. 994, also known as the Violent Crime Control and Law Enforcement Act of 1994, requires the United States Sentencing Commission to increase the penalties for hate crimes committed on the basis of the actual or perceived race, color, religion, national origin, ethnicity, or gender of any person; and

WHEREAS, The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, a bill that the United States Congress passed on October 22, 2009, and was signed into law on October 28, 2009, expanded the 1969 United States Federal Hate Crime Law to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability; and

WHEREAS, a hate crime, also known as a bias-motivated crime, occurs when a perpetrator targets a victim because of his or her actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability; and

WHEREAS, North Carolina officials define a hate crime as a bias-related criminal offense against persons, property, or society motivated towards persons of a different race, religion, ethnic/national origin, gender, age, disability, or sexual orientation and involving arson, assault, murder, shooting, vandalism; and

WHEREAS, the North Carolina Human Relations Commission defines a hate bias motivated incident as being bias-motivated toward persons of a different race, religion, ethnic/national origin, gender, age, disability, or sexual orientation and involving marches, leafleting, rallies, membership solicitation, derogatory public statements, public expressions; and

WHEREAS, North Carolina law protects residents from ethnic intimidation (N.C.G. S., 14-401.14), church burning (N.C.G.S., 14-62.2), cross burning (N.C.G.S., 14-12.12), placing exhibits to intimidate others (N.C.G.S., 14-12.13), placing exhibits while wearing a mask, hood, or other disguise (N.C.G.S., 14-12.14); and

WHEREAS, in 2008 the North Carolina Legislature upgraded existing law to include anti-noose/cross burning legislation (N.C.G.S. 14-401.14A) making it unlawful to burn a cross or hang a noose with the intent to intimidate; and

WHEREAS, in 2008, more than 87 hate bias motivated incidents and crimes were recorded by the North Carolina Human Relations Commission; and

WHEREAS, as Chatham County's population becomes more diverse, which adds richness and cultural depth, it can also create new tensions within such a growing community; and

WHEREAS, the Chatham County Board of Commissioners and the Chatham County Human Relations Commission acknowledge the partnership that exists between them and agree that incidences of hate bias motivated incidents and crimes in our community are not acceptable; and

WHEREAS, the Chatham County Board of Commissioners and the Chatham County Human Relations Commission have made and continue to make a concerted effort to build bridges with and among the various ethnic groups and toward the elimination of racial tension and conflict throughout Chatham County;

NOW, THEREFORE, BE IT RESOLVED BY THE Chatham County Board of Commissioners and the Chatham County Human Relations Commission that we are committed to proclaiming by word and action that harassment, intimidation, marginalization, and violence against people based on race, ethnicity, religion, color, national origin, age, sex, familiar status, sexual orientation, disability, and veteran status shall not be tolerated or accepted; and

BE IT FURTHER RESOLVED, that the Chatham County Board of Commissioners and the Chatham County Human Relations Commission shall continually work to achieve the commitments set forth in this resolution in collaboration with law enforcement agencies and the North Carolina Human Relations Commission.

Background Research

Incidents reported in recent years in Chatham County:

- Swastikas were reported to have been painted on a local resident's car.
- A Confederate flag was drawn on the window of a high school Limited English Proficient (Spanish speakers) class.
- A sign was painted on a bridge threatening the President of the United States.
- Nazi flyers were left in the US Post Office.
- Satanic and obscene messages were sprayed on the walls of a Baptist church. Investigators with the Chatham County Sheriff's Office said the vandalism met the criteria for a hate crime.

HATE BIAS INCIDENTS IN CHATHAM COUNTY, 2009 -- RECORDED BY THE NORTH CAROLINA HUMAN RELATIONS COMMISSION

JANUARY

MONCURE: On January 29, 2009, the North Carolina Human Relations Commission's office received information that on January 28, 2009, the sheriff of Chatham County found out that a bridge in Moncure had been vandalized with racial symbols, slurs, and statements. A detective with the Chatham County Sheriff's Department found the bridge marked up with the letters "KKK", Nazi swastikas, drawn Ku Klux Klan hoods, the phrase "World Wide White Power", the statements "Kill Obama," "Obama must die" and a drawing of a man hanging from a noose. The Commission's office was also informed the United States Secret Service was notified about the vandalism that they found and no suspects have been indicated as being responsible for the vandalism. (Source: Captain Charles Gardner-Chatham County Sheriff's Department)

FEBRUARY

PITTSBORO: On Thursday, February 5, 2009, the North Carolina Human Relations Commission office received information about a threat that a county employee received from a man complaining about the county board of commissioners approving a resolution against 287g. Approximately 9:40 a.m. on February 5, 2009, a male caller began asking the county employee if the city commissioners were crazy not getting these illegal aliens off the streets. The male caller asked the county employee who was he/she working for and what country is he/she working for. The county employee stated to the male caller that if he (the male caller) would like to express his feelings to the commissioners to do so in an e-mail, and the county employee gave the male caller the website address. The county employee then told the male caller if he preferred to write a letter to them, he/she would give him (the male caller) the mailing address which the county employee did. The male caller got impatient because he felt the county employee was trying to brush him off, and he asked who did the county employee work for and asked how did the county employee like this, (referring to the county board's resolution against 287g). The county employee told the male caller he/she was not at liberty to discuss that with him; and the county employee asked if the male caller, "Would you like to express your concerns in an e-mail?" The male caller began yelling and asked the county employee who was he/she working for and the

county employee told the male caller that if he was not going to show any respect, the county employee informed the male caller that the call would be terminated. The male caller then said, "I'll just come and take care all of you," and the male caller became silent. Then after the county employee spoke to the male caller again, the male caller hung up the telephone. (Source: HAVIN Affiliate-Esther Coleman, Director of Chatham County Human Relations Department/Pittsboro)

MAY

Fearrington: On Wednesday, May 20, 2009, a Jewish female contacted the Chatham County Sheriff's Department to report swastikas that were found on her car. When the Sheriff's deputies went to the Jewish female's home, she reported that a swastika was spray painted on the hood and also on the back of her car. Authorities with the Chatham County Sheriff's Department indicated there are no suspects for the crime. (HAVIN Affiliate-Chatham County Human Relations Department/Pittsboro; Chatham County Sheriff's Department/Pittsboro)

HATE BIAS INCIDENTS IN CHATHAM COUNTY, 2008 -- RECORDED BY THE NORTH CAROLINA HUMAN RELATIONS COMMISSION

NOVEMBER

CHATHAM COUNTY: On or around Thursday, October 30, 2008, Chatham County deputies investigated two potential hate crimes involving political campaign signs. At least two instances of what one authority with the Chatham County Sheriff Department called, "acts of racism" have been reported in Chatham County. It was reported to the Chatham County Sheriff's Department that in one case, someone brought in two Obama/Biden signs that had been vandalized. According to investigators, someone painted a swastika on one sign and wrote a racial slur about Obama on the other. It was also reported to the Chatham County Sheriff's Department that in another instance, someone had reported a racial slur had been spray-painted across another Obama/Biden sign, as well as a white picket fence near the sign. According to the Sheriff's authorities, their investigators are now handling each of these cases as hate crimes. The Sheriff's Office is fielding several calls a day about campaign signs from both political parties, though they have not noticed an increase in the number of signs taken this year from other elections years. (Source: The Chatham News Newspaper-Siler City)

HATE BIAS INCIDENTS IN CHATHAM COUNTY, 2008 -- REPORTED TO THE OFFICE OF HUMAN RELATIONS BUT NOT RECORDED ON THE NCHRC

HATE CRIMES LOG

Noose Hanging at Local Industry/Plant – September 2008

Members of the local union reported to the Chatham County Sheriff's Department that a noose was hung on the plant property in plain view and left for several days. The incident was also reported to the regional EEOC office.

Offensive Drawing -- October 29, 2008

A teacher reported that a Confederate flag and the word, "Hi," were drawn in the window of her classroom although the teacher said her classroom door was locked when the intruder came in. All of the teacher's students are Hispanic. She also reported that there were several times when she locked the door when she left, and it was unlocked in the mornings when she arrived the next morning.

Comments from Hispanic Students in a Chatham County High School depicting hate bias

QUESTION: What is it like to be an ESL student in a school that is majority white?

Group 1: In US less than 2 years, limited English proficiency

- There are people who look at you badly for not being white. They give you ugly looks or bump into you.
- There are white people who say things at us. I don't really understand what they say, but the look on their face is clear what they mean.
- People say, "Why are you here?" and tell you not to speak Spanish here. To me, the only difference between us is that I am still learning English. We are all the same, and we shouldn't pay attention to the other differences.
- Many white people feel that they can do whatever they want and not get in trouble just because they are white. We get in trouble for the same things.
- People discriminate against you, because you don't speak English. They push you or say things to you on purpose that you don't understand.
- Sometimes even Latinos, who have been here a long time, discriminate against people who have just gotten here.

Group 2: In US 3-7 years, academically strong, high English proficiency

- In high school, Latinos don't get along with whites like they did in middle school. The separations between groups is more clear than in middle school.
- It depends on how they (whites) see you. Most people say appearance doesn't matter, but it really does. Even though they deny it, if they see a Hispanic who isn't dressed as nice together with one who dresses in a different style, the white people might say "hi" to the one dressed nice but not to the other one, even though she knows both of them from middle school. I actually saw that happen.
- I used to have a lot of white friends in middle school, but now I don't. When I came to (high school), they rejected me. They used to say "hi" or call me on the phone, but now they don't. I think it's because at (this high school), I hang out more with Hispanics here, and so the white people who used to talk to me don't want to anymore. People who I've been in classes with since kindergarten don't really talk to me now that we're in high school.
- There's a white guy during lunch, who is always saying bad things to the Hispanics. He says "———Hispanics, you better watch your ——." I predict that there is going to be a fight between blacks and Hispanics before the end of the school year.
- The whites don't solve things with fighting; they will just go tell on you and get you in trouble and then laugh about it. The blacks and Hispanics don't want to get you in trouble. That doesn't solve anything. They will fight instead to prove that they are not going to back down.
- There are white and black guys who always pick on Student A. They bully him, because he doesn't really speak English.
- It makes me the most mad with white and black people when they say, "Don't speak Spanish," or "You're in America, you have to speak English." What does it matter to them if we are just talking to each other? Obviously, we speak English. And if we are talking to them, we speak to them in English. But just when we are speaking to each other, we are going to use our language. Duh...we know we are in America.

Group 2 continued

- They are paranoid. They always think we are talking about them just because we are speaking Spanish. They even tell the teacher, “Tell them not to speak Spanish,” or “They are talking about us,” when we are trying to do our work, but we are speaking Spanish to each other.
- I was in PE, and I wanted to try to play with the others. And someone said to me, “You can’t play volleyball, because you are Mexican.” What does that mean? Why would they say that?

Group 3: In US 3-6 years, academically weak, intermediate English proficiency

- People (white students) will say, “You are in America, don’t speak Spanish.” That makes me mad. Sometimes they say, “Don’t speak in Spanish, so I can understand you.” Well, sometimes that is why I speak in Spanish in front of them; so they know how it feels. When I first came here, I didn’t speak English, and I didn’t understand what they were saying.
- A black teacher always looks at me like she’s mad at me. I don’t know why. Maybe because I don’t speak English well.
- The Hispanic (employee) is racist against (his or her) own people.
- There’s a white guy on my bus who will say, “—— Mexican” to me when he’s mad.
- There’s a white girl who always looks at Mexicans ugly. She gives us weird looks. One time I asked her what her problem was, and she just says all nice, “No, nothing.”
- People will stare and then talk to their friends about you.
- Maybe black or white people feel uncomfortable, because we speak Spanish.
- Sometimes they all think we are talking about them when we speak Spanish. We have better things to talk about than them.

External References – Nine Sources

Source One: City of Vancouver

A RESOLUTION of the City Council of the City of Vancouver affirming its support of a diverse community and a community free from discrimination, hate and bias.

WHEREAS, the City of Vancouver has experienced significant population growth over the last fifteen years; and

WHEREAS, as the city’s population becomes more diverse, which adds richness and cultural depth, it can also create new tensions within such a growing community; and

WHEREAS, the City of Vancouver as a government organization values the perspective and contributions of all of its citizens; and

WHEREAS, any form of discrimination based on age, disability, gender, nationality, race, religion or sexual orientation is inconsistent with the City of Vancouver’s organizational values and detracts from the quality of life in our community; and

WHEREAS, the majority of Vancouver’s residents want the city to be a welcoming community where everyone feels valued, accepted, respected and safe; and

WHEREAS, The City of Vancouver deplores all hate and bias crimes against any member of this community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VANCOUVER:

That as an organization, the City of Vancouver is committed to:

1. Fostering a strong, diverse community connected by its shared commitment to mutual respect, understanding and dignity for all; and
2. Protecting the civil and human rights of all citizens and promoting respect, appreciation, collaboration, diversity and friendship; and
3. Proclaiming by word and action that harassment, intimidation, marginalization and violence shall not be tolerated or accepted.

BE IT FURTHER RESOLVED, that the City Council of the City of Vancouver supports the work of local and regional agencies to promote increased awareness, understanding and appreciation of diversity in all its forms, and that the City shall continually work to achieve the commitments set forth in this resolution in both the internal work environment and in delivering services to the public.

ADOPTED at the regular session of the City Council of the City of Vancouver this 6th day of July, 2009.

<http://www.hamptons.com/detail.php?articleID=5675>

<http://sagharboronline.com/sagharborexpress/tag/anti-bias-task-force>

<http://columbian.com/article/20090708/COMMUNITY03/707089986/Community+rallies+to+wipe+out+hate>

<http://leavitt4vancouver.blogspot.com/2009/06/hate-and-bias-crimes-must-not-be.html>

Source Two: Southampton (NY) Town Board Meeting: 01/22/08

RESOLUTION

Authorize Installation of Anti-Bias Signs at Various Town Facilities

WHEREAS, the Town of Southampton supports the efforts of the Anti-Bias Task Force to combat prejudice and erase racism in our community; and

WHEREAS, the Anti-Bias Task Force has requested that the Town take additional steps to raise awareness about the need to ensure bias-free zones in places of public assembly and places where the public's business with the Town is conducted; and

WHEREAS, the Town Board supports the establishment of a bias-free zone at Southampton Town Hall and other Town facilities, and agrees that the installation of signage at these facilities further reinforces the Town's commitment to ensuring all citizens that the Town will address their issues in a bias-free manner; now, therefore, be it

RESOLVED, that the Town Board of the Town of Southampton hereby authorizes the Office of General Services/Department of Facilities to complete installation of additional signage at other Town-owned facilities that are determined to be places of public assembly and places where the public's business with the Town is conducted; and be it further

RESOLVED, that the source of funding for this work shall be Town Hall Renovations, G/L 80-10-1620-21-6220-1005, in an amount not to exceed \$1,500.

Source Three: San Bernardino City (CA) Unified School District

2.2 - Resolution Condemning Hate Crimes, Violence, and Vandalism in San Bernardino

WHEREAS an act of vandalism occurred at Our Lady of the Rosary Cathedral on April 16, 2004, the day of a forum to discuss SB 1160, a bill that would allow drivers licenses to be issued to undocumented immigrants; and

WHEREAS the act of vandalism was consistent with acts of hate and intimidation; and

WHEREAS the Board of Education of the San Bernardino City Unified School District, with its long-standing record of demonstrating its commitment to safe schools, welcomes the opportunity to join with others in our community in proclaiming that the present and future well-being of our students requires safe school communities; and

WHEREAS the District is deeply saddened by the recent vandalism at Our Lady of the Rosary Cathedral and the random acts of violence which occur within our city; and

WHEREAS the District acknowledges the strong partnership which exists between the City of San Bernardino and the District, and we agree that incidences of racial conflict and vandalism in our schools and community are not acceptable; and

WHEREAS the District asks all citizens, community groups, and city agencies to join forces and work together to eradicate hate crimes, violence, and vandalism in San Bernardino;

THEREFORE, BE IT RESOLVED that the Board of Education strongly affirms our commitment to fostering constructive and respectful relationships between all people within our community and encourages everyone to work together to rid our city of hate crimes, violence, and vandalism.

Source Four: Focus of the City Council resolution

RESOLVED, That the City of Terre Haute hereby urges the State of Indiana to adopt hate crimes legislation to prohibit crimes that are committed against individuals or groups on the basis of race, creed, color, ethnicity, national origin, disability, gender, or sexual orientation, and to prosecute those who are engaged in or encourage such harmful activity in the State of Indiana. The City of Terre Haute hereby pledges its assistance to the State of Indiana to take any steps necessary to achieve this goal.

<http://www.opencongress.org/bill/111-s909/text>

Source Five: S.909 — Matthew Shepard Hate Crimes Prevention Act

April 28, 2009

A BILL

To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Matthew Shepard Hate Crimes Prevention Act'.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1)The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(4) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct 'races'. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 3. DEFINITION OF HATE CRIME.

In this Act—

- (1) the term ‘crime of violence’ has the meaning given that term in section 16, title 18, United States Code;
- (2) the term ‘hate crime’ has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and
- (3) the term ‘local’ means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(4) Assistance Other Than Financial Assistance-

(4) IN GENERAL- At the request of State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(4) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY- In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) Grants-

(4) IN GENERAL- The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS- In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION-

(4) IN GENERAL- Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION- Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS- A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(4) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE- An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT- A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) REPORT- Not later than December 31, 2010, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010 and 2011.

SEC. 5. GRANT PROGRAM.

(4) Authority To Award Grants- The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(4) In General- Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

Sec. 249. Hate crime acts

'(a) In General-

'(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN- Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

'(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

'(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

'(i) death results from the offense; or

'(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

'(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY-

'(A) IN GENERAL- Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

'(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

'(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

'(I) death results from the offense; or

'(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

'(B) CIRCUMSTANCES DESCRIBED- For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

'(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

'(I) across a State line or national border; or

'(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

'(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

'(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

'(iv) the conduct described in subparagraph (A)—

'(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

'(II) otherwise affects interstate or foreign commerce.

'(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES- Whoever, within the special maritime or territorial jurisdiction of the United States, commits an offense described in paragraph (1) or (2) shall be subject to the same penalties as prescribed in those paragraphs.

'(b) Certification Requirement-

'(1) IN GENERAL- No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or his designee, that—

'(A) the State does not have jurisdiction;

'(B) the State has requested that the Federal Government assume jurisdiction;

'(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

'(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

'(2) RULE OF CONSTRUCTION- Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

'(C) Definitions- In this section—

'(1) the term 'bodily injury' has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

'(2) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

'(3) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

'(4) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.'

.(b) Technical and Conforming Amendment- The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

'249. Hate crime acts.'

SEC. 8. STATISTICS.

(4) In General- Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting 'gender and gender identity,' after 'race,'.

(b) Data- Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ' , including data about crimes committed by, and crimes directed against, juveniles' after 'data acquired under this section'.

SEC. 9. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 10. RULE OF CONSTRUCTION.

For purposes of construing this Act and the amendments made by this Act the following shall apply:

(4) RELEVANT EVIDENCE- Courts may consider relevant evidence of speech, beliefs, or expressive conduct to the extent that such evidence is offered to prove an element of a charged offense or is otherwise admissible under the Federal Rules of Evidence. Nothing in this Act is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS- This Act applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of a victim.

(3) CONSTITUTIONAL PROTECTIONS- Nothing in this Act shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the First Amendment and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

(4) FREE EXPRESSION- Nothing in this Act shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

Source Six: District of Columbia Code on Bias-Related Crime

CHAPTER 40 BIAS-RELATED CRIME

§ 22-4001. Definitions.

For the purposes of this chapter, the term:

(1) "Bias-related crime" means a designated act that demonstrates an accused's prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibility, physical handicap, matriculation, or political affiliation of a victim of the subject designated act.

(2) "Designated act" means a criminal act, including arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and attempting, aiding, abetting, advising,

inciting, conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry.

(May 8, 1990, D.C. Law 8-121, § 2, 37 DCR 27.)

§ 22-4002. Collection and publication of data.

(a) The Metropolitan Police force shall afford each crime victim the opportunity to submit with the complaint a written statement that contains information to support a claim that the designated act constitutes a bias-related crime.

(b) The Mayor shall collect and compile data on the incidence of bias-related crime.

(c) Data collected under subsection (b) of this section shall be used for research or statistical purposes and may not contain information that may reveal the identity of an individual crime victim.

(d) The Mayor shall publish an annual summary of the data collected under subsection (b) of this section and transmit the summary and recommendations based on the summary to the Council.

(May 8, 1990, D.C. Law 8-121, § 3, 37 DCR 27.)

§ 22-4003. Bias-related crime.

A person charged with and found guilty of a bias-related crime shall be fined not more than 11/2 times the maximum fine authorized for the designated act and imprisoned for not more than 11/2 times the maximum term authorized for the designated act.

(May 8, 1990, D.C. Law 8-121, § 4, 37 DCR 27.)

§ 22-4004. Civil action.

(a) Irrespective of any criminal prosecution or the result of a criminal prosecution, any person who incurs injury to his or her person or property as a result of an intentional act that demonstrates an accused's prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, or political affiliation of a victim of the subject designated act shall have a civil cause of action in a court of competent jurisdiction for appropriate relief, which includes:

(1) An injunction; (2) Actual or nominal damages for economic or non-economic loss, including damages for emotional distress; (3) Punitive damages in an amount to be determined by a jury or a court sitting without a jury; or (4) Reasonable attorneys' fees and costs.

(b) In a civil action pursuant to subsection (a) of this section, whether an intentional act has occurred that demonstrates an accused's prejudice based on the actual or perceived color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, or political affiliation of a victim of the subject designated act shall be determined by reliable, probative, and substantial evidence.

(c) The parent of a minor shall be liable for any damages that a minor is required to pay under subsection (a) of this section, if any action or omission of the parent or legal guardian contributed to the actions of the minor.

(May 8, 1990, D.C. Law 8-121, § 5, 37 DCR 27.)

Source Seven: 107th CONGRESS S. CON. RES. 74 Condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

CONCURRENT RESOLUTION

Condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

Whereas Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

Whereas Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

Whereas the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

Whereas Congress is seriously concerned by the number of hate crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress--

- (1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;
- (2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;
- (3) calls upon local and Federal law enforcement authorities to work to prevent hate crimes against all Americans, including Sikh-Americans; and
- (4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit hate crimes.

Source Eight: Alaska HOUSE JOINT RESOLUTION NO. 22

Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to conduct a conclusive investigation and to take rapid action against the perpetrators.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Anchorage is an incredibly diverse community with more than eighteen identified ethnic groups comprising nearly 30 percent of its population; and

WHEREAS the growth rate of Anchorage minority groups exceeds the growth rate of nonminorities; and

WHEREAS more than 20 percent of the Alaska Native and Native American population of the state resides in Anchorage; and

WHEREAS the Anchorage economy is highly dependent on the economic contributions of the Alaska Native population and the bush communities; and

WHEREAS Anchorage has made and continues to make a concerted effort to build bridges with and among the various ethnic groups and to eliminate racial tension and conflict in the city; and

WHEREAS the recent incident involving targeting of Alaska Natives for harassment and violent action by three youthful Anchorage residents armed with paintball guns is deplorable and reflects badly on every citizen and business of Anchorage and the State of Alaska; and

WHEREAS federal law 18 U.S.C. 245 makes it illegal to commit a crime when the assailant is motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a "federally protected right"; and

WHEREAS Alaska law AS 12.55.155(c)(22) provides as an aggravating factor for sentencing for a serious crime that "the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin," and the finding of an aggravating factor allows the court to increase a presumptive sentence for such an offense up to the maximum sentence for that offense; and

WHEREAS the Alaska State Legislature does not condone and will not tolerate hate crimes;

BE IT RESOLVED that the Alaska State Legislature condemns the recent racially motivated attack in Anchorage; and be it

FURTHER RESOLVED that the Alaska State Legislature requests the Municipality of Anchorage police department to continue its thorough and conclusive investigation of that attack so as to allow the swift prosecution and punishment of the perpetrators; and be it

FURTHER RESOLVED that the Alaska State Legislature finds the conduct of those perpetrating this abhorrent act, and any similar conduct, to be unacceptable; and be it

FURTHER RESOLVED that the perpetrators, and anyone else committing hate crimes, in addition to any penalties meted out by the criminal justice system, should be required to complete cultural and social sensitivity training and do regular, recurring community service in an environment that brings them into close contact with the minority groups the perpetrators have targeted; and be it

FURTHER RESOLVED that the Alaska State Legislature is pledged to support fair and equitable treatment for all who live in, do business in, or visit Alaska.

COPIES of this resolution shall be sent to the Honorable George Wuerch, Mayor of Anchorage; and to the members of the Anchorage Assembly.

Source Nine: Senate of the State of California

BILL NUMBER: SR 23 Relative to hate crimes

WHEREAS, The Senate finds and declares all of the following:

- (1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.
- (2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.
- (3) State and local authorities are now, and will continue to be, responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater federal assistance.
- (4) Existing federal law is inadequate to address this problem.

- (5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community which shares the traits that caused the victim to be selected.
- (6) Federal jurisdiction over certain violent crimes motivated by bias enables federal, state, and local authorities to work together as partners in the investigation and prosecution of such crimes.
- (7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant federal assistance to states, local jurisdictions, and Indian tribes; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate thanks the United States House of Representatives for its support of the Local Law Enforcement Hate Crimes Prevention Act and calls on the United States Senate to swiftly pass the Senate companion measure, the Matthew Shepard Hate Crimes Prevention Act; and be it further

Resolved, That the Senate urges the President of the United States to sign into law the Matthew Shepard Hate Crimes Prevention Act, to accomplish all of the following:

- (1) Authorize the United States Attorney General to provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or prosecution of violent, bias-motivated crimes.
- (2) Update and expand existing federal hate crimes law to ensure that hate crimes based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim are fully investigated and prosecuted.
- (3) Direct the United States Attorney General to give priority for such assistance, with respect to crimes committed by offenders who have committed crimes in more than one state.
- (4) Authorize the Attorney General to award grants to assist state, local, and Indian law enforcement agencies, for rural jurisdictions, that have difficulty covering the extraordinary investigation or prosecution expenses involved in these cases.
- (5) Direct the United States Office of Justice Programs to work closely with funded jurisdictions to ensure that the concerns and needs of all affected parties are addressed.
- (6) Allow grants to state, local, or tribal programs designed to combat hate crimes committed by juveniles.
- (7) Require the Attorney General to acquire data on crimes that manifest evidence of prejudice based on gender and gender identity; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.