

Testimony in SUPPORT of SB 606
Criminal Law – Hate Crimes – Basis (2nd Lieutenant Richard Collins, III Law)
Judicial Proceedings Committee
February 11, 2020

The Jewish Community Relations Council of Greater Washington (JCRC) is the public affairs and community relations arm of the Jewish community, representing over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia.

SB606 seeks to take make clear that hate crimes charges may be brought in cases like the murder of Lt. Collins where the perpetrator is motivated by racial or religious hatred but may also have other motivations. Wisconsin already has a similar statute.

SB 606 would strengthen Maryland’s existing hate crimes law by making it clear that to qualify as a hate crime, hate (discriminatory motive based on religious, racial, sexual orientation animus) does not have to be the exclusive motivating factor behind the commission of a crime. Under existing law, a crime becomes a hate crime if it was committed “because of” discriminatory animus. Several courts have interpreted this language to mean that a hate crime occurs when hate is the only factor motivating the conduct. The impetus for the proposed change was to ensure that crimes could be punished as hate crimes even where the perpetrator had mixed motives (e.g., hate and greed). Therefore, the bill replaces “Because of [hate]” in the existing law with “Motivated either in whole or in part by [hate].”

We recommend supporting the bill but suggest that the sponsors change “in part” to “in substantial part.” That clarifying language would be consistent with our understanding that, in practice, prosecutors in mixed motive cases will look to invoke the law when discriminatory animus is a substantial motivating factor. Prosecutors take that approach to ensure that the effect of the law will not be to punish discriminatory thoughts, but criminal conduct substantially motivated by discriminatory animus.

Thank you for the opportunity to testify today.,