



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SHELLY HETTLEMAN
CRIMINAL LAW - HATE CRIMES - PENALTY (EDUCATE AGAINST HATE ACT)
SB989

As we were reminded last night in the chamber by the presence of Lt, Richard Collins' III parents, unchecked hate can fester and lead to tragic outcomes. Developing more effective policies to address the increase in violence directed at individuals because of their race, gender, religion and the like is essential. Since 2016, incidents of hate crimes have spiked dramatically. In 2016 and 2017 alone, police reported [693 hate crimes](#), nearly [double the number of crimes reported in the previous two years](#). The stories range from swastikas and racial epithets spray painted at a Howard County high school to a noose hanging near a diverse Montgomery County elementary school, and from an aggravated assault on a gay man in Baltimore and tragically to the murder of Army 2nd Lt. Richard Collins III in College Park. This disturbing growing trend has victimized individuals and terrorized larger community and faith-based groups.

The response to such ugly threats has been inadequate. The current punishment for being found guilty of a hate crime ranges from up to 3 years in prison for a misdemeanor and/or a \$5,000 fine to up to 20 years in prison and/or a fine up to \$20,000 if the crime results in a death. The individuals and communities most affected by hate crimes recognize that we can't always end cycles of violence with a purely punitive response. The Brennan Center for Justice reports that punitive approaches to hate crimes "fail to effectively deter future crimes or assuage the concerns of the victimized communities."

Most hate crime offenders are not hardcore bigots, nor do most of them belong to organized hate groups. Instead, most hate crime offenders are young males aged 16-25, many of whom could benefit from instruction and re-education. Research suggests that rehabilitative and restorative approaches to challenging underlying prejudice have the most success in changing offender behavior. Victim-offender mediation and offender counseling and education demonstrate promise for changing hearts and minds.

SB989 will give judges a rehabilitative option in response to hate crimes. Current penalties in statute do not change, but judges will have the option of mandating that offenders complete educational instruction relating to the group or community against which the crime has been committed. Modeled after a program in Massachusetts and a bill in Pennsylvania crafted in response to the shooting at the Tree of Life Synagogue in 2019, SB989 is just one of many strategies we should pursue to combat the growing threat and complexity of hate crimes in our communities.

Countries around the world grappling with histories of genocide and extremism, have implemented rehabilitative programs with high rates of success. In Berlin, the Breaking Away from Hate and Violence program offers violent hate crime offenders the option to attend group training and one-on-one discussions. The program has reported astounding results: Between

2001-2009, 500 participants completed their program, with a drop-out rate under 3%, and recidivism rates under 30%, compared to a 78% recidivism rate for comparable offenders who did not go through the program. In San Diego County, a program called PATHWAYS for Tolerance offered educational programming to young people who had committed or were at a high risk of committing a hate crime. An evaluation of the program concluded that it was successful in reducing hate crime risk and offending. Pilot programs in Sweden, Scotland, New York, Los Angeles, and Connecticut have shown similar promise.

It is time to try this approach here in Maryland. As hate crimes threaten the safety and well being of both individuals and communities, it's time to be proactive in addressing bias head-on. SB989 offers an approach, backed by research that demonstrates its success. I urge a favorable report.