



## Testimony for the House Judiciary Committee

February 21, 2020

### HB 1243 Criminal Law - Hate Crimes (John Weed Dignity Act)

#### UNFAVORABLE

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The ACLU of Maryland respectfully opposes HB 1243, which would expand the categories of persons protected under the existing hate crimes statute to include acts committed against a person or group based on age, speech, or refusal to donate money or a thing of value on demand.

#### **Hate crime protection is warranted where the government lacks the will or capacity to prosecute offenses against a group**

Hate crime laws are intended to aid in the prosecution of crimes that are historically under-charged, as a result of prosecutorial unwillingness or the absence of legal remedies. There is absolutely no evidence that Maryland's prosecutors are unable or unwilling to pursue crimes against Marylanders who are targeted based on their age, speech, or refusal to donate money under existing criminal statutes, nor is there evidence that prosecutors treat these offenses flippantly. In fact, in the tragic death of Mr. John Weedy in 2019, both assailants faced prosecution and severe criminal penalties.

A history of under-protection is what justifies hate crime legislation—that history is absent with regard to the persons and groups subject to the legislation.

#### **Offenses against persons *because* of their age, speech, or refusal to donate money are infrequent**

HB 1243 is a solution in search of a problem—crimes committed against persons *because* of their age, speech, or refusal to donate money are infrequent. This is supported by the bill's fiscal note, which anticipates the impact of the bill's expansion to be minimal.

For the foregoing reasons, the ACLU of Maryland opposes HB 1243.