

Fact Sheet: SD972 / HD1653, *An Act to reform the hate crime statutes*
Sponsored by: AG Maura Healey, Sen. Adam Hinds and Rep. Tram Nguyen

Crafting an effective response to violent bigotry

At a time of increasing bias-related incidents and hate crimes around the country, Massachusetts' hate crimes laws are not only **far weaker** than those in other states, but too poorly drafted to be easily understood or enforced.

This bill reworks the two current, confusing, partially overlapping statutes to better reflect their intended purpose – to charge individuals who target a person based on their membership in a protected class.

This bill brings Massachusetts' response to bias-motivated crimes into the 21st century, by:

- Providing clear definitions and giving guidance to attorneys, law enforcement, and members of the judiciary seeking to apply these laws fairly and correctly.
- Clarifying that an offender must intentionally select the victim based on the victim's perceived race, color, religion, national origin, ethnicity, caste, immigration status, sexual orientation, gender, gender identity, or disability.
- Prohibiting violent, threatening, and destructive conduct — not First-Amendment-protected expressions of hate.
- Differentiating between various crimes, setting different punishments according to the severity, providing judges with the discretion to sentence accordingly, and without establishing any new mandatory minimum sentences
- Ensuring the most sensitive bias-motivated crimes are given the full attention of courts and law enforcement, the bill places the most severe crimes in the exclusive jurisdiction of the Superior Court.
- Incorporates what is now Section 37 and its proscription of civil rights violations not tied to membership in a protected class, permitting continued enforcement of infringements on voting rights and other guarantees of citizenship.

Each of us has a stake in an effective response to violent bigotry and countering the special impact hate crimes have on victims and communities. This reform will promote equity and justice by protecting vulnerable communities; and promote consistent, fair application of the law.