

## **H.1704 / S.996 – Hate Crimes Bill: An Act to reform the hate crime statutes**

**Rep. Tram Nguyen, Rep. Bud Williams, Sen. Adam Gomez**

### **Summary:**

This bill reforms how hate crimes are treated under state law. Supporters argue that strengthening protections against hate crimes and ensuring that when a hate crime does take place, it is taken seriously by all levels of law enforcement and the courts will help prevent hate crimes. Opponents argue that it will increase criminalization of Black and Brown communities, including AAPI communities, which has been shown to, in some cases, increase rates of crime, and have not been shown to decrease rates of hate crimes, or crimes at large.

### **What this bill does:**

- Requires the identification and recommendation of best practices for hate crime prevention, restorative justice programs, culturally competent outreach and reporting mechanisms, including those that can be implemented by police, prosecutors, judges, school officials, state agencies, community groups and others.
- Standardizes reporting of hate crime data from local police and law enforcement to a crime reporting unit.
- 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.

### **Debate**

In general, the first part of the bill, which focuses on hate crime prevention, restorative justice programs, culturally competent outreach and reporting mechanisms, and standardizing the reporting of hate crime data, is agreed upon by many communities. The controversy within the bill relates to punishment and sentencing.

Proponents argue:

- This bill will prevent hate crimes by increasing punishment for hate crimes after they occur

- This bill does not establish any new mandatory minimum sentences, which are harmful
- Other states have stronger hate crime laws than Massachusetts

Opponents argue:

- Increasing punishments for hate crimes has not been shown to decrease hate crimes, meaning that this bill would likely increase criminalization of Black and Brown communities while not preventing or decreasing hate crimes
- This bill does increase how long a person can be imprisoned for certain hate crimes, in some instance doubling the amount of time imprisoned
  - Extended periods of imprisonment have been shown to not only not decrease recidivism rates, but in some cases can increase the likelihood someone will commit another crime
- Imprisoning people is incredibly expensive, and that money would just be going down the drain since it would not be preventing hate crimes
- There are better ways to decrease hate crimes which have shown to be effective, including restorative justice, education, and social support
- [You can find support for these statements in this document](#)

### **Why this bill matters:**

Supporters: 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. 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.

Opposition: It is true that standardizing reporting of hate crimes would be valuable, but imprisonment has not been shown to prevent hate crimes. This bill would serve not to decrease hate crimes, but to increase harm done towards Black and Brown communities and imprison more people, while using vast amounts of public funds, and potentially increasing rates of hate crimes.