



Center for the
Study of Hate
& Extremism
CSUSB



2020

REPORT TO THE NATION: ILLUSTRATED ALMANAC

Preview Edition: With Latest FBI/DHS Hate Data

DRAFT COPY

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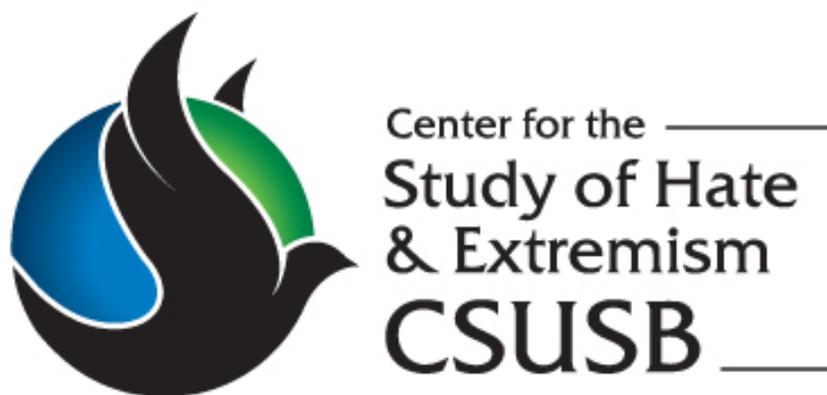
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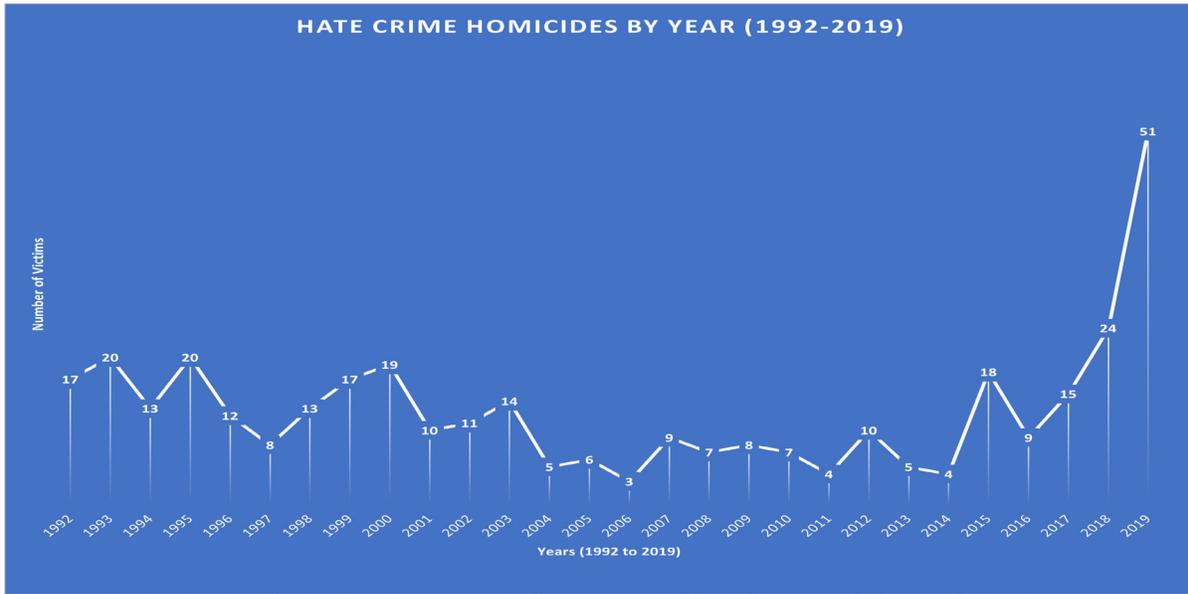
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EXECUTIVE SUMMARY

Professor Brian Levin, JD

Director, Center for the Study of Hate and Extremism

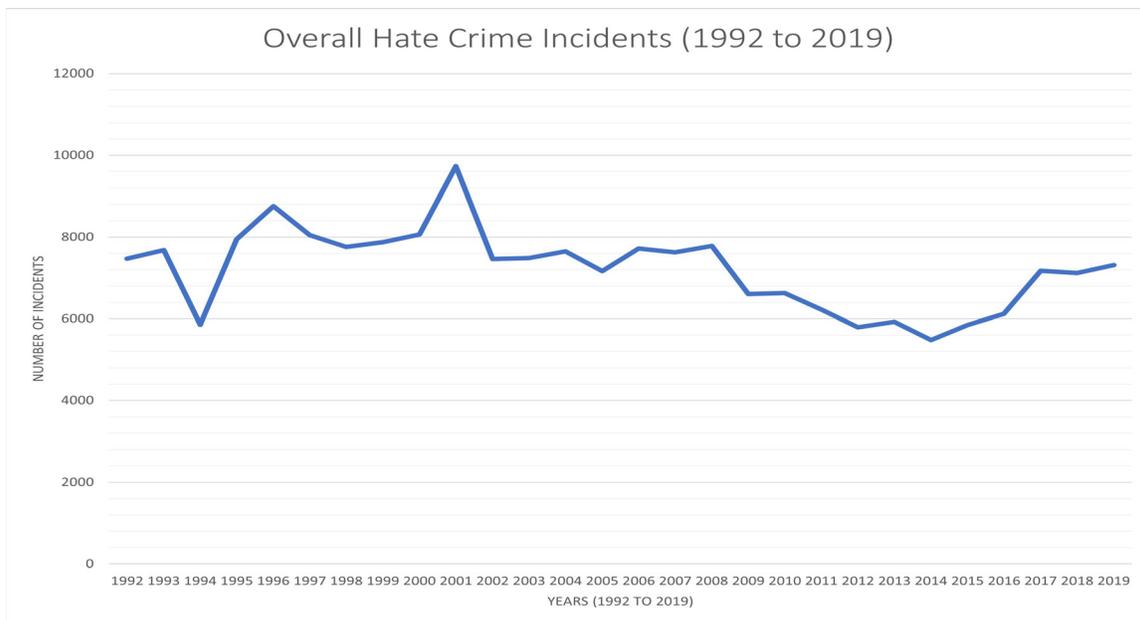


Hate Crime Homicides by Year (1992 to 2019)

Source: 2019 Hate Crime Statistics, FBI

Newly released Federal Bureau of Investigation (FBI) annual hate crime totals for 2019 hit their highest level in over a decade on a small overall increase of almost three percent. The 7,314 hate crime “incidents” or events tabulated from voluntarily collected complaint reports submitted by 15,588 agencies across the country, represent the third consecutive year of an elevated plateau of over 7,100, increasingly violent, criminal incidents.

The 2019 increases in hate crime were far more precipitous among the most violent offenses – homicides and assaults; those directed toward certain target groups, like Jews and Latinos; and in some of the nation’s largest cities. These 2019 overall hate crime totals represent an increase of 194 incidents or 2.72% over the prior year and the most since 2008, when there were 7,783.



Hate Crime by Year (1992 to 2019)

Source: Hate Crime Statistics, FBI

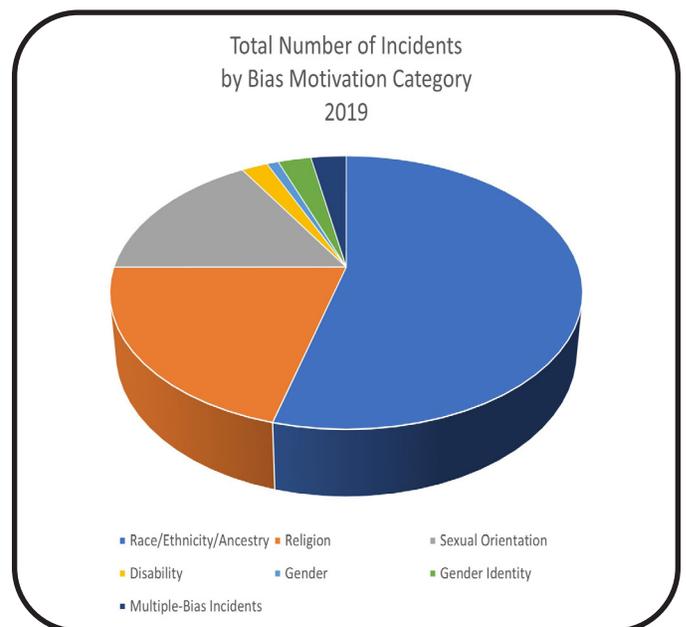
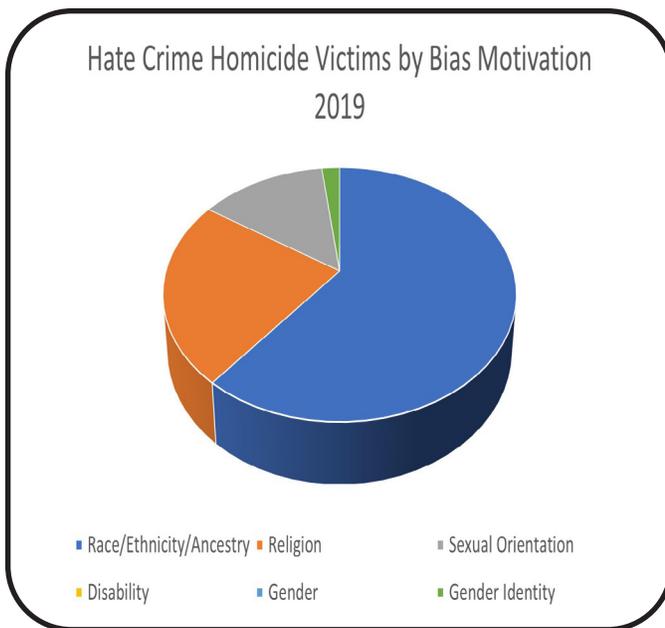
HATE CRIME DEFINED

Under federal data collection definitions, hate crimes are criminal events motivated, in whole or in part, by actual or perceived bias based on race, ethnicity, ancestry, religion, sexual orientation, disability, gender, and gender identity. Prejudiced hate speech alone, absent a genuine threat of violence or criminality, is constitutionally protected, and is not included in these FBI data. An earlier, though, complimentary hate crime victimization study by the Bureau of Justice statistics extrapolated far more annual hate crimes, but also found for the first time that the majority of adult victims are reporting to police. The FBI has collected useable national data hate crime data since 1992, pursuant to the 1990 Hate Crime Statistics Act.

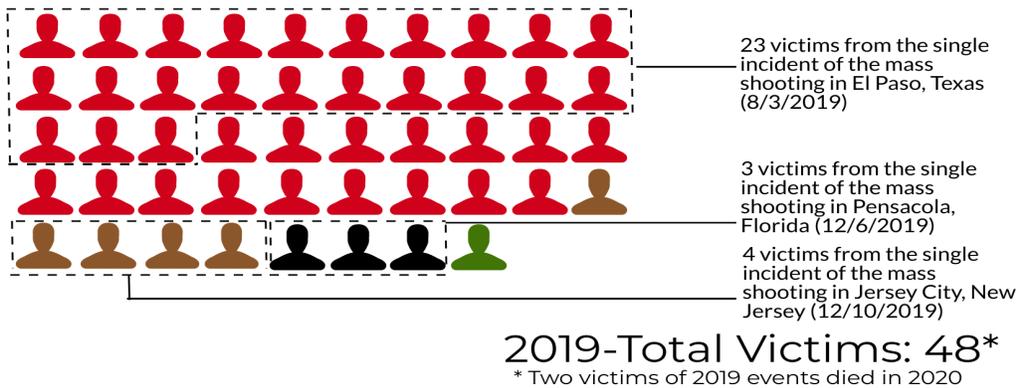
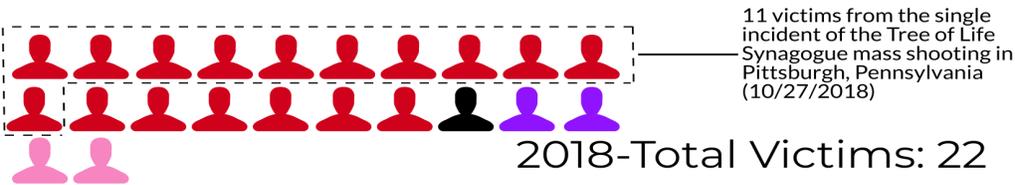
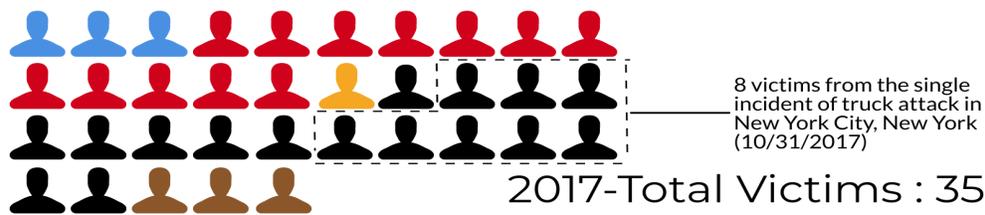
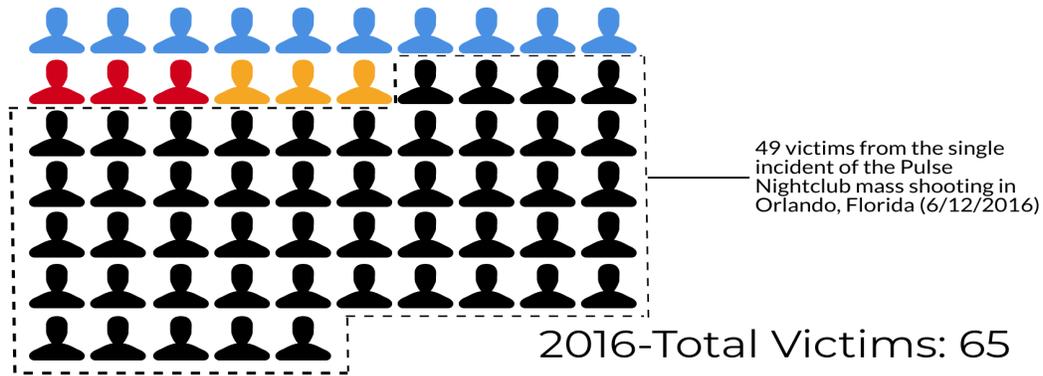
HOMICIDES RISE SHARPLY

Of person directed crimes, FBI hate homicides rose most sharply to a record 51, more than double 2018 levels, as single assailant mass domestic terror attacks by white supremacists became increasingly more lethal. Last year was the third consecutive annual rise in a series of sharp increases in hate homicides enumerated by the FBI. However, there have been noteworthy omissions to the annual FBI hate homicide tallies in recent decades including the 2016 Pulse Nightclub attack, with 49 killed; the 9/11 terror attacks; the 60 killed during the 1992 Los Angeles civil disorder; and the death of protester Heather Heyer at Charlottesville in August 2017.

The worst single mass homicide event of the year, the August 2019 anti-Latino El Paso massacre, which left 23 dead (22 in 2019) was the most lethal single hate homicide event since FBI tallies commenced three decades ago. The total was double 2018's most lethal event, the Tree of Life synagogue attack that October with eleven homicides. While the most recent bias-motivated mass killers have increasingly been young adults, like the 21 year old El Paso assailant, a recent multi-decade longitudinal University of Maryland study found that these offenders relative to other violent hate offenders are older with a median age of 36. The Maryland BIAS study further found that these mass killers are more likely to act alone, be married, have a military service record, higher educational achievement, and a violent criminal history.



Other complimentary data from the Center for the Study of Hate and Extremism (CSHE) shows the single category of white supremacist/far right extremist motivated homicides rose for the third consecutive year in 2019. These racist killers dominated the overall category of “extremist motivated” homicides with a total higher than that of all extremist killings combined for 2018.



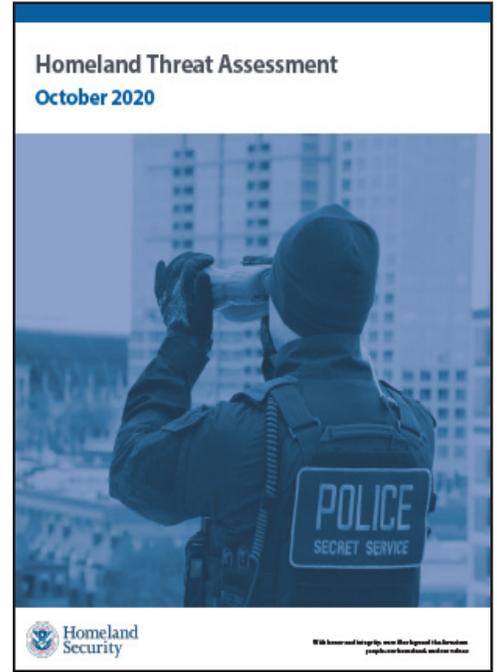
-  Fatalities by Attackers with Anti-Government/Anti-Police Ideology
-  Fatalities by Attackers with Anti-LGBTQ Ideology
-  Fatalities by Attackers with White Supremacy Ideology
-  Fatalities by Attackers with Salafist-Jihadist Ideology
-  Fatalities by Attackers with Black Supremacy Ideology
-  Fatalities by Attackers with Hispanic Supremacy Ideology
-  Fatalities by Attackers with Extreme Misogyny Ideology
-  Fatalities by Attackers with Mixed/Unk Ideology

Number of Victims of Hate Homicides Categorized by Ideology of Attackers
Source: CSHE Curated Dataset



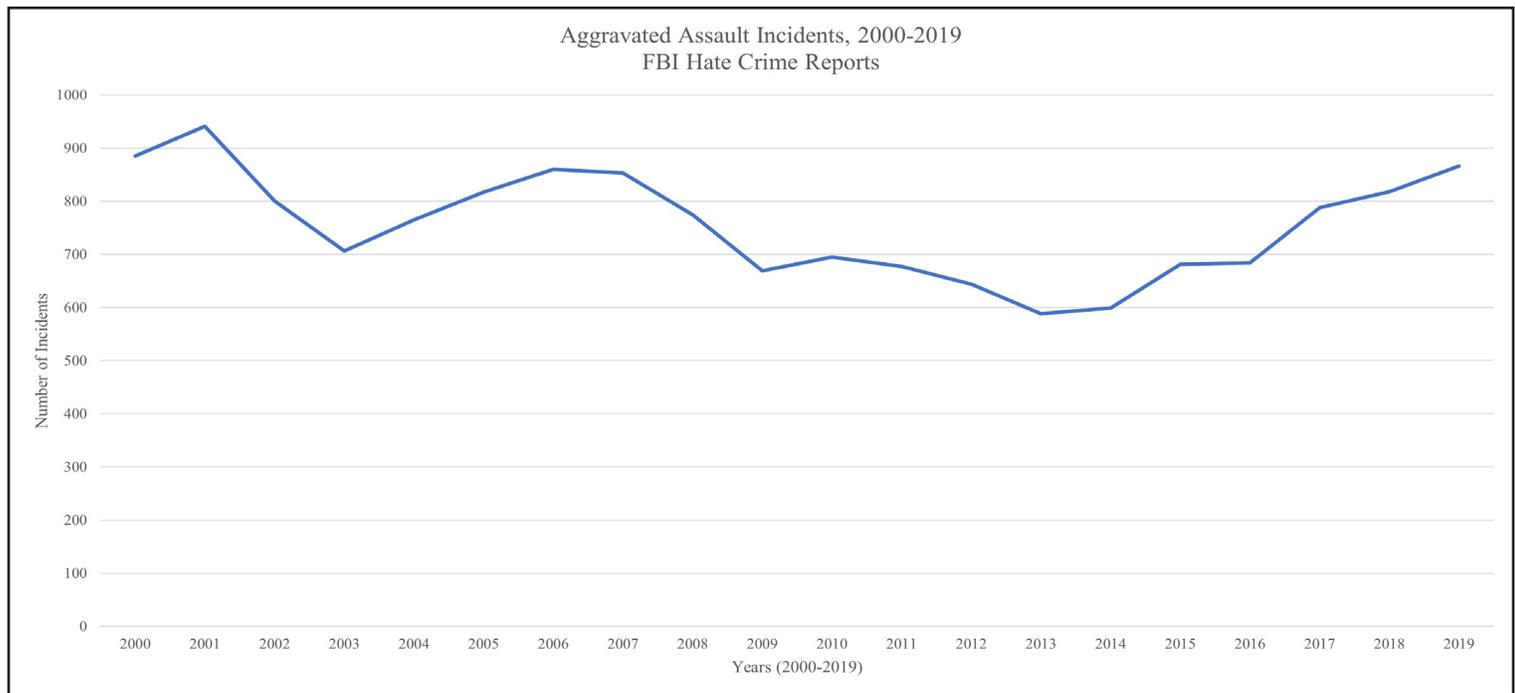
People mourning at a memorial for the victims of the 2019 El Paso Walmart shooting
Author: Ruperto Miller

A subsequent Department of Homeland Security (DHS) report from October 2020 found the overwhelming majority of extremist homicides in 2019, 81% or 39 of 48, were by white supremacists as well as half of the lethal attack events. These findings mirror prior research by CSHE, Center for Strategic and International Studies, the University of Maryland’s “START” database, and the Anti-Defamation League (ADL) showing the overwhelming majority of domestic extremist killings post-9/11 attributable to far right malefactors. The DHS further found that 2019 was the worst year for domestic terrorist killings since 1995 when an anti-government extremist murdered 168 Americans in the VBED truck bombing of Oklahoma City’s Murrah Federal Building.



MOST OTHER COMMON OFFENSES RISE

Aggravated assaults rose for the sixth straight year to the highest level since 2001. These serious physical attacks rose 5.9% from 818 in 2018 to 866 last year and have increased 47% since 2013. Aggravated assault is an “unlawful attack...for the purpose of inflicting severe or aggravated bodily injury [and]...is usually accompanied by the use of a weapon or by other means likely to produce death or great bodily harm.” The less injurious type of assault, simple assault rose 4.7% last year to 1,730 and is up 25.5% from 2014 levels. In 2019 most bias categories, even those with overall declines, still saw increases in assaults including Blacks, Whites, Latinos, Jews, Muslims, Arabs, Gay males, and transgender people.



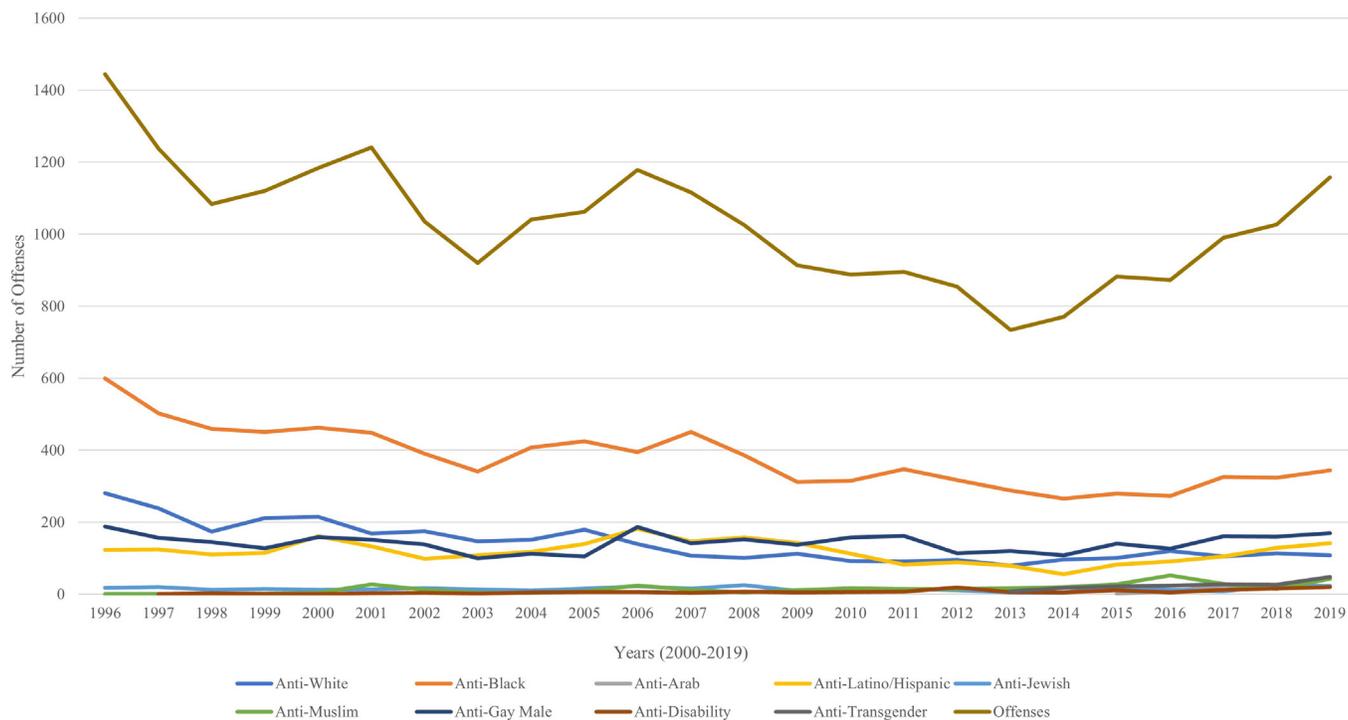
Hate Crime Aggravated Assaults Incidents Total (2000-2019)

Source: 2000 to 2019 Hate Crime Statistics, FBI

**Note: There can be more than one offense in a given recorded incident.

Of the four most common offenses only “intimidation” or criminal threats registered a decline last year, of 9.3% from 2,039 to 1849, driving overall “person directed” hate crime totals down slightly, by one percent to 4526 from 4571. These person directed crimes, which include homicides, assault and intimidation hit the 2nd highest total since 2002. The most frequent property crime – vandalism/ destruction incidents rose 14.7% to 2,152, driving overall property directed hate crimes to a smaller increase of 6.5% to 2,811.

Aggravated Assault Offenses by Bias Type, 1996-2019
FBI Hate Crime Data (1996 to 2019)

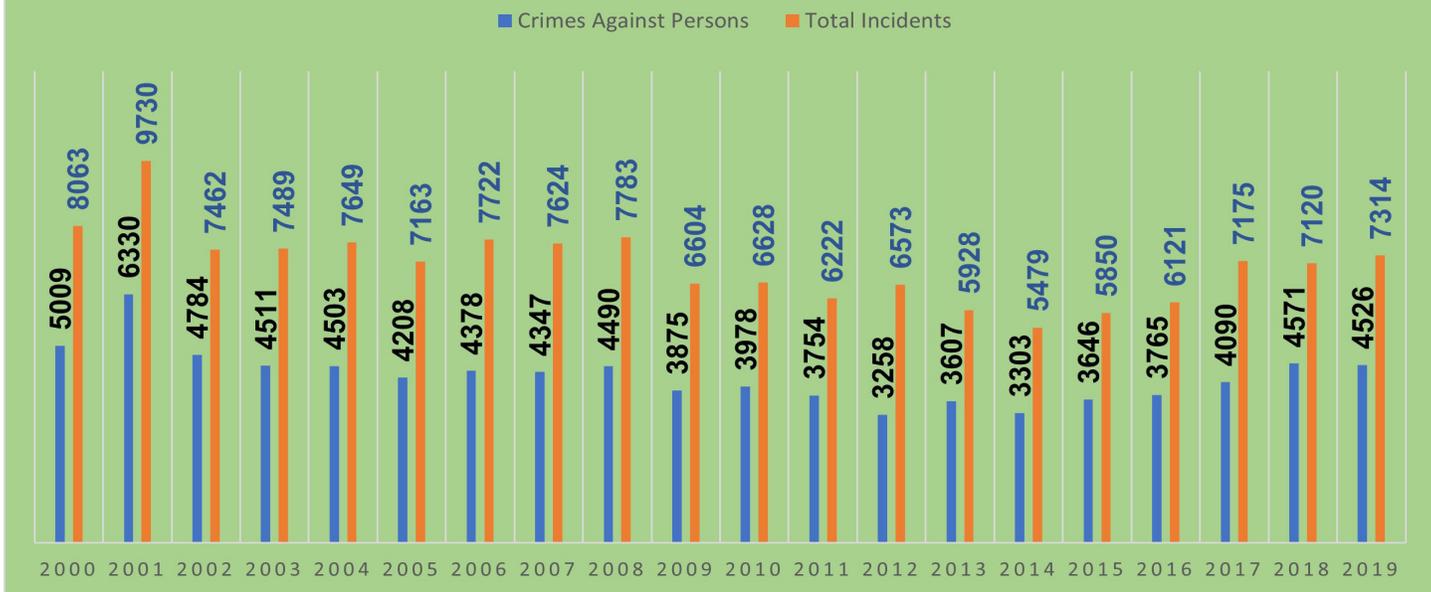


Aggravated Assaults Offenses Total and Breakdown by Bias Type (1996-2019)

Source: 2000 to 2019 Hate Crime Statistics, FBI

**Note: There can be more than one offense in a given recorded incident.

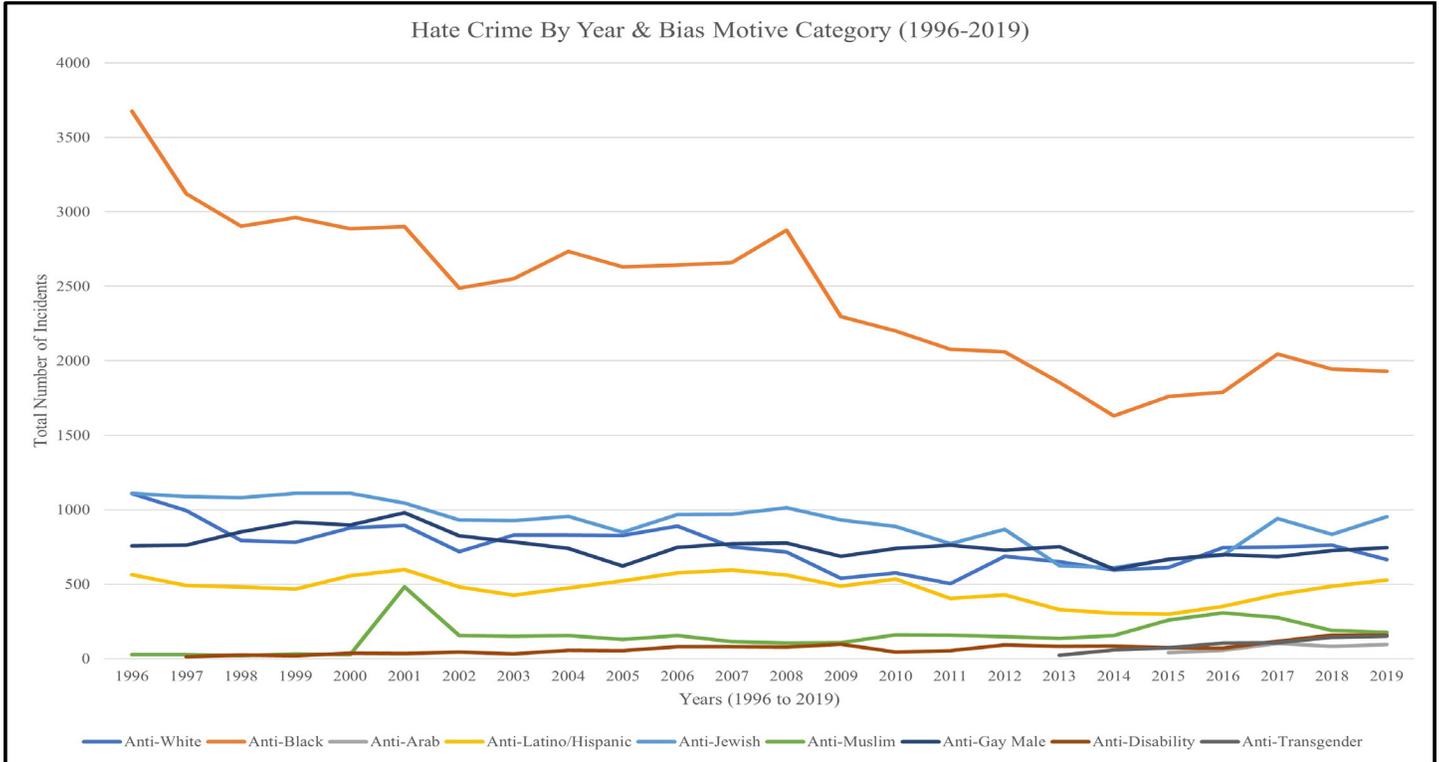
TOTAL HATE CRIME/PERSON DIRECTED HATE CRIME BY YEAR



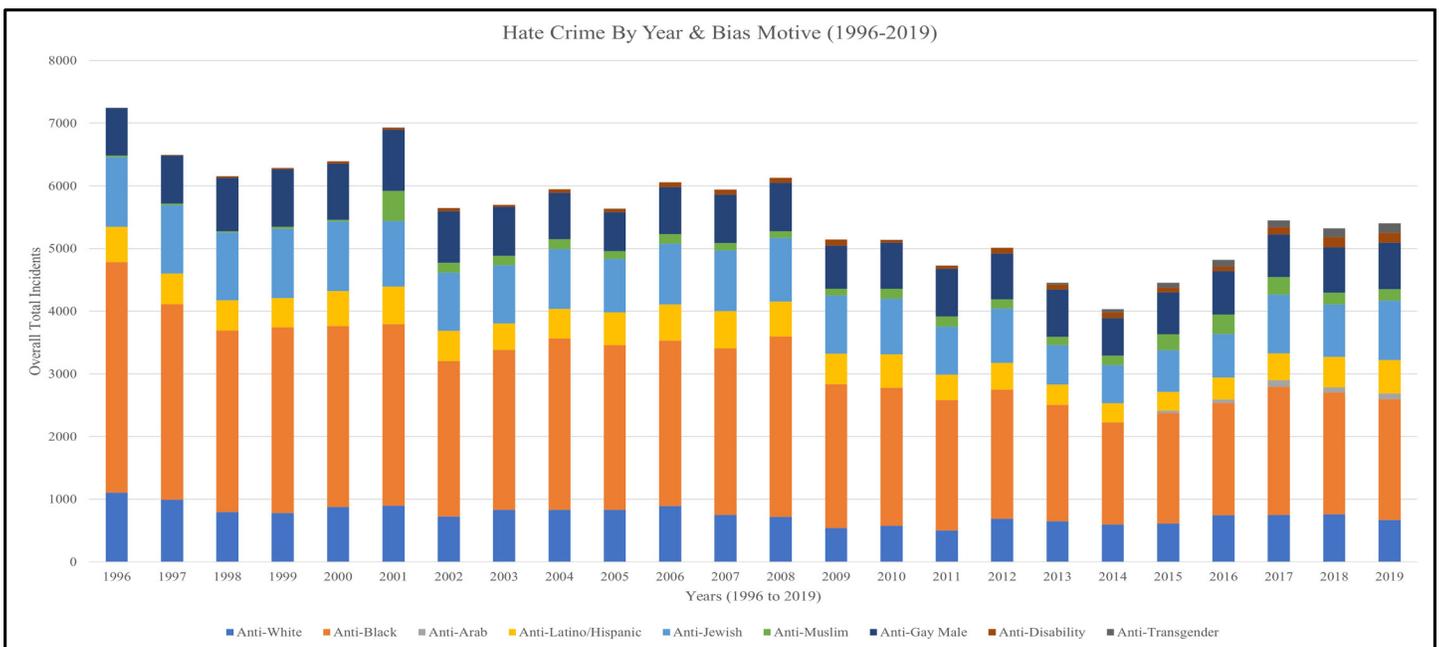
Anti-Semitic hate crime rose 14% from 835 in 2018 to 953 last year to hit the highest level since 2008. There were six anti-Semitic homicides, a decline from 11 the year before. Anti-Semitic hate crimes also grew as a proportion of all hate crime from 11.7% in 2018 to 13% in 2019. 2019 was one of only two years in the last decade with over 900 anti-Semitic hate crimes. New York City hit a modern record for FBI anti-Semitic hate crime in 2019, though that number dropped by half in 2020 preliminary local figures through Nov 1.

Anti-Latino hate crime rose 8.7% from 485 in 2018 to 527 in 2019 to the highest total since 2010. 22 people were killed in an anti-Latino domestic terror attack in El Paso in August 2019, with another victim passing in 2020 – the worst hate crime attack ever enumerated by the FBI. Additionally, the FBI classified the 2019 El Paso attack as “anti-other race/ethnicity” rather than “anti-Hispanic.”

Anti-Arab hate crime rose 16% to 95, while anti-Muslim hate crime fell by a dozen incidents or 6% from 188 to 176, the third consecutive decline, after peaking at 308 in 2016. Other groups registering major declines include anti-White, down 12.6% to 666; anti-Sikh, down 18% to 49; and anti-Native American, down 39%. Categories experiencing minimal declines of about one percent or less year over year in 2019 include anti-Disability, anti-Black, and anti-LGB hate crimes. Anti-Black hate crime, dropped to the lowest portion of all hate crimes since recordation began, to 26% after peaking in 1996 at 42%. Blacks are still the number one target, at twice the level they represent in the American population.



Total Hate Crime Incidents Per Year (1996 to 2019)
By Bias Motive Category
Source: 1996 to 2019 Hate Crime Statistics, FBI



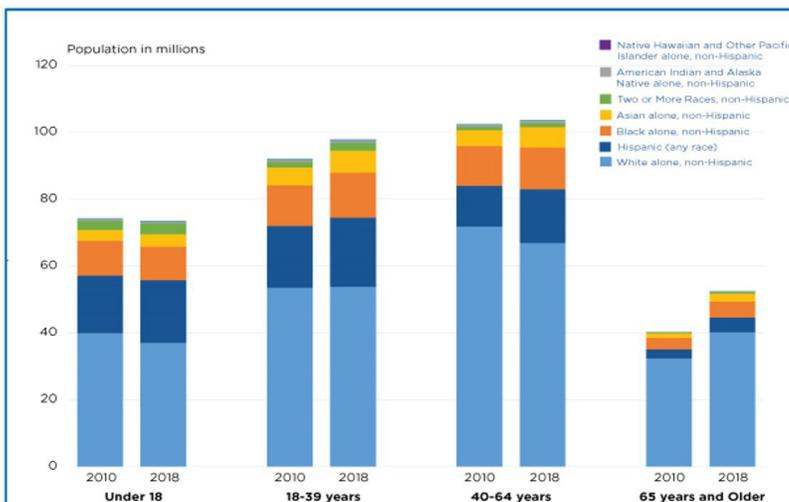
Total Hate Crime Incidents Per Year(1996 to 2019)
By Bias Motive Category
Source: 1996 to 2019 Hate Crime Statistics, FBI

Year	Incidents	Change in Incidents Number	Percentage Change
2019	7314	194	2.72%
2018	7120	-55	-0.77%
2017	7175	1054	17.22%
2016	6121	271	4.63%
2015	5850	371	6.77%
2014	5479	-449	-7.57%
2013	5928	-645	-9.81%
2012	6573	351	5.64%
2011	6222	-406	-6.13%
2010	6628	24	0.36%
2009	6604	-1179	-15.15%
2008	7783	159	2.10%

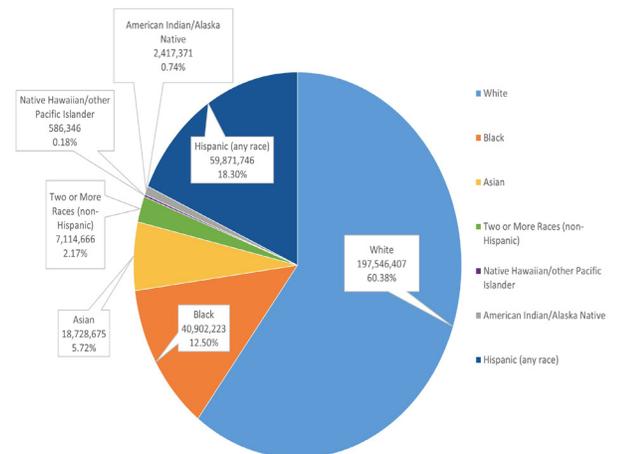
Hate Crime, 2008-2019
 Changes in Totals and Percentage of Change
 Source: FBI Hate Crime Reports 2008-2019

Bias Category	Years Compared (1 yr/5 yr)	Number of Hate Crimes for Each Year	Change in Number	Percent Change
All Hate Crime	2019 to 2018	7,314 from 7,120	+194	+2.72%
	2019 to 2014	7,314 from 5,479	+1835	+33.49%
Anti-White	2019 to 2018	666 from 762	-96	-12.60%
	2019 to 2014	666 from 593	+73	+12.31%
Anti-Black	2019 to 2018	1,930 from 1,943	-13	-0.67%
	2019 to 2014	1,930 from 1,621	+309	+19.06%
Anti-Arab	2019 to 2018	95 from 82	+13	+15.85%
	2019 to 2014	N/A	N/A	N/A
Anti-Latino/Hispanic	2019 to 2018	527 from 485	+42	+8.66%
	2019 to 2014	527 from 299	+228	+76.25%
Anti-Jewish	2019 to 2018	953 from 835	+118	+14.13%
	2019 to 2014	953 from 609	+344	+56.49%
Anti-Muslim	2019 to 2018	176 from 188	-12	-6.38%
	2019 to 2014	176 from 154	+22	+14.29%
Anti-Gay Male	2019 to 2018	746 from 726	+20	+2.75%
	2019 to 2014	746 from 599	+147	+24.54%
Anti-Disability	2019 to 2018	157 from 159	-2	-1.26%
	2019 to 2014	157 from 84	+73	+86.90%
Anti-Transgender	2019 to 2018	151 from 142	+9	+6.34%
	2019 to 2014	151 from 58	+93	+160.34%
Anti-Sikh	2019 to 2018	49 from 60	-11	-18.33%
	2019 to 2014	N/A	N/A	N/A
Anti-Asian	2019 to 2018	158 from 148	+10	+6.76%
	2019 to 2014	158 from 140	+18	+12.86%

Hate Crime Changes by Targeted Group and Year
 Source: FBI Hate Crime Reports 2019, 2018 and 2014



Source: US Census Bureau



Source: US Census Bureau

Many large American cities hit levels of FBI enumerated hate crime not seen in a decade or more in 2019. These include New York City, with a century high of 423; Los Angeles with 284; Seattle, with 292; and Washington, DC, also with a century high of 222. Houston, Boston and Denver also hit multi-year highs in 2019. The states with the most hate crime last year were California, New York, Washington State, New Jersey and Texas, while Alabama was the only state not reporting any.

Top Five States by Hate Crime Incidents, FBI 2019	2019	2018
1. California	1,015	1,063
2. New York	611	523
3. Washington	542	506
4. New Jersey	472	561
5. Texas	456	455

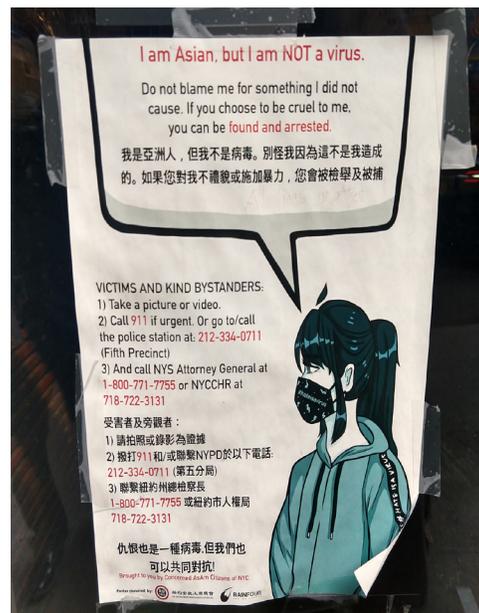
Lowest Five States by Hate Crime Incidents, FBI 2019	2019	2018
1. Alabama	0	0
2. Wyoming	5	0
3. Arkansas	9	13
4. Iowa	10	10
5. Alaska	11	7

Source: 2019 FBI Hate Crime Report

Preliminary 2020 local hate crime data, which sometimes varies from FBI data, collected from almost 20 law enforcement agencies by CSHE show substantial overall declines in hate crime, except for those in Los Angeles, Houston and San Antonio; and those directed against Asian-Americans and transgender individuals. Since the majority of hate crimes occur in public gathering places such as on public transportation and thoroughfares, and around schools, businesses, offices and houses of worship, this year's fluctuations are likely influenced by social distancing and closures related to the COVID-19 pandemic. Anti-Asian hate crime peaked in March and April, and major American cities like New York, Los Angeles, San Francisco, San Jose and Philadelphia, among others, all reported spikes in these anti-Asian hate crimes well in excess of previous years.



Photo by August de Richelieu from Pexels



Poster on the storefront window of the Mei Lai Wah restaurant in Manhattan's Chinatown neighborhood, pictured in October, 2020
Photo by Kches16414

Select Large U.S. Cities - Hate Crime Totals by Year (2000-2020)

Source: Center for the Study of Hate and Extremism (CSHE) Database

Note: Data collected by CSHE from policing agencies. Numbers may sometimes vary from FBI enumerations.

Select Large U.S. Cities Hate Crime Totals by Year 2000-2020

City	2019		2000-2020																		
	% Change	2020***	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
New York City, NY 8,398,748	15%	237	428	361	338	345	307	314	374	242	350	271	258	299	235	237	261	324	290	484	467
Los Angeles, CA 3,990,436	12%	287	326	292	257	230	200	172	114	170	138	190	280	279	211	244	276	354	559	555	
Chicago, IL 2,703,994	30%	25	100	77	61	71	59	64	59	68	51	46	31	37	33	54	58	52	103	87	
Houston, TX 2,323,502	-22%	15	25	32	11	8	27	16	13	13	13	14	28	36	20	14	29	66	56	21	
Phoenix, AZ 1,660,172	46%	na	136	107	230	173	239	183	81	121	123	135	89	80	60	na	100	100	106	154	147
Philadelphia, PA 1,284,138	-15%	na	35	43	40	21	14	13	16	12	13	8	18	28	34	20	40	44	47	53	
San Antonio, TX 1,232,233	43%	11	10	7	4	10	13	14	11	17	5	9	7	22	28	19	24	14	19	28	13
San Diego, CA 1,423,976	-27%	10	30	41	41	35	36	37	43	42	49	43	38	32	35	41	50	84	85	154	139
Dallas, TX 1,345,047	-6%	0	31	33	14	11	11	15	18	30	16	12	17	23	39	45	48	41	47	29	36
Austin, TX 964,254	-37%	11	12	19	17	17	14	4	4	6	5	11	19	6	13	20	5	7	15	25	26
San Francisco, CA 883,305	-3%	11	64	66	41	35	28	22	34	35	46	63	68	66	54	104	138	117	180	164	141
Columbus, OH 879,170	8%	32	91	84	73	190	194	136	44	40	46	37	49	94	81	50	123	48	71	77	69
Seattle, WA 744,955	-9%	37	114	125	113	89	84	51	33	28	12	15	21	28	11	18	25	25	18	27	21
Denver, CO 716,492	60%	9	88	55	61	40	26	20	45	52	34	62	37	24	11	12	7	6	3	16	7
District of Columbia 702,455	-1%	52	203	205	177	106	66	70	68	80	92	68	36	37	53	43	44	29	11	10	5

Percent change from 2019 to 2020 based on current projections for 2020 based on data as of July 30, 2020

Single Asterisk (*) indicates yearly data obtained from the FBI's Hate Crime Uniform Crime Reports otherwise, data obtained from city governments or police departments.

Double Asterisks (**) indicates projected 2019 year end numbers based on currently available statistics for each city.

Triple Asterisks (***) indicates 2020 yearly data that was available as of October 26, 2020.

Green-shaded cells indicate highest yearly total by city from 2010-2019; Light orange-shaded cells indicate highest yearly total from 2000-2009. Thick dark bold cells indicate highest total in a year by city between 2000-2020

na = No data available for that year.

FBI Incidents, Offenses, Victims, and Known Offenders		
by Bias Motivation, 2019		
<i>Bias motivation</i>	<i>Incidents</i>	<i>Offenses</i>
Total	7,314	8,559
Single-Bias Incidents	7,103	8,302
Race/Ethnicity/Ancestry:	3,963	4,784
Anti-White	666	755
Anti-Black or African American	1,930	2,314
Anti-American Indian or Alaska Native	119	126
Anti-Asian	158	205
Anti-Native Hawaiian or Other Pacific Islander	21	25
Anti-Multiple Races, Group	134	171
Anti-Arab	95	122
Anti-Hispanic or Latino	527	676
Anti-Other Race/Ethnicity/Ancestry	313	390

FBI 2019 Data Tables [Edited by CSHE]
Source: FBI Hate

FBI Incidents, Offenses, Victims, and Known Offenders		
by Bias Motivation, 2019		
Religion:	1,521	1,650
Anti-Jewish	953	995
Anti-Catholic	64	66
Anti-Protestant	24	24
Anti-Islamic (Muslim)	176	219
Anti-Other Religion	88	108
Anti-Multiple Religions, Group	37	42
Anti-Mormon	12	14
Anti-Jehovah's Witness	7	7
Anti-Eastern Orthodox (Russian, Greek, Other)	44	47
Anti-Other Christian	49	60
Anti-Buddhist	5	5
Anti-Hindu	7	7
Anti-Sikh	49	50
Anti-Atheism/Agnosticism/etc	6	6

FBI 2019 Data Tables [Edited by CSHE]
Source: FBI Hate

FBI Incidents, Offenses, Victims, and Known Offenders by Bias Motivation, 2019		
Sexual Orientation:	1,195	1,395
Anti-Gay (Male)	746	867
Anti-Lesbian	115	142
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	291	342
Anti-Heterosexual	17	17
Anti-Bisexual	26	27
Disability:	157	169
Anti-Physical	49	53
Anti-Mental	108	116
Gender:	69	80
Anti-Male	17	18
Anti-Female	52	62
Gender Identity:	198	224
Anti-Transgender	151	173
Anti-Gender Non-Conforming	47	51
Multiple-Bias Incidents³	211	257

¹ The term *victim* may refer to an individual, business/financial institution, government entity, religious organization, or

² The term *known offender* does not imply the suspect's identity is known; rather, the term indicates some aspect of the

³ A *multiple-bias incident* is an incident in which one or more offense types are motivated by two or more biases.

FBI 2019 Data Tables [Edited by CSHE]
Source: FBI Hate

Top Five by Type: Hate Crime Incidents, FBI 2019	2019	2018
1. Race/Ethnicity/Ancestry	3,963	4,047
2. Religion	1,521	1,419
3. Sexual Orientation	1,195	1,196
4. Gender Identity	198	168
5. Disability	157	159

Top Five By Bias Motive: Hate Crime Incidents, FBI 2019	2019	2018
1. Anti-Black or African American	1,930	1,943
2. Anti-Jewish	953	835
3. Anti-Gay (Male)	746	726
4. Anti-White	666	762
5. Anti-Hispanic or Latino	527	485

Top Five Offenses, FBI 2019	2019
1. Destruction/damage/vandalism	2,152
2. Simple assault	1,730
3. Aggravated assault	866
4. Larceny-theft	284
5. Robbery	125

Source: 2019 FBI Hate Crime Report

Top Five Offender By Race/Ethnicity, FBI 2019	2019
1. White	3,564
2. Unknown Ethnicity	2,775
3. Black or African-American	1,385
4. Unknown Race	784
5. Hispanic or Latino (Can be of any race)	504

Source: 2019 FBI Hate Crime Report

Top Five Percentage Year Over Year Gain By Group, FBI 2019/2018 (Must have minimum 30 incidents)	2019 Number	Rate of Change (2018-2019)
1. Anti-Female	52	108%
2. Anti-Gender Non-Conforming	47	81%
3. Anti-Eastern Orthodox (Russian, Greek, Other)	44	42%
4. Anti-Other Christian	49	40%
5. Anti-Catholic	64	21%

Source: 2019 FBI Hate Crime Report

Agency Hate Crime Reporting by State and Federal, 2019

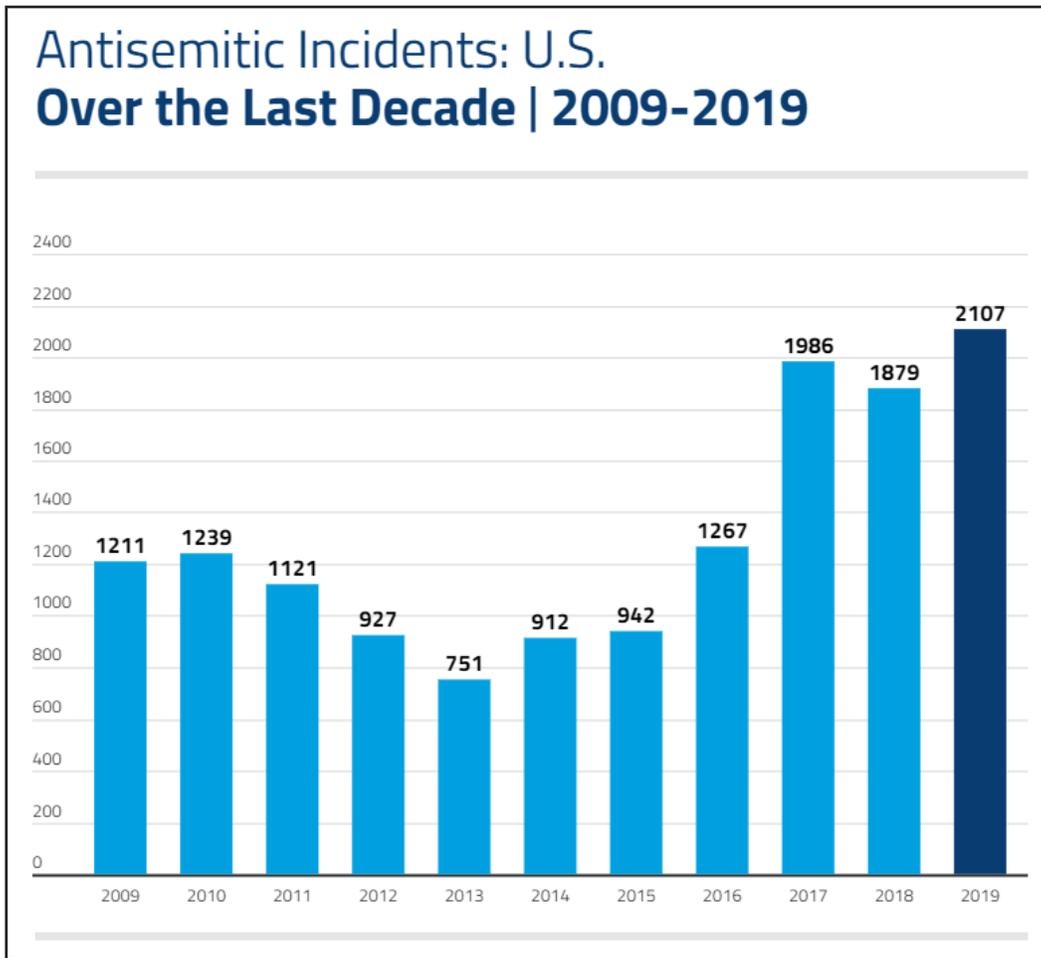
<i>Participating state/Federal</i>	<i>Number of participating agencies</i>	<i>Agencies submitting incident reports</i>	<i>Total number of incidents reported</i>
Total	15,588	2,172	7,314
Alabama¹	2	0	0
Alaska	33	5	11
Arizona	92	17	209
Arkansas	278	6	9
California	737	195	1,015
Colorado	221	50	210
Connecticut	102	40	76
Delaware	63	10	22
District of Columbia	2	2	222
Florida	638	51	111
Georgia	495	50	102
Hawaii	1	1	41
Idaho	106	9	24
Illinois	728	23	65
Indiana	214	23	75
Iowa	246	8	10
Kansas	377	53	78
Kentucky	410	67	146
Louisiana	137	11	26
Maine	134	10	19
Maryland	153	9	18
Massachusetts	360	83	388
Michigan	638	188	434
Minnesota	379	35	104
Mississippi	42	5	14
Missouri	571	28	83
Montana	103	16	32
Nebraska	130	23	46
Nevada	48	5	44
New Hampshire	188	14	16
New Jersey	556	208	472
New Mexico	23	6	50
New York	558	65	611

<i>Participating state/Federal</i>	<i>Number of participating agencies</i>	<i>Agencies submitting incident reports</i>	<i>Total number of incidents reported</i>
North Carolina	332	80	210
North Dakota	109	12	18
Ohio	551	134	391
Oklahoma	438	22	28
Oregon	204	46	175
Pennsylvania	1,424	15	41
Rhode Island	48	10	17
South Carolina	405	36	68
South Dakota	128	13	20
Tennessee	465	42	117
Texas	1,059	167	456
Utah	121	14	18
Vermont	89	17	33
Virginia	415	57	163
Washington	253	77	542
West Virginia	240	18	31
Wisconsin	437	43	74
Wyoming	55	5	5
Federal²			
Federal Bureau of Investigation, Field Offices	45	45	118

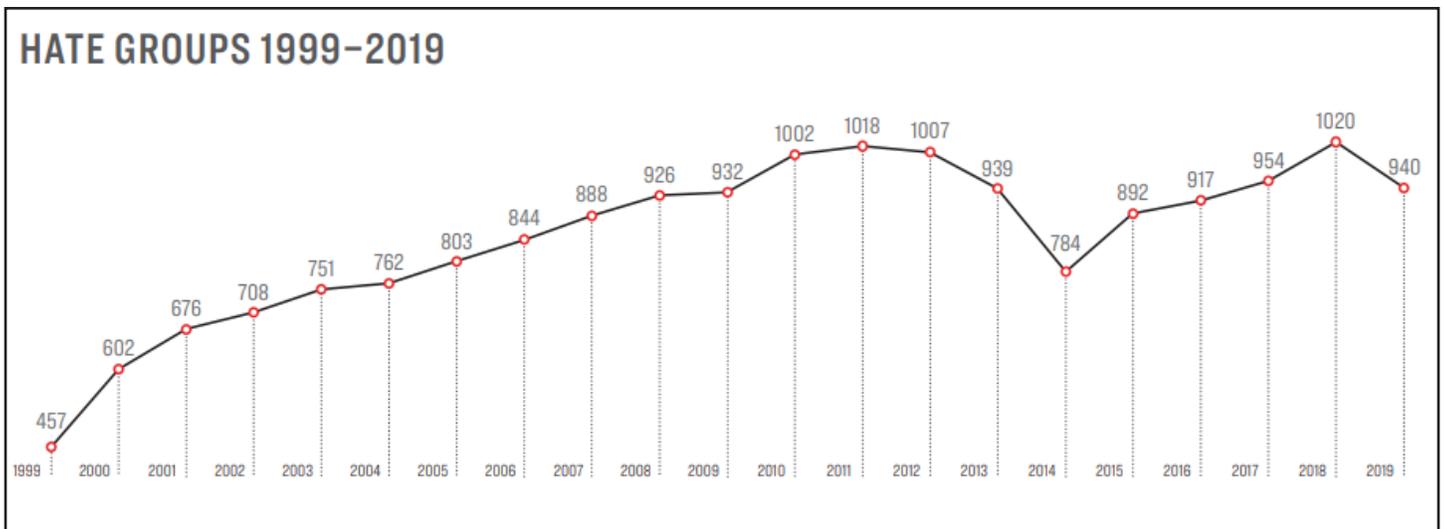
¹ Limited data for 2019 were available for Alabama.

² Population estimates are not attributed to the federal agencies.

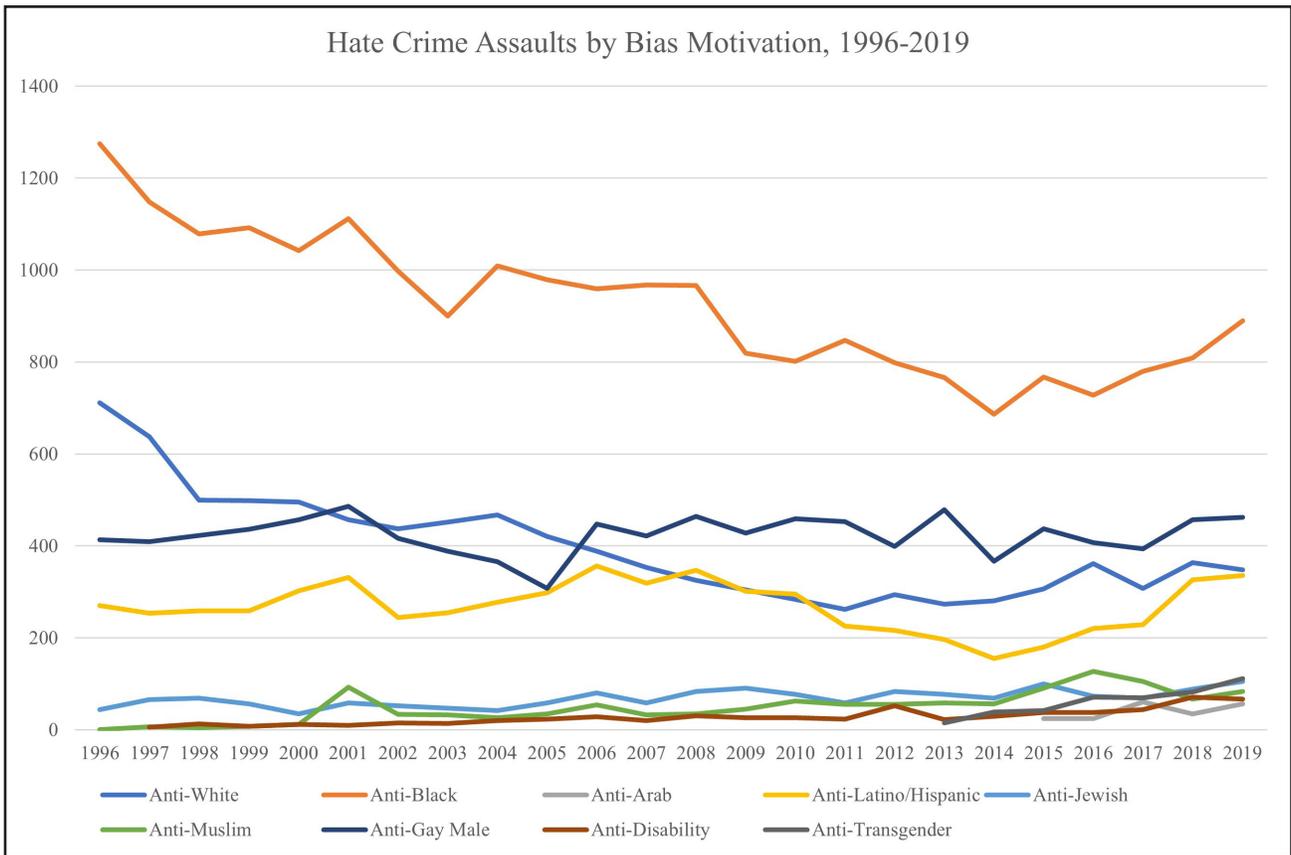
APPENDIX: CHARTS AND GRAPHS



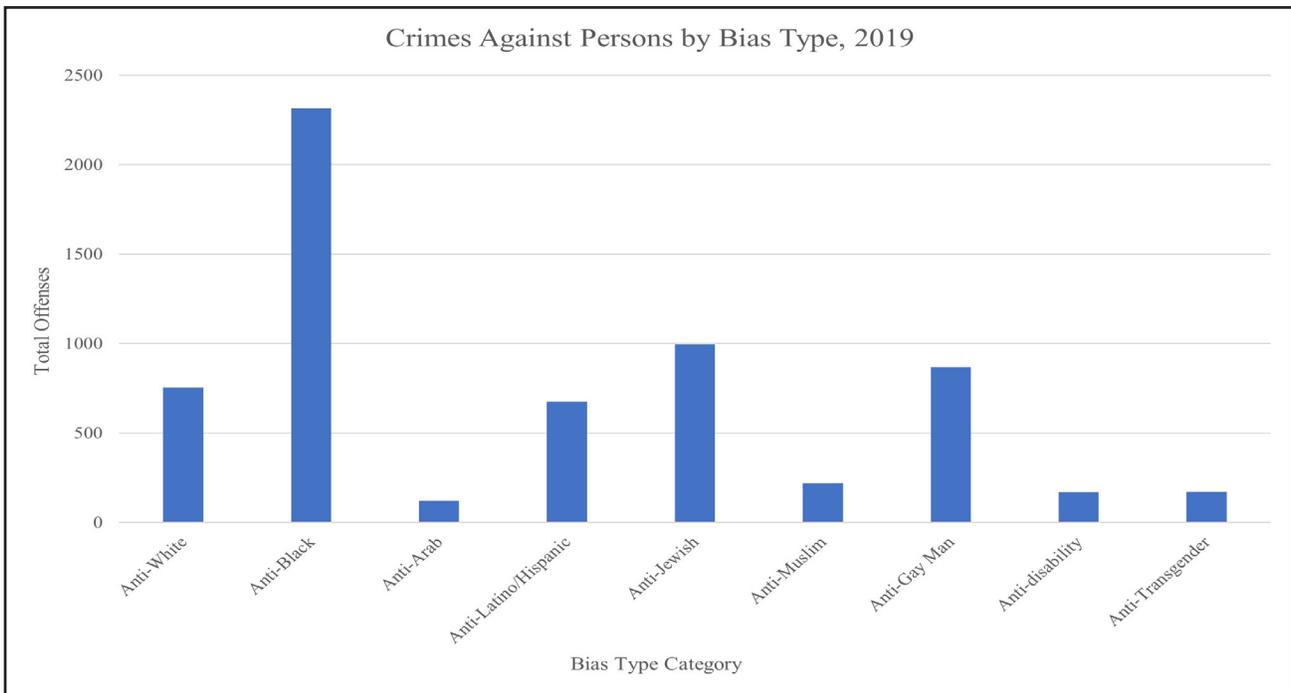
SOURCE:
“2019 Audit of Antisemitic Incidents,” Anti-Defamation League Center on Extremism



SOURCE:
“The Year in Hate and Extremism 2019,” Southern Poverty Law Center’s Intelligence Project



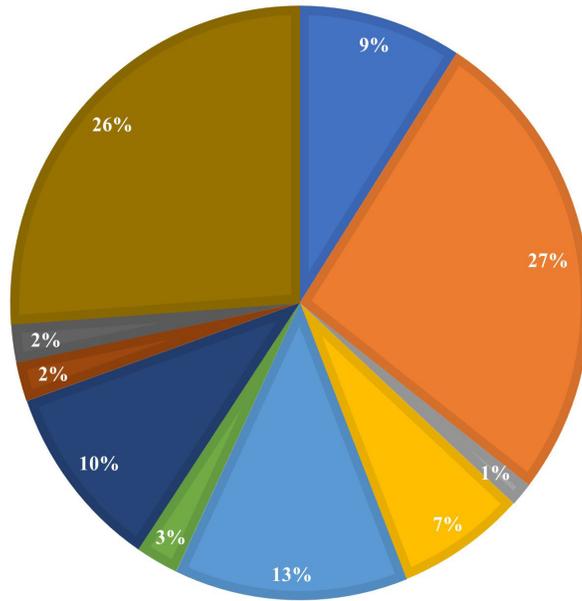
Source: FBI Hate Crime Reports, 1996 to 2019



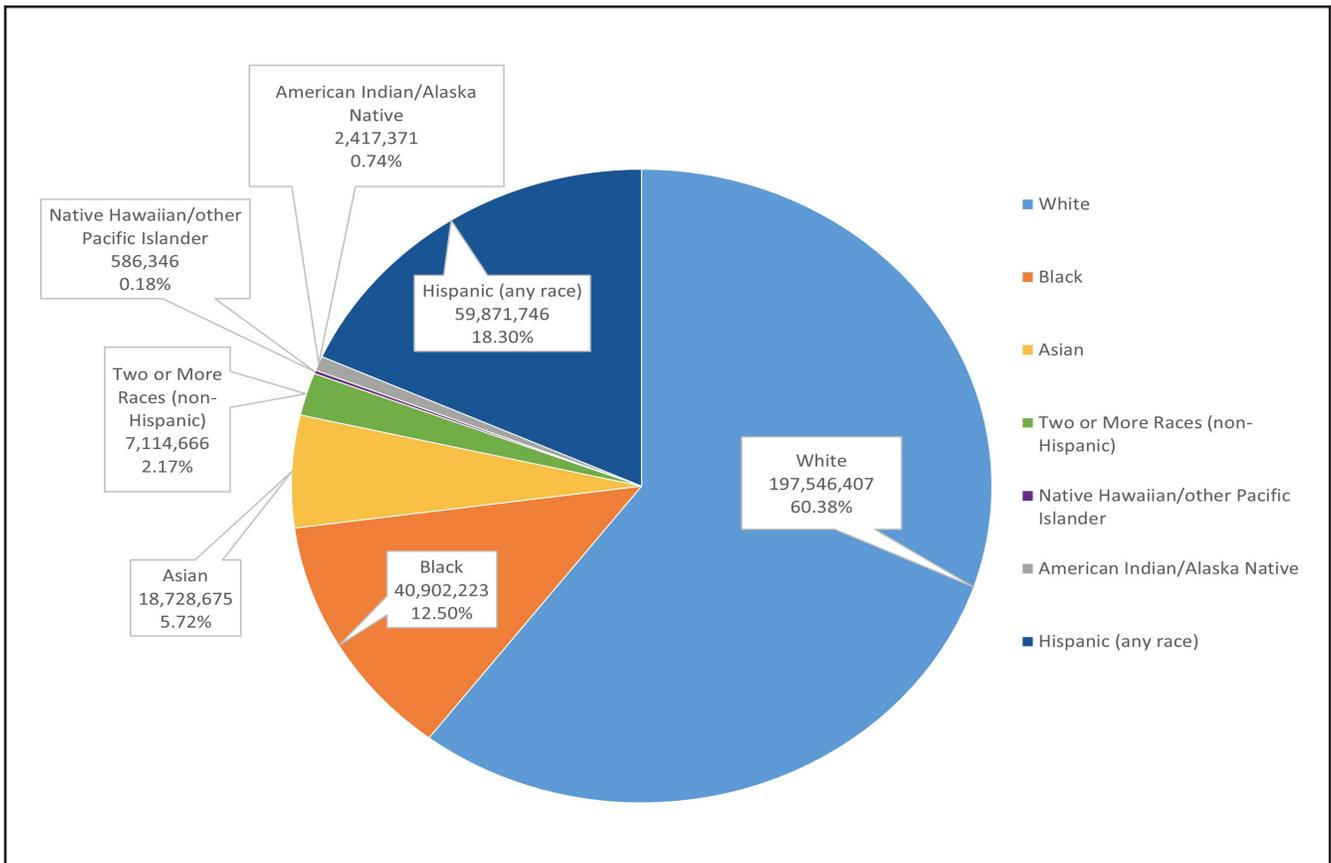
Source: FBI Hate Crime Reports, 2019

HATE CRIME INCIDENTS BY BIAS MOTIVATION, 2019

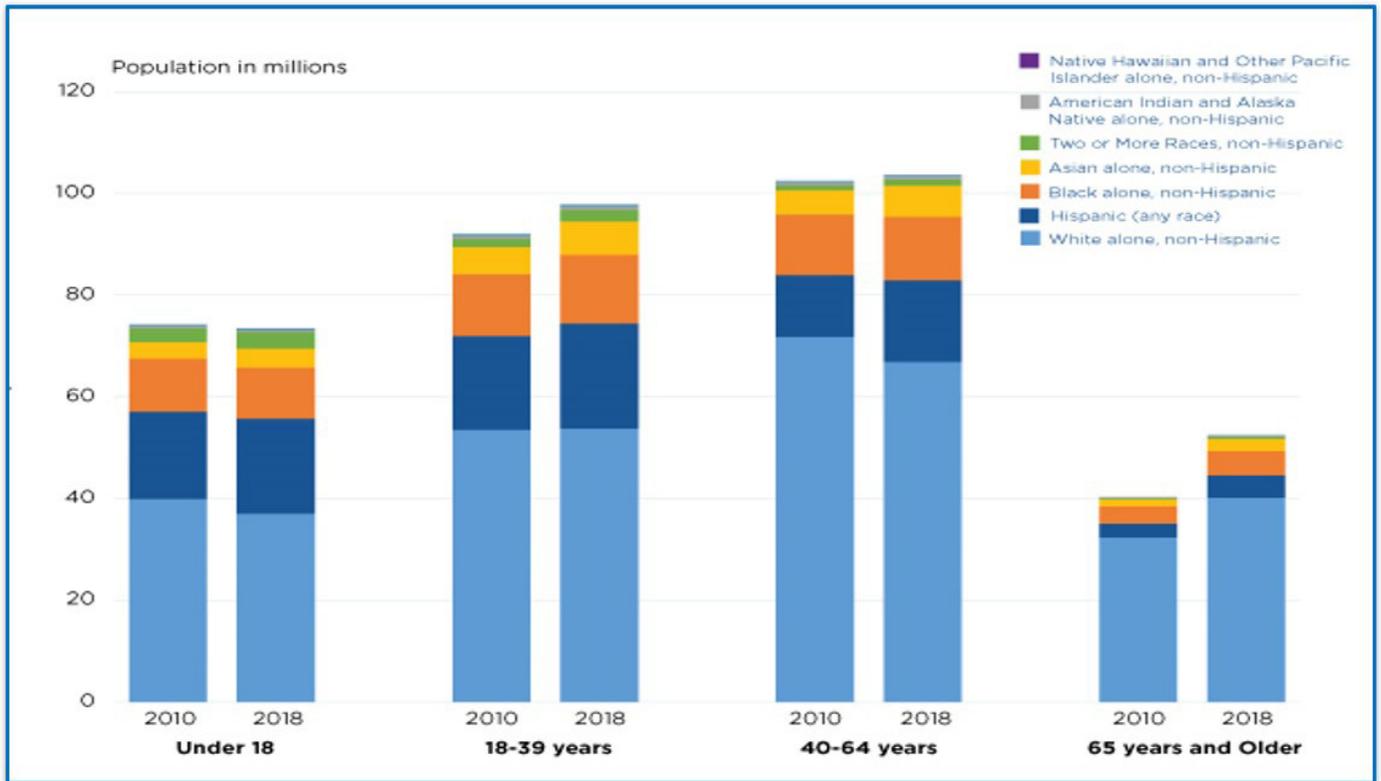
- Anti-White
- Anti-Black
- Anti-Arab
- Anti-Latino/Hispanic
- Anti-Jewish
- Anti-Muslim
- Anti-Gay Male
- Anti-Disability
- Anti-Transgender
- Other



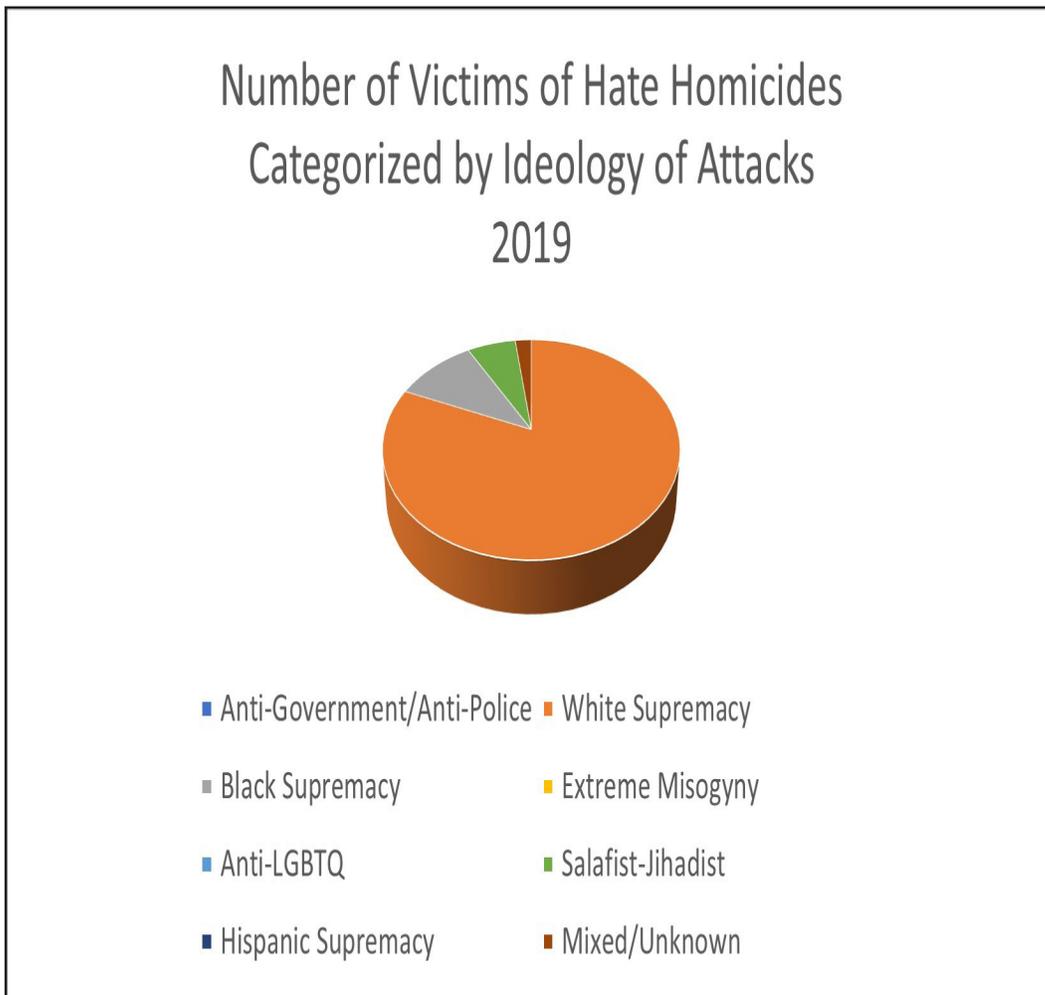
Source: FBI Hate Crime Reports, 2019



Source: US Census Bureau

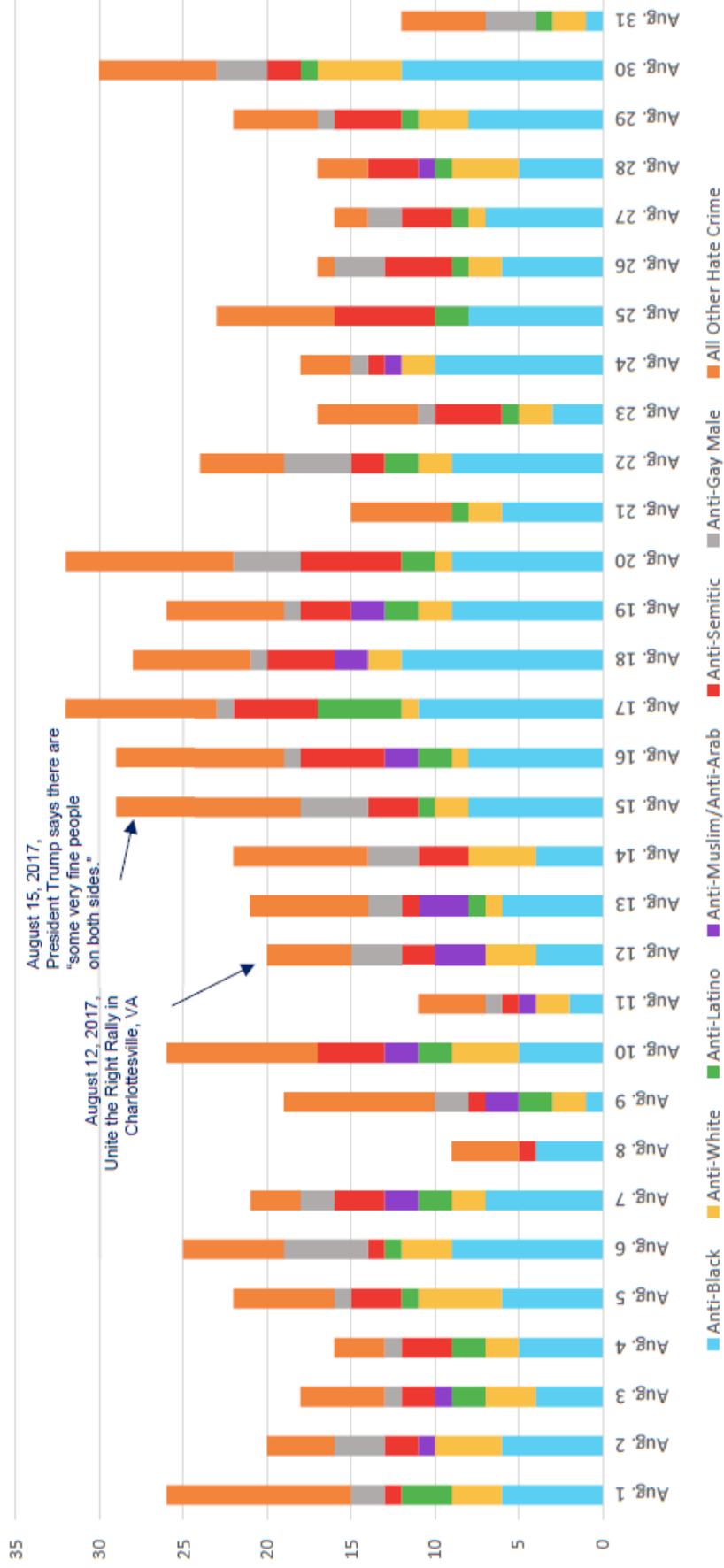


Source: US Census Bureau



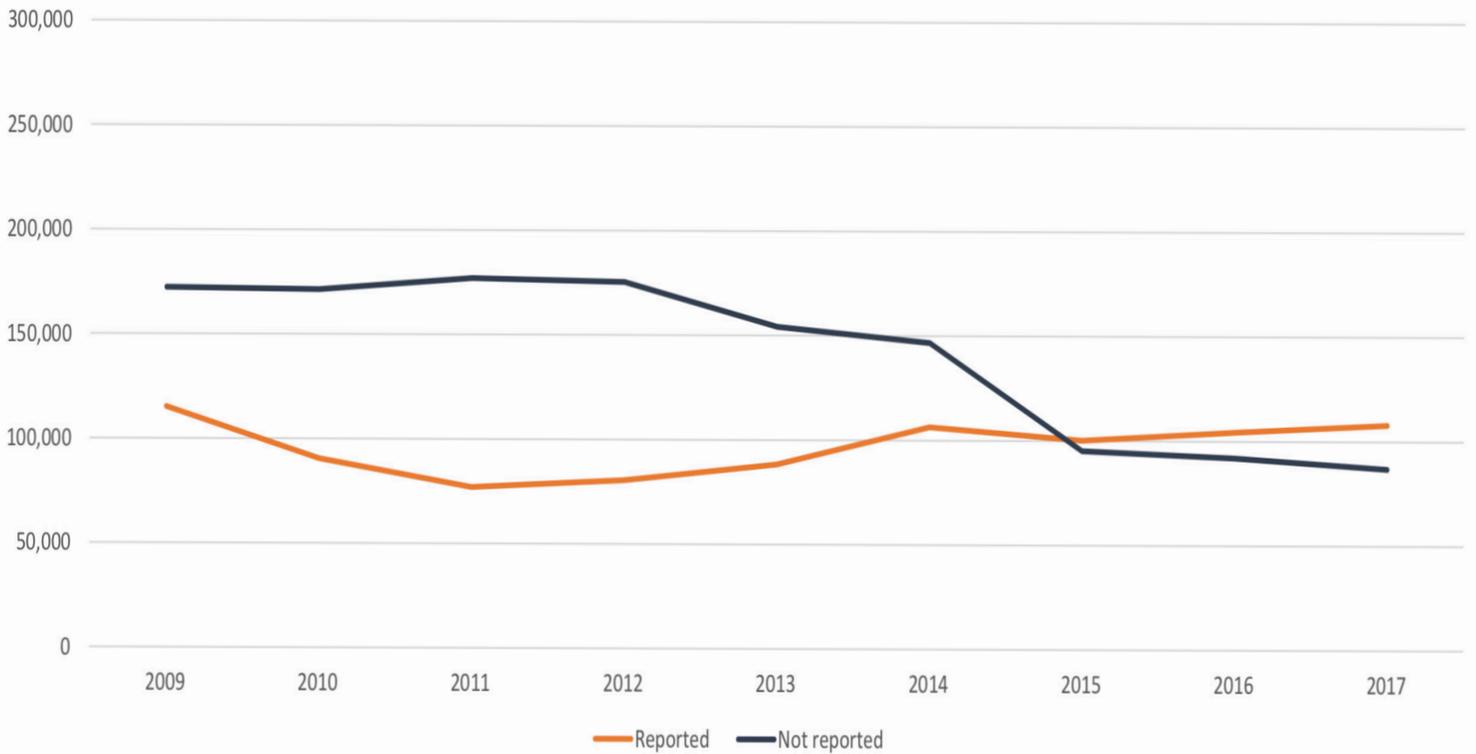
Source: CSHE Curated Database of Hate Homicides

FBI: ALL U.S. HATE CRIME AUGUST 2017



August 15, 2017,
President Trump says there are
"some very fine people
on both sides."

August 12, 2017,
Unite the Right Rally in
Charlottesville, VA



Note. Hate crime includes incidents confirmed by police as bias-motivated and incidents perceived by victims to be bias-motivated because the offender used hate language or left behind hate symbols. Estimates based on 3-year rolling averages. See appendix table 3 for estimates and standard errors.
 Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2009-2017.

Note. In the NCVS, hate crime includes incidents confirmed by police as bias-motivated and incidents perceived by victims to be bias-motivated because the offender used hate language and left behind hate symbols. In the UCR, hate crime includes victims of single-bias incidents who experienced murder/nonnegligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, other crimes against persons, robbery, burglary, larceny-theft, motor vehicle theft, arson, destruction/vandalism, other crimes against property, and crimes against society. About 1.5% of all hate crime victims reported multiple-bias incidents in the UCR.
 Source: Bureau of Justice Statistics, National Crime Victimization Survey (NCVS), 2013-2017; FBI, Uniform Crime Reporting Program, Hate Crime Statistics, 2013-2017.

CSHE-WVU EXCLUSIVE: FBI Reported Hate Crime Varies by Month, 1992-2018

All Bias Motivation Types 1992-2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1992	495	514	615	608	829	546	492	559	478	569	524	433	6,662
1993	634	596	568	686	689	651	718	680	623	662	617	479	7,603
1994	406	455	612	541	502	461	509	533	552	585	418	379	5,953
1995	584	573	709	671	564	715	719	691	757	855	586	522	7,946
1996	686	679	756	783	757	790	812	760	776	761	651	548	8,759
1997	561	598	740	715	788	712	712	673	695	758	584	512	8,048
1998	595	597	651	662	707	688	736	655	663	763	549	485	7,751
1999	566	642	636	777	738	638	704	711	684	710	581	488	7,875
2000	561	629	751	743	702	653	663	685	740	879	596	461	8,063
2001	624	552	735	809	741	762	684	711	1,942	1,043	616	511	9,730
2002	544	519	701	708	673	666	651	633	767	643	537	420	7,462
2003	528	488	683	673	697	649	641	678	681	681	615	475	7,489
2004	523	630	685	701	741	654	670	633	646	718	585	463	7,649
2005	542	541	622	678	680	600	612	625	612	677	548	426	7,163
2006	559	535	637	735	700	690	742	641	682	695	611	499	7,726
2007	553	479	632	675	717	686	688	658	744	743	574	475	7,624
2008	561	591	674	683	721	669	684	673	680	722	667	458	7,783
2009	478	491	565	549	615	591	557	639	594	628	500	405	6,612
2010	474	437	600	663	613	538	558	619	657	634	473	362	6,628
2011	440	387	516	539	589	553	548	572	552	571	470	485	6,222
2012	560	544	589	577	629	571	611	568	590	518	465	371	6,593
2013	395	394	476	524	566	561	594	560	510	507	440	387	5,914
2014	324	383	434	483	512	504	505	550	490	548	366	380	5,479
2015	412	364	437	512	558	562	592	544	481	469	462	457	5,850
2016	382	385	496	489	492	538	612	521	536	568	758	491	6,268
2017	544	576	632	560	648	641	580	663	631	642	579	479	7,175
2018	475	502	550	539	652	634	662	645	639	702	589	593	7,120

Source: Uniform Crime Reporting Program, FBI Archives

APPENDIX I: HATE CRIME LAWS

Current Federal Hate Crime Protections	
Constitutional Protections	Relevant Text
U.S. Const. amend. XIII, § 1	"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
U.S. Const. amend. XIV, § 1 U.S. Const. amend. XIV, § 5	Section 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.
U.S. Const. amend. XV, § 1	"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."
Federal Statutes	Description
18 U.S.C. § 241 – Conspiracy against rights	Makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person in the free enjoyment of a right or privilege secured to him or her by the Constitution or laws of the U.S.
18 U.S.C. § 242 – Deprivation of rights under color of law	Makes it unlawful to willfully deprive any person of the rights, privileges, or immunities secured to him or her by the Constitution or laws of the U.S., or to subject a person to different punishments, pains, or penalties because of that person's alien status, color, or race.
Violent Interference with Federally Protected Rights, 18 U.S.C. § 245 – Federally protected activities	Makes it unlawful to willfully injure, intimidate, or interfere with any person participating in any one of the following six federally protected activities, on account of his or her race, color, religion, or national origin: 1) enrolling in or attending a public school, 2) participating in or enjoying a service, program, facility or activity administered by any State or local government, 3) applying for or enjoying employment, 4) serving in a State court as a juror, 5) traveling in or using a facility of interstate commerce, or 6) enjoying the goods or services of certain public places of accommodation.
Damage to Religious Property, Church Arson Prevention Act, 18 U.S.C. § 247 – Damage to religious property; obstruction of persons in the free exercise of religious beliefs	Prohibits the intentional defacement, damage, or destruction of any religious real property because of the religious nature of that property, or because of the race, color, or ethnic characteristics of any individual associated with that religious property. Also criminalizes the intentional obstruction of a person's free exercise of religious beliefs by force or threat of force.
Criminal Interference with Right to Fair Housing, 42 U.S.C. § 3631 – Violations; penalties	Makes it unlawful to use or threaten to use force to interfere with an individual's housing rights on account of his or her race, color, religion, sex, handicap, familial status, or national origin.
The Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act of 2009, 18 U.S.C. 249 – Hate crime acts	The first statute to allow federal criminal prosecution of hate crimes motivated by the victim's perceived or actual sexual orientation or gender identity. Makes it unlawful to willfully cause bodily injury to a person on account of his or her actual or perceived race, color, religion, or national origin, or attempt to do so through use of a dangerous weapon.

Source: [U.S. Dept. of Justice](#)

Hate Crime Laws By State: 2020

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/Police	Interference with religious worship
Alabama	Ala. Code § 13A-5-13 Ala. Code § 13A-6-28 Ala. Code § 13A-11-12	YES	NO	NO	NO	Proposed legislation	YES	NO	NO	NO	NO
Alaska	Alaska Stat. § 12.55.155(c)(22) Alaska Stat. § 11.76.110	YES	YES	NO	NO	NO	YES	NO	NO	NO	NO
Arizona	Ariz. Rev. Stat. § 13-701 D.13 and D.15 Ariz. Rev. Stat. § 13-1707 Ariz. Rev. Stat. § 13-1708 Ariz. Rev. Stat. § 13-1604 A.1 Ariz. Rev. Stat. § 41-1750 A.3	YES	YES	NO	NO	YES	YES	NO	NO	NO	NO
Arkansas		NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
California	Cal. Penal Code § 422.55 Cal. Penal Code § 422.6 Cal. Penal Code § 422.7 Cal. Penal Code § 422.75 Cal. Penal Code § 422.76 Cal. Penal Code § 11411 Cal. Penal Code § 11413(b)(2) Cal. Penal Code § 13023 Cal. Penal Code § 13519.6	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES
Colorado	Colo. Rev. Stat. § 18-9-121 Colo. Rev. Stat. § 18-9-113	YES	NO	YES	NO	YES	YES	NO	NO	NO	NO
Connecticut	Conn. Gen. Stat. § 46a-58 Conn. Gen. Stat. § 53-37a Conn. Gen. Stat. § 53a-40a Conn. Gen. Stat. § 53a-181j Conn. Gen. Stat. § 53a-181k Conn. Gen. Stat. § 53a-181l Conn. Gen. Stat. § 29-7m Conn. Gen. Stat. § 7-294n	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
Delaware	11 Del. Code Ann. § 1304 11 Del. Code Ann. § 1301 11 Del. Code Ann. § 1331 11 Del. Code Ann. § 805	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
District of Columbia	D.C. Code § 22-3701 D.C. Code § 22-3703 D.C. Code § 22-3704 D.C. Code § 22-3312.03 D.C. Code § 22-3312.02 D.C. Code § 22-3702	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES
Florida	Fla. Stat. Ann. § 775.085 Fla. Stat. Ann. § 775.0845 Fla. Stat. Ann. § 876.17 Fla. Stat. Ann. § 876.18 Fla. Stat. Ann. § 806.13 Fla. Stat. Ann. § 877.19	YES	NO	NO	YES	YES	YES	NO	YES	NO	YES
Georgia	Ga. Code Ann. § 17-10-17 Ga. Code Ann. § 16-11-37 Ga. Code Ann. § 16-7-26	YES	YES	NO	NO	YES	YES	NO	NO	NO	YES
Hawaii	Haw. Rev. Stat. Ann. § 706-662 Haw. Rev. Stat. Ann. § 846-51 Haw. Rev. Stat. Ann. § 711-1107 Haw. Rev. Stat. Ann. §§ 846-51, 846-52, 846-53, 846-54	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO
Idaho	Idaho Code Ann. § 18-7901 Idaho Code Ann. § 18-7902 Idaho Code Ann. § 18-7903 Idaho Code Ann. § 67-2915	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Illinois	720 Ill. Comp. Laws Ann. 5/12-7.1 730 Ill. Comp. Laws Ann. 5/5-5-3.2 720 Ill. Comp. Laws Ann. 5/12-7.6 720 Ill. Comp. Laws Ann. 5/21-1.2 20 Ill. Comp. Laws Ann. Act 4070 20 Ill. Comp. Laws Ann. 2605/2605-390	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
Indiana	Ind. Code Ann. § 10-13-3-1 Ind. Code Ann. § 35-43-1-2 Ind. Code Ann. § 10-13-3-38	YES	NO	NO	NO	YES	YES	NO ("Creed")	NO	NO	YES

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/Police	Interference with religious worship
Iowa	Iowa Code § 729A.1 Iowa Code §§ 729A.2 Iowa Code § 729.5 Iowa Code § 716.6A Iowa Code § 692.15 Iowa Code § 80B.11 Iowa Code § 729A.4	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO
Kansas	Kan. Stat. Ann. § 21-6815	YES	NO	NO	YES	YES	NO	NO	NO	NO	NO
Kentucky	Ky. Rev. Stat. Ann. § 532.031 Ky. Rev. Stat. Ann. § 525.110 Ky. Rev. Stat. Ann. § 525.113 Ky. Rev. Stat. Ann. § 17.1523	YES	NO	NO	NO	YES	NO	NO	NO	YES	NO
Louisiana	La. Rev. Stat. Ann. § 14:107.2 La. Rev. Stat. Ann. § 14:225 La. Rev. Stat. Ann. § 15:1204.4 La. Rev. Stat. Ann. § 40:2403 H.(1)	YES	YES	NO	YES	YES	YES	YES	NO	YES	NO
Maine	17 Me. Rev. Stat. §§ 2931, 2932 5 Me. Rev. Stat. § 4684-A 17-A Me. Rev. Stat. § 1151 17-A Me. Rev. Stat. § 507 25 Me. Rev. Stat. § 1544 25 Me. Rev. Stat. § 2803-B	YES	YES	NO	YES	YES	YES	NO	YES	NO	NO
Maryland	Md. Code Ann. Crim. Law § 10-301 Md. Code Ann. Crim. Law § 10-302 Md. Code Ann. Crim. Law § 10-303 Md. Code Ann. Crim. Law § 10-304 Md. Code Ann. Crim. Law § 10-305 Md. Code Ann. Crim. Law § 10-307 Md. Code Ann. Pub. Safety § 2-307	YES	YES	YES	NO	YES	YES	NO	YES	NO	YES
Massachusetts	Mass. Gen. Laws ch. 265 § 37 Mass. Gen. Laws ch. 265 § 39 Mass. Gen. Laws ch. 266 § 127A Mass. Gen. Laws ch. 22C § 33, 34, 35 Mass. Gen. Laws ch. 6 § 116B	YES	NO	YES	NO	YES	YES	NO	NO	NO	YES
Michigan	Mich. Comp. Laws, Serv. § 750.147b Mich. Comp. Laws, Serv. § 28.257a	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
Minnesota	Minn. Stat. § 609.2231 Minn. Stat. § 609.749 Minn. Stat. § 609.595 Minn. Stat. § 626.5531 Minn. Stat. § 626.8451	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES
Mississippi	Miss. Code Ann. § 99-19-301 through 99-19-307 Miss. Code Ann. § 97-17-39	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
Missouri	Mo. Rev. Stat. § 557.035 Mo. Rev. Stat. § 574.085	YES	YES	YES	NO	YES	YES	NO	NO	NO	YES
Montana	Mont. Code Ann. § 45-5-221 Mont. Code Ann. § 45-5-222	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Nebraska	Neb. Rev. Stat. Ann. § 28-110 Neb. Rev. Stat. Ann. § 28-111 Neb. Rev. Stat. Ann. § 28-114	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO
Nevada	Nev. Rev. Stat. Ann. § 193.1675 Nev. Rev. Stat. Ann. § 207.185 Nev. Rev. Stat. Ann. § 206.125	YES	YES	YES	NO	YES	YES	NO	NO	NO	YES
New Hampshire	N.H. Rev. Stat. Ann. § 651:6(f)	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/Police	Interference with religious worship
New Jersey	N.J. Rev. Stat. § 2C:16-1 [declared unconstitutional by <i>State v. Pomanek</i> , 221 N.J. 66 (2015)] N.J. Rev. Stat. § 2C:33-9 N.J. Rev. Stat. § 2C:33-11 N.J. Rev. Stat. § 52:9DD-9	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
New Mexico	N.M. Stat. Ann. § 31-18B-3 N.M. Stat. Ann. § 30-15-4 N.M. Stat. Ann. § 31-18B-4 N.M. Stat. Ann. § 31-18B-5	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES
New York	N.Y. Penal Law § 485.05 N.Y. Penal Law § 485.10 N.Y. Penal Law § 240.31 N.Y. Penal Law § 240.70 N.Y. Penal Law § 240.71 N.Y. Exec. Law § 837(f)4-c	YES	YES	NO	YES	YES	YES	NO	NO	NO	YES
North Carolina	N.C. Gen. Stat. § 14-3 N.C. Gen. Stat. § 14-12.14 N.C. Gen. Stat. § 14-401.14 N.C. Gen. Stat. § 14-49(b)1 N.C. Gen. Stat. § 14-62.2 N.C. Gen. Stat. § 14-144	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
North Dakota	N.D. Cent. Code § 12.1-14-04 N.D. Cent. Code § 12.1-21-01 N.D. Cent. Code § 12.1-21-02 N.D. Cent. Code § 12.1-21-08	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO
Ohio	Ohio Rev. Stat. Ann. § 2927.12 Ohio Rev. Stat. Ann. § 2927	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Oklahoma	Oklahoma Stat. tit. 21 § 850 Oklahoma Stat. tit. 21 § 1174 Oklahoma Stat. tit. 21 § 1765	YES	NO	NO	NO	NO	YES	NO	NO	NO	YES
Oregon	Or. Rev. Stat. § 166.155 Or. Rev. Stat. § 166.165 Or. Rev. Stat. § 166.075 Or. Rev. Stat. § 181A.225 Or. Rev. Stat. § 181A.470	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
Pennsylvania	18 Pa. Cons. Stat. § 2710 18 Pa. Cons. Stat. § 3307 18 Pa. Cons. Stat. § 5509 71 Pa. Cons. Stat. § 250(i)	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Rhode Island	R.I. Gen. Laws § 12-19-38 R.I. Gen. Laws § 11-44-31 R.I. Gen. Laws § 42-28-46 R.I. Gen. Laws § 42-28-8.1	YES	YES	NO	NO	YES	YES	NO	YES	NO	YES
South Carolina	S.C. Code Ann. § 16-5-10 S.C. Code Ann. § 16-7-120 S.C. Code Ann. § 16-11-535 S.C. Code Ann. § 16-11-110	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES
South Dakota	S.D. Codified Laws § 22-19B-1 S.D. Codified Laws § 22-19B-2	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Tennessee	Tenn. Code Ann. § 40-35-114(17) Tenn. Code Ann. § 39-17-309 Tenn. Code Ann. § 39-17-311 Tenn. Code Ann. § 39-14-301	YES	YES	NO	YES	YES	YES	NO	NO	NO	YES
Texas	Tex. Code Crim. Proc. Ann. art. 42.014 Tex. Penal Code Ann. § 12.47 Tex. Penal Code Ann. § 28.04 Tex. Penal Code Ann. § 28.08 Tex. Gov. Code Ann. § 411.046	YES	YES	NO	YES	YES	YES	NO	NO	YES	NO

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/Police	Interference with religious worship
Utah	Utah Code Ann. § 76-3-203.3 Utah Code Ann. § 76-3-203.4 Utah Code Ann. § 76-6-103 Utah Code Ann. § 76-6-101 Utah Code Ann. § 53-10-202 Utah Code Ann. § 76-3-203.14	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Vermont	13 Vt. Stat. Ann. § 1455 13 Vt. Stat. Ann. § 1456	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO
Virginia	Va. Code Ann. § 18.2-57 Va. Code Ann. § 18.2-423 Va. Code Ann. § 18.2-423.01 Va. Code Ann. § 18.2-423.1 Va. Code Ann. § 18.2-423.2 Va. Code Ann. § 18.2.127 Va. Code Ann. § 18.2.138 Va. Code Ann. § 52-8.5	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Washington	Wash. Rev. Code Ann. § 9A.36.078 *** CHANGE IN 2019 *** (SEE 1732-S.SL) *** Wash. Rev. Code Ann. § 9A.36.080 Wash. Rev. Code Ann. § 9.61.160 Wash. Rev. Code Ann. § 36.28A.030 Wash. Rev. Code Ann. § 43.101.290	YES	YES	YES	NO	YES	YES	NO	YES	NO	NO
West Virginia	W. Va. Code Ann. § 61-6-21	YES	YES	NO	NO	NO	NO	YES	NO	NO	YES
Wisconsin	Wis. Stat. § 939.645 Wis. Stat. § 943.012	YES	NO	NO	NO	YES	YES	NO	NO	NO	NO
Wyoming	Wyo. Stat. Ann. § 6-9-102	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

Key Federal Hate Crime Cases

Barclay v. Florida, (1983), the United States Supreme Court upheld the death sentence of a black defendant given by a judge who invoked the defendant's racial motivation in committing random murder to foment a race war.

Dawson v. Delaware, (1992), the Supreme Court overturned a death sentence that was imposed for a murder by a prison escapee, because it was made in part on the basis of his membership in a white supremacist group. Because no connection existed between the defendant Dawson's racist beliefs and associations, and his opportunistic killing while on the run, the Court held that mere abstract racist ideology was an impermissible basis to impose criminal liability.

R.A.V. v. St. Paul, (1992), the Supreme Court unanimously invalidated a 1989 municipal "hate speech" ordinance used to prosecute a teenage skinhead for burning a cross in the yard of an African American family, although it split as to why. The invalidated law selectively punished the terroristic use of hate symbols, but only when the symbols expressed certain hatreds, but not others. The Court held it unconstitutional to punish the terroristic use of a symbol on the basis of which underlying prejudiced viewpoint it punishes.

Wisconsin v. Mitchell, (1993), the Supreme Court upheld the constitutionality of broadly applicable penalty enhancement laws for hate crime. Penalty enhancement laws increase the punishment for an underlying crime when an additional prohibited element is present, such as the use of a weapon or recidivism. Specifically, the enhancement law at issue in *Mitchell* punished an offender's discriminatory selection of a victim or property based on the status characteristics of another person, including race, religion, color, national origin, and ancestry. The Supreme Court cited three basic rationales for affirming the law. First, while the government may not punish abstract beliefs, it has wide latitude to sanction motive. Second, the Court also ruled that penalty enhancement laws, unlike the statute at issue in *R.A.V.*, were aimed at discriminatory conduct, and did not prevent or punish merely hateful expression. Third, the Court noted the severity of hate crimes' harms, stating that they are "thought to be more likely to provoke retaliatory crimes, inflict distinct emotional harm on their victims and incite community unrest" (*Wisconsin v. Mitchell*, p. 487-88, 1993).

Apprendi v. New Jersey, (2000), finding hate crime laws are specific intent statutes requiring proof of discriminatory motive in victim selection, the Supreme Court held prosecutors must establish the presence of a bias motive enhancement or any other enhancement beyond a reasonable doubt to obtain a conviction when its inclusion substantially impacts the defendant's sentence.

Virginia v. Black, (2003), the Supreme Court held that laws that criminalize burning a cross on someone's property to terrorize residents are constitutional, as long as the government does not differentiate which bigoted viewpoint the threat promotes, or automatically punish those consensually burned on private property.

U.S. v. Miller, (2014), in a split decision, the U.S. Court of Appeals for the Sixth Circuit threw out convictions under the Shepard-Byrd Act because the victim's religion was not established as a "but-for cause" of the attack—meaning that the victim's status as a member of a protected group was not *the* offender's only motivating factor in committing the crime— as opposed to just being *a* motivating factor. The *Miller* decision made prosecuting cases under federal hate crime law more difficult, as the victim's membership in a protected class must be the only motivating factor; if there are any other motivating factors, it is not a hate crime.

U.S. v. Hill, (2019), in a split decision, the U.S. Court of Appeals for the Fourth Circuit ruled the Shepard-Byrd Act properly covered a homophobic violent attack in the workplace because the law "easily falls under Congress's broad [constitutional] authority to regulate interstate commerce."

Recent Federal Laws

The Hate Crime Statistics Act (HCSA), 28 U.S.C. § 534, was signed into law by President Bush in April 1990. The HCSA initially required the Attorney General to collect data voluntarily submitted by the states on crimes motivated by race, religion, sexual orientation, and ethnicity, but was subsequently amended in the 1990s to include disability. Gender and gender identity were added in 2013, and other changes were made in 2017 that added various religious and ethnic subcategories.

The Hate Crime Sentencing Enhancement Act was enacted in 1994. The statute, a penalty enhancement law, increases the sentence for underlying federal offenses by about one third when the fact finder establishes beyond a reasonable doubt that the target is intentionally selected because of the race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of another. The law's practical limitation is that it is only applicable to a relatively small number of substantive underlying federal offenses (28 U.S.C. 994).

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, became effective in 2010 after being signed by President Obama in October 2009. This new federal law, codified at 18 U.S.C. §249, improved the existing criminal civil rights statute by extending federal group protection to gender, gender identity, disability, and sexual orientation. Federal law previously covered only race, color, religion, and national origin. However, these new categories, like some earlier ones, are only protected in the new law when the bigoted crimes also affect interstate commerce because of federal jurisdictional requirements found in the Constitution's Commerce Clause. The Shepard Byrd Act punishes violence and attempts involving bodily injury through firearms, fire, explosives, and other dangerous devices. Second, the legislation also expands the mandate of the Hate Crimes Statistics Act to cover gender and gender identity.

The Protecting Religiously Affiliated Institutions Act of 2018, enacted in September 2018, expands existing law protecting houses of worship to include "real property owned or leased by a nonprofit, [or] religiously affiliated organization."

Recent Federal Proposals to Combat Hate

In July 2019, a group of bipartisan U.S. Senators announced their plan to introduce the "Never Again Education Act." If enacted, the Act would create a grant program at the U.S. Department of Education to enable teachers across the nation to access resources and training to teach their students about the Holocaust.

In July 2019, U.S. Senators Richard Blumenthal (D-CT) and Dick Durbin (D-IL) introduced the Khalid Jabara and Heather Heyer National Opposition to Hate, Assaults, and Threats to Equality (NO HATE) Act of 2019, and Representatives Don Beyer (D-VA) and Pete Olson (R-TX) introduced its companion bill in the House of Representatives under the name NO HATE Act. The bill is named after two hate crime victims whose murders were prosecuted as hate crimes but not reported in hate crime statistics. If passed, the bill would incentivize state and local jurisdiction to improve their hate crime reporting and data collection systems.

There have also been proposals among advocacy groups to close the so-called but-for loophole referenced above in *U.S. v. Miller*, which would change the motivation standard that prosecutors would have to prove under current federal hate crime law, from having to prove a victim's membership in a protected category as the sole cause of the offender's crime, to a significant motivating factor.

Recent State Reforms on Hate Crime – Legislative and Non-Legislative

UTAH

In April 2019 Utah governor Gary Herbert signed a new hate crime bill, SB 103, into law that expanded both the groups and criminal circumstances covered after a brutal anti-Latino assault was found not to be covered by a weaker previous law, SB 102, which prosecutors deemed ineffectual and did not address felony attacks.

NEW YORK

Starting with the introduction of a similar bill in 2014, New York's legislature has approved the passage of a bill that bans the use of the "panic" defense by suspects charged with crimes against gay and transsexual individuals. In support of the bill, Governor Andrew Cuomo tweeted that he would sign it into law once it reached his desk. However, some criminal defense organizations in the state have been outspoken against it, asserting that its passage will limit due process for suspects.

INDIANA

In Indiana, Senate Bill 198 was signed into law on April 3, 2019. The new law enhances penalties for crimes based on a person's actual or perceived characteristic, trait, belief, practice, association or other characteristics. The statute covers color, creed, disability, national origin, race, religion and sexual orientation, but excludes gender, gender identity, age or sex.

OREGON

Oregon's legislature passed Senate Bill 577, which expands the circumstances where the state's earlier 1981 intimidation statute, which focused on perpetrator group conduct, was deficient, by strengthening penalties and clarifying coverage. The legislation also expanded data collection to include non-criminal incidents.

GEORGIA

Georgia enacted a new hate crime law on June 26, 2020 that protects on the basis of race, sex, sexual orientation, color, religion, national origin, mental disability, or physical disability. In 2004, the state Supreme Court overturned the state's hate crime law.

SOUTH CAROLINA

H. 3063, which just passed in the Criminal Law Subcommittee of the South Carolina House of Representatives, would amend pre-existing law with an enhancement for crimes motivated by discrimination based on race, religion, color, sex, age national origin, sexual orientation or homelessness. So far, 28 state representatives have sponsored the bill. The bill has not yet passed.

NORTH CAROLINA

This year, a group of Democratic lawmakers tried to strengthen North Carolina's hate crime law. In March, State Senators Jay Chaudhuri of Wake County, Valerie Foushee of Orange County, and Mujtaba Mohammed of Mecklenburg County introduced the Hate Crimes Prevention Act to broaden the existing law to include sexual orientation, gender identity, and disability, and to create a hate crime category of "felonious assault" applicable to crimes of bias involving death, kidnapping, rape, or forcible sexual offenses. It would also require the creation of a hate crime database at the State Bureau of Investigation and mandate hate crime-related training for law enforcement and prosecutors.

NEVADA

Joining the ranks of other states, Nevada has succeeded in banning the use of "panic" defenses for suspects charged with crimes against gay and transsexual members of the community. The passage of the bill received a landslide victory in both the State Senate and House before the governor signed it into law.

MINNESOTA

Keith Ellison, the Attorney General for the state of Minnesota, has begun the process of creating a work group that will empower local law enforcement to more accurately document crimes of hate and bias. Additionally, a grant program that funds security initiatives for places of worship was extended by Minnesota state leadership.

NORTH DAKOTA

Recently, the North Dakota Advisory Committee held a public meeting focused on listening to concerns expressed by professionals and activists from within the state. However, some participants left the meeting early under the impression that the committee has not done enough to address issues of hate experienced by citizens of North Dakota.

MICHIGAN

The Michigan State Police has added a hate crimes category for attacks against people based on their gender identity, which brings the state in line with FBI tracking categories. The federal agency started tracking gender identity and sexual orientation hate crimes following the adoption of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009.

CALIFORNIA

Assembly member Richard Bloom of Los Angeles is introducing a bill in January 2021 to create a permanent State of Hate Commission and other states are expected to follow his lead.

AB 1052 would require peace officers to undergo comprehensive training on hate crimes. It also requires all in-service peace officers to take a refresher course on hate crimes every three years that will be developed by the Commission on Peace Officer Standards and Training.

AB 300 would improve accuracy in reporting of hate crimes and incidents by requiring specific reports from law enforcement agencies in California to include a checkbox indicating whether the case is a hate crime or incident. It would also require law enforcement agencies to complete a supplemental report that specifies the type of bias motivation and other relevant information for each hate crime or incident.

In June 2019, AB 1985 was signed into law. The bill clarifies that a disability is protected under the law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. The bill also requires any local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime policy to include, among other things, the Police Officer Standards and Training (POST) framework and information regarding bias motivation.