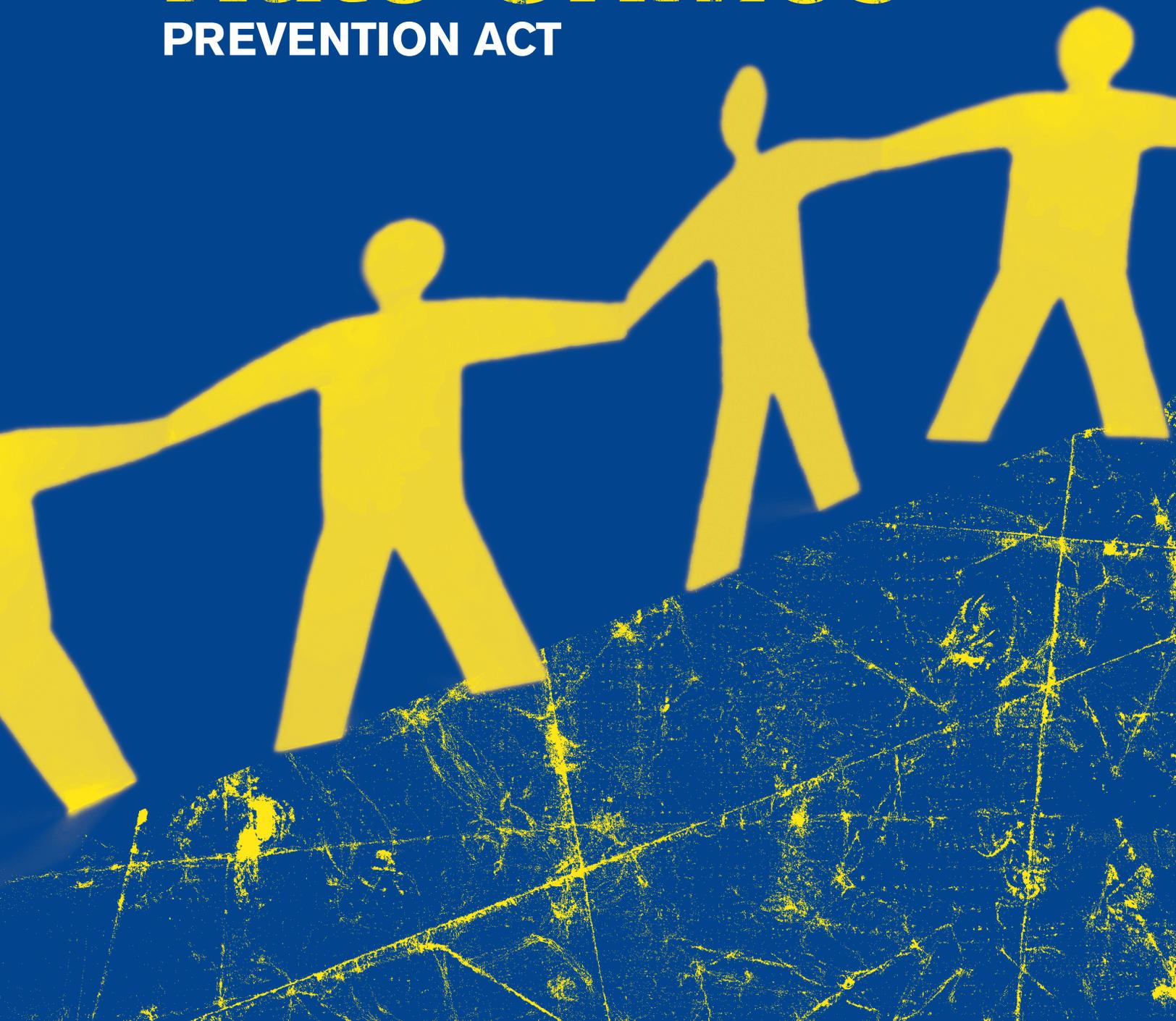
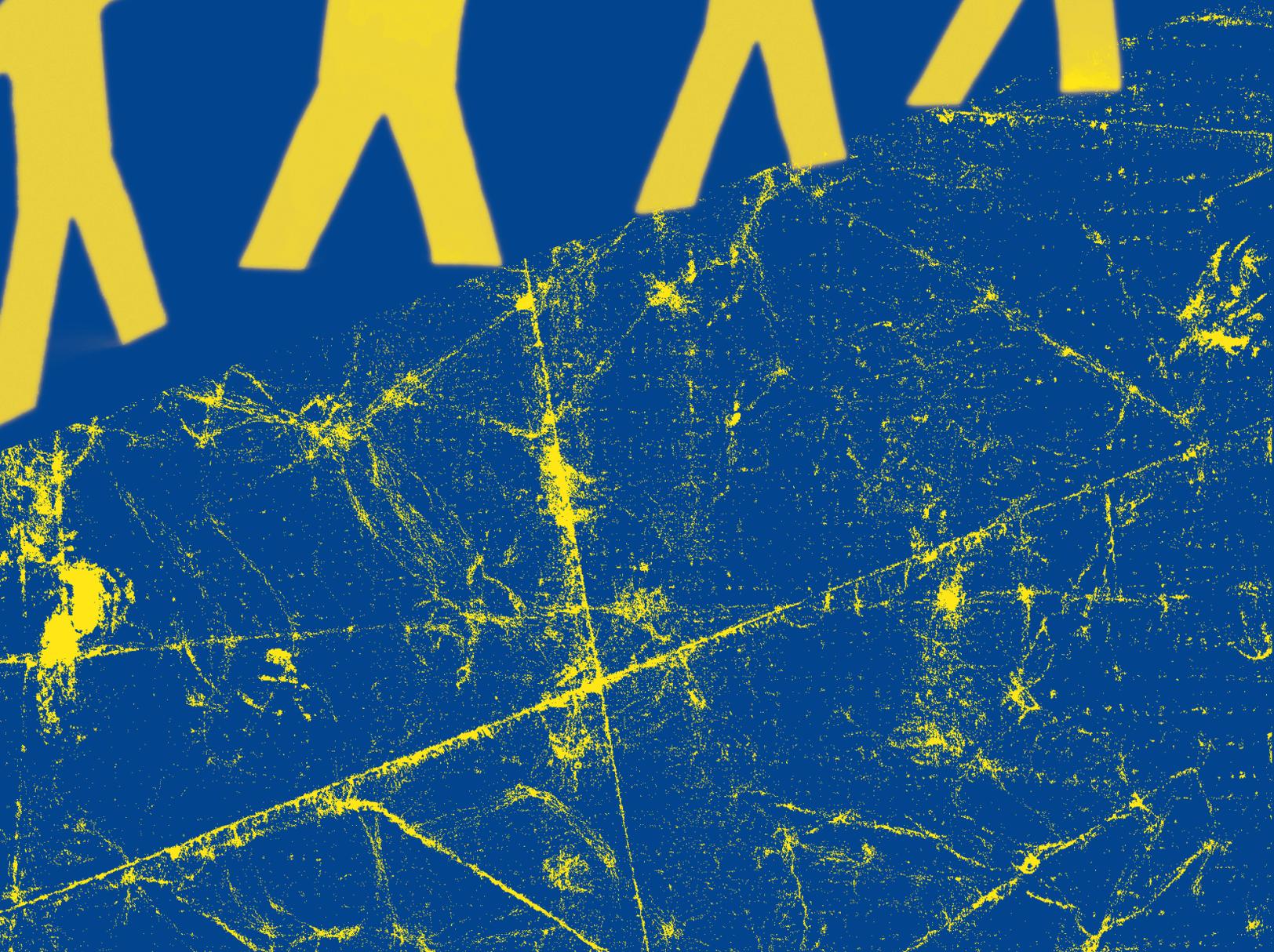


**A Guide to  
State-Level Advocacy  
Following Enactment of  
the Matthew Shepard  
and James Byrd, Jr.**

# **Hate Crimes**

**PREVENTION ACT**





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**Dear Friends,**

Lesbian, gay, bisexual and transgender (LGBT) Americans will never be truly equal or free to pursue happiness until they are safe from bias-motivated violence. Achieving that objective is not easy and requires action by federal, state and local law enforcement officials, policy-makers, community groups and every day Americans. Hate crimes laws and enforcement is a key component.

In 2009, after eleven long years of struggle, Congress finally passed and President Barack Obama finally signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. It is the first major piece of civil rights legislation protecting LGBT individuals.

Five years since the law's passage, we are grateful for the leadership of President Obama, allies in Congress, and the tireless work of the Department of Justice, including the Civil Rights Division, Community Relations Service, and the Federal Bureau of Investigation, in enacting and enforcing this law. In 2012, the law was used for the first time to prosecute individuals for kidnapping and assaulting a gay man.<sup>1</sup>

Our work is far from complete, however. Too many states still do not have an LGBT-inclusive state hate crimes law. We must work harder than ever before to pass inclusive laws that protect our entire community. While I am confident that love will always conquer hate, the stories of Matthew Shepard, James Byrd, Jr., Angie Zapata, Sean Kennedy, and countless others that are chronicled within this report, vividly illustrate the tragic and senseless violence that hate often fuels. We stand at a critical juncture, both for the federal hate crimes law, as well as state laws across the country.

HRC is re-dedicating our work to the cause. We hope that you will join us.

Sincerely,



**Chad Griffin**

President, The Human Rights Campaign

<sup>1</sup> *United States v. Jenkins*, 2013 U.S. Dist. LEXIS 87606 (E.D. Ky. June 20, 2013) (Sentencing Memorandum Opinion).

## ABOUT THIS GUIDE

The passage of the **Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act** in 2009 was a significant victory in the fight for equality for lesbian, gay, bisexual and transgender people. The expansion of hate crimes protections at the federal level sent an important message to our nation that the federal government will not tolerate violent crimes that target individuals because of their sexual orientation, gender identity or other characteristics, like disability, race or gender. Passage of the HCPA does not, however, end the need for state lawmakers to address hate-motivated crimes that terrorize communities across our country. Every state must consider ways to use state laws to supplement the HCPA.

As the Human Rights Campaign and advocates across the country celebrate the fifth anniversary of the federal law's passage, this publication builds on the advocacy guide that the Human Rights Campaign originally published in 2009. It provides an explanation of the federal hate crimes law, an analysis of the effectiveness of the law, and depicts the landscape of hate crimes laws in the 50 states and the District of Columbia.

**Twenty states either do not have a hate crime law or have a law lacking LGBT inclusion. Thirty states have a hate crimes prevention law that covers sexual orientation, but only fifteen of those laws also address hate crimes based on gender identity or expression.** There is much work left for state-level advocates to do. State-level advocates can use this publication to learn what their state legislatures must do to fully address the problem of hate crimes.

**Note:** Information in this guide is static — it reflects the state of the law at one given point in time, but the law, particularly regarding hate crimes, is in constant flux. New bills are passed yearly, expanding the range of coverage provided to citizens of the states. Thus, make sure to check the Human Rights Campaign's website — [www.hrc.org](http://www.hrc.org) — for the most up-to-date information regarding the status of the law in your state.

# What is a Hate Crime?

A hate crime, also known as a bias-motivated crime, occurs when the perpetrator intentionally selects the victim because of a bias or prejudice. Each year, thousands of violent hate crimes occur. Hate crimes affect not only the victims and their families, but the entire community or group of people that they target. The term “**hate crime**” can also describe bias-driven property crimes that are meant to send a signal to a particular community. Although hateful speech can inflict emotional damage and alienate communities, the term “hate crime” does not include speech.

## EXECUTIVE SUMMARY

Five years after President Obama signed the **Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act** (HCPA), there is little doubt that the law has become a key tool in the arsenal in the fight against violent, bias-motivated crimes. This includes offering grants to state and local communities to cover the extraordinary expenses of investigating and prosecuting hate crimes, as well as hosting trainings across the country for thousands of law enforcement officials to ensure that first responders to an assault know what questions to ask and what evidence to gather at the scene in order to help prosecutors assess whether a case should be prosecuted as a hate crime. Since 2009, nine individuals have been prosecuted under the HCPA for crimes committed on the basis of a victim's sexual orientation. Of those individuals, six have plead guilty for violating the HCPA. The remaining individuals are serving time in prison for underlying crimes.

The Federal Bureau of Investigation (FBI) produces an annual report on hate crimes statistics, which is based on statistics voluntarily submitted by state and local jurisdictions. The FBI's 2012 report (the most recent report which provides data on hate crimes committed in 2012) recorded that 1,730 law enforcement agencies reported 7,350 hate crime incidents involving at least 7,495 offenses.<sup>1</sup> Of those, 19.6 percent of all hate crimes were motivated by sexual orientation, second to crimes motivated by racial bias. While reported incidents against gay men and lesbians decreased from the previous year, the number of law enforcement agencies that participated in hate crime reporting has dropped considerably.<sup>2</sup>

For example, in the FBI's latest hate crimes report, eight cities with a population between 250,000 and one million did not report a hate crime. None of those eight cities performed well on the Human Rights Campaign Foundation's 2014 Municipal Equality Index (MEI).<sup>3</sup> And for the twenty cities with populations between 100,000 and 200,000 that did not report a hate crime, only three cities achieved a score higher than the average.<sup>4</sup>

What is more, six cities with populations of 250,000 or more reported zero hate crimes. Two of those cities – Atlanta, Georgia, and Tampa, Florida – scored high on MEI's latest evaluation, with two scoring around the average and the remaining two receiving scores in the bottom third. A local jurisdiction's commitment to reporting its hate crime statistics is a critical part of its overall commitment to serving its LGBT

1 The FBI Uniform Crime Reporting (UCR) Program received the hate crime data of nearly 1,500 law enforcement agencies after the publication deadline for its 2012 hate crimes report. The FBI issued an addendum as a one-time exemption. The new data, however, is not aggregated with the original 2012 report.

2 At the time of this publication, data on hate crimes motivated by gender identity were not yet available.

3 The MEI is the first of its kind nationwide evaluation of municipal law and policy. The MEI evaluates cities across the nation on the basis of the LGBT inclusiveness of their laws and policies. The third edition, to be published in November 2014, will evaluate 353 cities nationwide.

4 Fifteen cities met the city selection criteria for participating in the 2014 MEI.

constituents. Respectful and fair law enforcement includes responsible reporting of hate crimes, and the 2014 MEI found that cities who reported hate crimes statistics had an average total score nearly twice as high as the average total score of cities who did not report their hate crimes statistics to the FBI. There is a direct correlation between a local jurisdiction's commitment to hate crime reporting and its general commitment to LGBT equality.

HRC is dedicated to federal, state, and local advocacy and education efforts to ensure that cities improve their hate crimes reporting and overall commitment to LGBT equality through the Human Rights Campaign Foundation's MEI and Project One America initiatives. HRC is committed to engaging in advocacy and education efforts to bring awareness to hate based violence and to expand legislation aimed at addressing hate crimes. Several priorities include:

- **Amend the Hate Crimes Statistics Act to mandate reporting.** In August 2014, FBI Director James Comey explained, "We must continue to impress upon our state and local counterparts in every jurisdiction the need to track and report hate crime. It is not something we can ignore or sweep under the rug." One effective way of ensuring greater compliance is to mandate hate crimes statistics reporting for local jurisdictions. This would provide a more complete picture of hate based violence in the United States and allow for target efforts to address areas with high levels of hate crimes.
- **Passage of state laws that protect LGBT individuals from hate crimes.** The HCPA only protects LGBT victims from violent crimes where the federal government has jurisdiction over the underlying criminal act, regardless of the bias motivation. Since most crimes in the U.S. are still prosecuted at the state level, LGBT victims remain particularly vulnerable to hate crimes in the more states that do not provide protections for individuals based on sexual orientation or gender identity. Passage of state level HCPAs allows states to prosecute hate crimes without a federal nexus and in many instances crimes against property.
- **Expand education and training initiatives.** The government must complement tough laws and vigorous enforcement — which can deter and address violence motivated by bigotry — with education and training initiatives designed to reduce prejudice. The federal government has an essential role to play in helping law enforcement, communities, and schools implement effective hate crimes prevention programs and activities. Education and exposure are the cornerstones of a long-term solution to prejudice, discrimination and bigotry against all communities. A federal anti-bias education effort would exemplify a proactive commitment to challenging prejudice, stereotyping, and all forms of discrimination that affect the whole community.

Clearly, much work is left to do. Passage of the HCPA was the beginning of a long road ahead combatting bias-motivated violence.

**Matthew Shepard  
and James Byrd, Jr.  
Hate Crimes  
Prevention Act**

## WHAT THE ACT DOES

In 2009, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act was enacted. The HCPA gives the Department of Justice authority to investigate and prosecute violent crimes when the victim is selected because of his or her actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. In addition, it enables DOJ to aid state and local jurisdictions with investigations and prosecutions of bias-motivated crimes of violence.

The HCPA authorizes DOJ to provide grants to states and local communities to cover the extraordinary expenses associated with investigating and prosecuting hate crimes. It authorizes federal grants for local programs to combat hate crimes committed by juveniles, as well as programs that train local law enforcement officers to identify, investigate, prosecute and prevent hate crimes.

The HCPA also updates the Hate Crimes Statistics Act, requiring the Federal Bureau of Investigation to track statistics on hate crimes based on gender and gender identity, and hate crimes committed by and against juveniles (statistics for the other categories, including sexual orientation, were already tracked as a result of the Hate Crimes Statistics Act and its subsequent updates). The FBI uses these statistics for its annual Hate Crimes Statistics Report, which can be viewed at [www.fbi.gov/ucr/ucr.htm#hate](http://www.fbi.gov/ucr/ucr.htm#hate).

## WHAT THE ACT DOES NOT DO

The Hate Crimes Prevention Act does not protect individuals from non-violent hate crimes or hate crimes committed solely against another's property. It only protects individuals from bias-motivated violence. Therefore, if a non-violent or property hate crime occurs in a state, it must be prosecuted under that state's hate crimes law — if such a hate crimes law applies or exists.

To prosecute a hate crime based on sexual orientation or gender identity under the HCPA, the government must allege and prove beyond a reasonable doubt that there is an explicit and discrete connection between the hate crime and interstate or foreign commerce. If the Department of Justice cannot prove such a nexus to federal jurisdiction, the crime cannot be prosecuted as a federal hate crime. Only state authorities have jurisdiction to prosecute the crime as a hate crime — and may do so only if a state hate crimes law applies or exists.

It is important to make clear that the HCPA does not prohibit hate speech. Critical speech, name-calling or expressions of hatred toward any protected group, even if such speech constitutes hate speech, is not prohibited or punishable by the HCPA. The Supreme Court of the United States, in *Wisconsin v. Mitchell*, held that hate crimes laws comply with the First Amendment because they punish actions and only use statements as evidence of intent (508 U.S. 476 [1993]). In fact, the text of the HCPA includes a provision that emphasizes that nothing in the HCPA should be inferred to interfere with an individual's constitutionally protected freedom of speech.

# State-Level Advocacy

## OVERVIEW OF STATE HATE CRIMES LAWS

The Hate Crimes Prevention Act was a groundbreaking new law, but it is neither perfect nor fail safe. Criminal prosecutions are traditionally and still overwhelmingly a state issue, and many state and local law enforcement officials would welcome additional tools to bring perpetrators to justice. State-level advocacy to pass hate crimes laws is still necessary in order to ensure that all hate crimes are prosecuted fully.

To date, states have addressed the problem of hate crimes in a variety of ways. Forty-five states and the District of Columbia have enacted hate crimes laws that differ in scope and mechanics. Some create sentencing enhancements for hate crimes perpetrators, while others criminalize hate crimes. A map of these hate crimes laws can be seen on page 17. Also, note that five states do not have a hate crimes law at all.<sup>1</sup>

There are considerable differences in the enumerated classes protected by state hate crimes laws. Currently, only 30 state statutes — plus the District of Columbia — include sexual orientation-based hate crimes; 15 states and the District of Columbia have laws that cover gender identity- or expression-based hate crimes.

State legislatures have taken two approaches to covering gender identity and expression in hate crimes statutes. Of the 15 states that include coverage of gender identity or gender expression, four have done so by defining sexual orientation to include an individual's gender identity or expression.<sup>2</sup> Although the Human Rights Campaign advocates enumerating gender identity or expression separately from sexual orientation, it is clear that the four state laws that use an expanded definition of sexual orientation are designed to achieve the same end and should be vigorously enforced.

Law enforcement training, data collection and the reporting of data on hate crimes are also key to addressing hate crimes at the state level. Only 14 states provide for specialized law enforcement training in preventing, identifying and responding to hate crimes. Only 30 states and the District of Columbia provide

1 The five states without state-level hate crimes laws are Arkansas, Georgia, Indiana, South Carolina and Wyoming. Georgia's law was struck down by the state Supreme Court but the state is considering new laws that would reinstate punishment of hate crimes.

2 These states are: Colorado, Maryland, Missouri, and Oregon.

for hate crimes data collection and reporting. There is much work to be done in this area at the state level.

Three recent cases underscore the vital need for state hate crimes laws. In June 2014, in Daytona Beach, Florida, an individual was assaulted by several men purportedly for wearing feminine clothing. The assailants also yelled homophobic slurs at the individual. According to reports, while local law enforcement believe that there is enough evidence to charge the assailants with a hate crime, at the release of this publication, the State Attorney's Office has declined to do so. It is unclear why the State Attorney's Office believes there is not enough evidence, but one reason may be because Florida's hate crime law does not cover gender identity/expression. The assailant, therefore, would likely be charged with simple battery (which is only a first degree misdemeanor in Florida).

In Detroit, Michigan, two transgender women and an unidentified individual were victims of a series of shootings in August 2014 in the city's Palmer Park neighborhood. Horrifyingly, the body of one of the victims, a transgender woman, had been burned subsequent to the shooting. One of the transgender women and the unidentified individual have survived and a suspect is in custody. Unfortunately, Michigan's statute does not protect against hate crimes committed because of person's sexual orientation or gender identity. The law only requires that law enforcement collect hate crimes data, including those crimes motivated by sexual orientation, which means that the only avenue for addressing hate crimes against LGBT people is through the HCPA, which requires prosecutors to find a federal connection to the crime.

And in September 2014, a gay Pennsylvania couple was assaulted for holding hands while walking down the street. According to reports, a group of well-dressed individuals hurled anti-gay slurs at the couple before beating them up. One of the men was treated for broken bones in the face and required his jaw to be wired shut. The alleged perpetrators were quickly identified through the use of several social media platforms. Although Pennsylvania has a hate crime law, it does not include LGBT protections. HRC is continuing to work with state legislators to revise their hate crimes law to ensure LGBT people are covered.

## **POINTERS FOR STATE-LEVEL ADVOCACY**

Because the Hate Crimes Prevention Act and many existing state laws have limitations, we must continue to fight for hate crimes statutes inclusive of lesbian, gay, bisexual and transgender people at the state level. State-level advocates must ensure that their state has a hate crimes statute and that the statute enumerates sexual orientation and gender identity as protected characteristics.

In addition, advocates should ensure that their state hate crimes statute covers non-violent hate crimes or hate crimes committed solely against another's property. To view a model hate crimes law developed by the Human Rights Campaign, turn to page 13.

Even though the federal HCPA is on the books, most hate crimes will continue to be prosecuted at the state level. Advocates must work to ensure that states and localities invest in educating communities and training police officers to identify and respond forcefully to hate crimes whenever they occur. As part of their advocacy efforts, advocates should encourage their states and localities to apply for grants authorized by the HCPA. They may use these grants to fund local programs to combat and train local law enforcement officers in identifying, investigating, prosecuting and preventing hate crimes and programs to address the problem of hate crimes committed by juvenile offenders.

Advocates should work with state and local authorities to ensure that their states and localities record and report hate crimes for state-level and local reports, as well as for the annual report on national hate crimes statistics produced by the Federal Bureau of Investigation. Unfortunately, the FBI's annual Hate Crimes Statistics Report, which is required by the Hate Crimes Statistics Act, drastically undercounts the number of hate crimes that are committed each year because state and local reporting to the FBI is voluntary. For example, in the most recent Hate Crimes Statistics Report 2012, about 25 percent of law enforcement agencies did not provide the FBI with hate crime statistics — totaling thousands of law enforcement agencies around the country, including eight agencies in cities with populations of more than 250,000 and at least twenty agencies in cities with populations between 100,000 and 250,000 — in spite of ample evidence that such crimes were being committed. Because of these problems with reporting, the FBI's Hate Crimes Statistics Report fails to cover approximately 67 million Americans.

# Model Hate Crimes Law

## **SECTION 1 DEFINITIONS**

As used in this Act, the following terms have the following meanings:

- A. “Race”** means a group of people united or classified together on the basis of common history, nationality or geographic distribution;
- B. “Ethnicity”** means affiliation with a group of people united or classified together on the basis of common history, nationality or geographic distribution;
- C. “National origin”** means related to the country in which a person was born or from which the person’s ancestors came;
- D. “Religion”** means a system of faith and worship, especially such a system recognized and practiced by a particular church, sect or denomination;
- E. “Sex”** means the characteristics of structure and function that distinguish a male from a female organism;
- F. “Disability”** means an objectively measurable condition of impairment, physical or mental;
- G. “Gender identity and expression”** means a person’s actual or perceived gender-related characteristics, identity, or expression whether or not typically associated with the person’s sex at birth;
- H. “Hate crimes data”** means information, incident reports, records and statistics relating to hate crimes; and
- I. “Sexual orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality.

## **SECTION 2 HATE CRIMES**

- A.** A person commits a hate crime when, by reason of actual or perceived race, color, religion, national origin, ethnicity, sex, disability, sexual orientation or gender identity and expression, he or she commits [applicable crimes may include assault, battery, theft, criminal trespass, property damage or disorderly conduct].
- B.** If the underlying offense named in subsection A of this Section is a [Class X] misdemeanor, the offender may be fined not more than [ ] or imprisoned for not more than [ ] years, or both.
- C.** If the underlying offense named in subsection A of this Section is a felony, the offender may be fined not more than [ ] or imprisoned for not more than [ ], or both.

## **SECTION 3 CIVIL ACTION**

- A.** Independent of the existence of any criminal prosecution and the outcome thereof, the victim of a hate crime, or a member of the victim's immediate family, may bring a civil action for damages or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs.

## **SECTION 4 HATE CRIMES, DATA COLLECTION**

- A.** The State Police and Attorney General shall establish and maintain a central repository for the collection, analysis and dissemination of hate crimes data. All law enforcement agencies shall report monthly to the Attorney General concerning such offenses. Hate crimes data shall be disseminated upon request to any local law enforcement agency, unit of local government or state agency.
- B.** The Attorney General shall publish an annual summary of the data required pursuant to this section, to be delivered to the Governor, the Legislature and the Federal Bureau of Investigation. The summary must be in a format acceptable for use by the Federal Bureau of Investigation for its annual Hate Crimes Statistics report.

## **SECTION 5 HATE CRIMES, LAW ENFORCEMENT TRAINING**

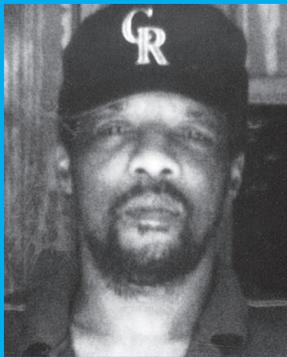
- A.** The [relevant state agency] shall provide training for police officers in identifying, responding to and reporting all hate crimes.
- B.** The [relevant state agency] shall provide training for prosecutors in effectively prosecuting hate crimes.



### **MATTHEW SHEPARD**

Matthew Shepard grew up in Casper, WY, as a popular, caring and outgoing individual. Then, on Oct. 7, 1998, when Matthew was only 21 years old, he was severely beaten in a remote area of Laramie, WY, by two men because of his sexual orientation. He was left to die in the cold of the night after being tied to a split-rail fence. This tragic murder cut short the life of a loved son and friend to many.

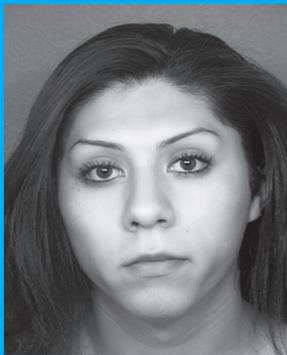
Photo: Courtesy of the Matthew Shepard Foundation



### **JAMES BYRD, JR.**

James Byrd Jr. was viciously murdered on June 7, 1998, in Jasper, Texas, because of his race. James was known throughout the community as a loving father, a talented musician and a good neighbor. Three men drove James out into the country, severely beat him and dragged him behind their pickup for three miles. Such a senseless and brutal murder tragically ended the life of an innocent man and left his three children fatherless.

Photo: Byrd Family / AP Photo



### **ANGIE ZAPATA**

Angie Zapata began living as a transgender woman at the age of 16. Despite being bullied in school, Angie was known throughout the community as a fun-loving young woman who was intensely devoted to her friends and family. But her life was cut tragically short on July 17, 2008, at the age of 18 when she was beaten to death by a man after he discovered that she was transgender. As a result of this unconscionable act, Angie was never able to realize her dreams of moving to Denver to pursue a career as a cosmetologist.

Photo: Greeley Police Dept. / AP Photo

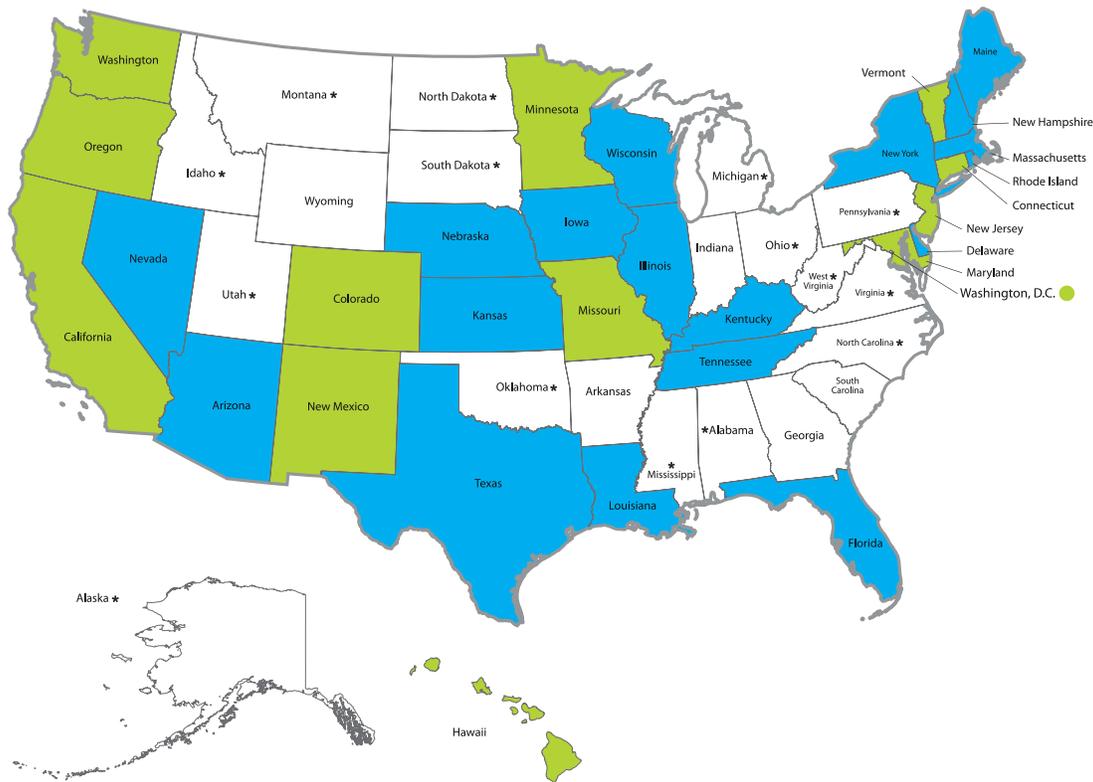


### **SEAN KENNEDY**

Sean Kennedy was a caring, loving young man and a leader in his community. But early in the morning on May 16, 2007, after being verbally assaulted and called anti-gay epithets by another male in the parking lot of a Greenville, SC, bar, Sean was punched in the face. He fell to the curb and sustained fatal head injuries — cutting short the life of a rising leader and activist who had great potential to positively impact his community and those around him.

Photo: Courtesy of Sean's Last Wish

# State Hate Crimes Laws



QUICKLY FIND STATE BY COLOR

All but five states (**Arkansas, Georgia, Indiana, South Carolina and Wyoming**) have laws addressing the scourge of hate crimes, but there is variation in the list of protected classes.

The laws that address hate or bias crimes against LGBT people are as follows.

**States that have a law that addresses hate or bias crimes based on sexual orientation and gender identity (15 states and the District of Columbia)** California (1999), Colorado (2005), Connecticut (2004), Delaware (2001/2003), District of Columbia (1989), Hawaii (2003), Maryland (2005), Massachusetts (2002/2011), Minnesota (1993), Missouri (2001), Nevada (2001/2013), New Jersey (2002/2008), New Mexico (2003), Oregon (2001/2008), Washington (1993/ 2009) and Vermont (2001).

**States that have a law that addresses hate or bias crimes based on sexual orientation only (15 states)** Arizona (2003), Florida (2001), Illinois (2001), Iowa (2002), Kansas (2002), Kentucky (2001), Louisiana (2002), Maine (2001), Nebraska (2002), New Hampshire (2002), New York (2002), Rhode Island (2001), Tennessee (2001), Texas (2002) and Wisconsin (2002).

**Laws lack LGBT inclusion: States that have a law that addresses hate or bias crimes, but do not address sexual orientation or gender identity (15 states)** Alabama, Alaska, Idaho, Michigan, Mississippi, Montana, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Utah (no categories listed), Virginia and West Virginia

**Data Collection Only:** Indiana and Michigan (sexual orientation), Rhode Island (gender identity)

# Alabama

ALA. CODE § 13A-5-13

## WHAT DOES THE STATE LAW DO?

- Alabama's law imposes enhanced penalties for felonies and misdemeanors, including all property crimes, if "motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability." ALA. CODE § 13A-5-13.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Alabama's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Alabama because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Alabama's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require state and local authorities to collect and report hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Alabama's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Alaska

ALASKA. STAT. § 12.55.155(c)(22)

## WHAT DOES THE STATE LAW DO?

- Alaska provides enhanced penalties for felonies and misdemeanors, including a limited category of property crimes, if the defendant “knowingly directed the conduct constituting the offense at a victim because of that person’s race, sex, color, creed, physical or mental disability, ancestry, or national origin.” ALASKA. STAT. § 12.55.155(c)(22).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Alaska does not have a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim’s sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Alaska because of a person’s sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Alaska’s hate crimes law were amended to include crimes committed on the basis of the victim’s sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require state and local authorities to collect and report hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Alaska’s law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.
- The law should cover all bias-motivated property crimes.<sup>1</sup>

<sup>1</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Arizona

ARIZ. REV. STAT. §§ 13-701(D)(15), 41-1750(A)(3)

## WHAT DOES THE STATE LAW DO?

- Allows sentencing enhancements for crimes, including a limited category of property crimes, committed “out of malice toward a victim because of the victim’s identity ... or because of a defendant’s perception of the victim’s identity” in a group. ARIZ. REV. STAT. § 13-701(D)(15).

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- Protected groups include race, color, religion, national origin, sexual orientation, gender or disability. ARIZ. REV. STAT. § 41-1750(A)(3).

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- Requires the collection of information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability. ARIZ. REV. STAT. § 41-1750(A)(3).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Arizona’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Arizona because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Arizona’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

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- The law should explicitly provide for police training on hate crimes.

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- The law should cover all bias-motivated property crimes.<sup>2</sup>

<sup>2</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Arkansas

## WHAT DOES THE STATE LAW DO?

- Arkansas does not have a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of any characteristic.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Arkansas does not have a hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- State law should have a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim's actual or perceived characteristic.

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- The law should require the collection and reporting of hate crimes data. The federal Hate Crimes Prevention Act requires the Federal Bureau of Investigation to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Arkansas' law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.

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- State law should explicitly provide for police training on hate crimes.

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- The law should cover all bias-motivated property crimes.<sup>3</sup>

<sup>3</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# California

CAL. PENAL CODE §§ 422.6, 13519.6

## WHAT DOES THE STATE LAW DO?

- Makes it a criminal offense to, “by force or threat of force, willfully injure, intimidate, interfere with, oppress or threaten any other person in the free exercise or enjoyment of any right . . . because of the person’s race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics.” CAL. PENAL CODE § 422.6.
- Provides for enhanced penalties for crimes against persons and property. CAL. PENAL CODE § 422.6.
- Provides for a course of instruction and training for law enforcement officers addressing hate crimes. CAL. PENAL CODE § 13519.6.
- Requires local law enforcement to report any information that may be relative to a hate crime to the state Department of Justice and requires the Department to report an analysis of its findings to the Legislature. CAL. PENAL CODE § 13023(A).
- Requires local law enforcement to report any information that may be relative to a hate crime to the state Department of Justice and requires the Department to report an analysis of its findings to the Legislature. CAL. PENAL CODE § 13023(A).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- California law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

# Colorado

COLO. REV. STAT. §§ 18-9-121(1), 18-9-121(5)(B), 13-21-106.5

## WHAT DOES THE STATE LAW DO?

- Makes it a bias-motivated crime to, “with the intent to intimidate or harass another person because of that person’s actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, knowingly cause bodily injury to another person, place another person in fear of imminent lawless action or knowingly cause damage to the property of another person.” COLO. REV. STAT. § 18-9-121(1).
- Defines sexual orientation to include “transgender status.” COLO. REV. STAT. § 18-9-121(5)(B).
- Provides a civil remedy. COLO. REV. STAT. § 13-21-106.5.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Colorado law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should require the collection and reporting of hate crimes data. The federal Hate Crimes Prevention Act requires the Federal Bureau of Investigation to track statistics on violent and non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Colorado’s law does not explicitly include gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Connecticut

CONN. GEN. STAT. §§ 52-571C, 53A-181J, 51-279D, 29-7M

## WHAT DOES THE STATE LAW DO?

- Provides that a “person is guilty of intimidation based on bigotry or bias ... when such person [acts] maliciously, and with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity or sexual orientation of such other person” and causes or threatens to cause physical contact or property damage. [CONN. GEN. STAT. §§ 53A-181J](#).
- Establishes a Hate Crimes Advisory Committee tasked with improving the training of police officers. [CONN. GEN. STAT. § 51-279D](#).
- Requires the collection of hate crimes data. [CONN. GEN. STAT. § 29-7M](#).
- Creates a civil remedy allowing treble damages. [CONN. GEN. STAT. § 52-571C](#).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Connecticut law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

# Delaware

DEL. CODE ANN. TIT. 11, § 1304

## WHAT DOES THE STATE LAW DO?

- Allows sentencing enhancements for hate crimes, including property crimes, committed “because of the victim’s race, religion, color, disability, sexual orientation, gender identity, national origin or ancestry.” DEL. CODE ANN. TIT 11, § 1304

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Delaware’s law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent and non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA.
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- The law should explicitly provide for police training on hate crimes.

# District of Columbia

D.C. CODE §§ 22-3701, 2-1401.02(22), 22-3703, 3312.02, 22-3702

## WHAT DOES D.C.'S LAW DO?

- Defines a “bias-related crime” as a “designated act that demonstrates an accused’s prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibility, physical handicap, matriculation or political affiliation of a victim of the subject designated act.” D.C. CODE § 22-3701.

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- Personal appearance is defined as one’s “outward appearance, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress.” D.C. CODE § 2-1401.02(22).

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- Provides for enhanced penalties for crimes against persons and property. D.C. CODE §§ 22-3703, 3312.02.

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- Covers collection and publication of data related to bias crimes. D.C. CODE § 22-3702.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- District of Columbia law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD D.C.'S LAW BE IMPROVED?

- The law should explicitly provide for police training on hate crimes.

# Florida

FLA. STAT. §§ 775.085(1)(A), 775.085(2), 877.19

## WHAT DOES THE STATE LAW DO?

- Provides for the reclassification of any felony or misdemeanor, including property crimes, where the commission of such offense “evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim.” FLA. STAT. § 775.085(1)(A).

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- Creates a civil remedy allowing treble damages. FLA. STAT. § 775.085(2).

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- Mandates collection and dissemination by the governor of data on “incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation or national origin.” FLA. STAT. § 877.19.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Florida's law does not cover hate crimes committed because of a victim's gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Florida because of a person's gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Florida's hate crimes law were amended to include crimes committed on the basis of the victim's gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

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- The law should explicitly provide for police training on hate crimes.

# Georgia

## WHAT DOES THE STATE LAW DO?

- Georgia does not have a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim's sexual orientation, gender identity or expression, or any other characteristic.\*

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Georgia does not have a hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- State law should include a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim's actual or perceived characteristic.

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- The law should require the collection and reporting of hate crimes data. The federal Hate Crimes Prevention Act requires the Federal Bureau of Investigation to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Georgia's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.

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- State law should explicitly provide for police training on hate crimes.

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- The law should cover all bias-motivated property crimes.<sup>4</sup>

\* In 2004, the Georgia Supreme Court ruled the state hate crimes law was impermissible because it was overly broad and vague. The four-year-old law lacked enumerated categories and simply allowed for enhanced criminal penalties for crimes resulting from "any bias or prejudice."

<sup>4</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Hawaii

HAW. REV. STAT. §§ 706-662, 846-52

## WHAT DOES THE STATE LAW DO?

- Provides for sentencing enhancement for “any criminal act in which the perpetrator intentionally selected a victim, or in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person.” HAW. REV. STAT. § 706-662.
- Requires the collection of hate crimes data. HAW. REV. STAT. § 846-52.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Hawaii law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should explicitly provide for police training on hate crimes.

# Idaho

IDAHO CODE §§ 18-7902, 67-2915

## WHAT DOES THE STATE LAW DO?

- Makes it unlawful for any person to cause or threaten to cause physical injury to another person, or damage any real or personal property of another person because of that person's race, color, religion, ancestry or national origin. IDAHO CODE § 18-7902.
- Directs the director of the state police to annually submit a statistical report on malicious harassment crimes to the governor and the state legislature. IDAHO CODE § 67-2915.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Idaho's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Idaho because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Idaho's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should explicitly provide for police training on hate crimes.

# Illinois

720 ILL. COMP. STAT. 5/12-7.1, 20 ILL. COMP. STAT. 2605/2605-390

## WHAT DOES THE STATE LAW DO?

- Defines a hate crime as certain crimes committed against persons and a limited category of property crimes “by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals.” 720 ILL. COMP. STAT. 5/12-7.1.

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- Creates a civil remedy allowing actual and punitive damages. 720 ILL. COMP. STAT. 5/12-7.1.

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- Provides for monthly reporting to the Department of State Police and requires the Department of State Police to provide training in hate crimes. 20 ILL. COMP. STAT. 2605/2605-390.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Illinois’ law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Illinois because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Illinois’ hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

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- The law should cover all bias-motivated property crimes.<sup>5</sup>

<sup>5</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Indiana

IND. CODE §10-13-3-1

## WHAT DOES THE STATE LAW DO?

- Defines “bias crime” as “an offense in which the person who commits the offense knowingly or intentionally selected the person who was injured, or damaged or otherwise affected property by the offense because of the color, creed, disability, national origin, race, religion or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation” for data-recording purposes. IND. CODE §10-13-3-1

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Indiana does not criminalize hate crimes as a separate crime, nor provide opportunity for sentencing enhancements.

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- Indiana’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- State law should have a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim’s actual or perceived characteristic.

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- State law should explicitly provide for police training on hate crimes.

# Iowa

IOWA CODE §§ 729A.2, 729A.5, 692.15, 729A.4

## WHAT DOES THE STATE LAW DO?

- Defines a hate crime as an offense “committed against a person or a person’s property because of the person’s race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age or disability,” or because of the victim’s association with a person of protected status. IOWA. CODE § 729A.2.

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- Allows for enhanced sentences for offenses against persons and property. IOWA. CODE § 729A.5.

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- Mandates police department crime statistics reporting on a quarterly and yearly basis. IOWA. CODE § 692.15.

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- Provides for the development of a course of instruction for law enforcement personnel and prosecuting attorneys designed to “sensitize those persons to the existence of violations of individual rights and the criteria for determining whether a violation of individual rights has occurred.” IOWA. CODE § 729A.4.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Iowa’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Iowa because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Iowa’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

# Kansas

KAN. STAT. § 296(C)(2)(C)<sup>6</sup>

## WHAT DOES THE STATE LAW DO?

- Allows for enhanced sentences for offenses committed against persons and property when an offense is “motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim.” KAN. STAT. § 296(C)(2)(C).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Kansas’ law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal jurisdiction to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Kansas because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Kansas’ hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require state and local authorities to collect and report hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Kansas’ law does not include gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

<sup>6</sup> The Kansas Legislature passed a new criminal code in 2010, which will be in effect starting in 2011. This citation refers to the new code.

# Kentucky

KY. REV. STAT. §§ 532.031, 17.1523

## WHAT DOES THE STATE LAW DO?

- Allows for enhanced sentences of offenses against persons and a limited class of property if committed “intentionally because of race, color, religion, sexual orientation or national origin.” KY. REV. STAT. § 532.031.

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- Mandates inclusion in offense reports of whether or not the offense appears to be bias-related. KY. REV. STAT. § 17.1523.

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- Requires mandatory training courses for law enforcement. KY. REV. STAT. § 15.334

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Kentucky’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Kentucky because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Kentucky’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

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- The law should cover all bias-motivated property crimes.

# Louisiana

LA. REV. STAT. §§ 14:107.2, 15:1204.2, 40:2403

## WHAT DOES THE STATE LAW DO?

- Allows for enhanced sentences for hate crimes committed against person or property where a victim was selected because of actual or perceived “race, age, gender, religion, color, creed, disability, sexual orientation, national origin or ancestry,” or because of “actual or perceived membership or service in, or employment with, an organization.” LA. REV. STAT. § 14:107.2.

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- Mandates the reporting of data regarding crimes directed against individuals or groups, or their property. LA. REV. STAT. § 15:1204.2.

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- Provides for the establishment and implementation of curricula and training materials to train police officers to identify, respond to and report all hate crimes. LA. REV. STAT. § 40:2403.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Louisiana’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Louisiana because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Louisiana’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

# Maine

5 MAINE REV. STAT. § 4684-A, 17-A MAINE REV. STAT. § 1151(8)(B), 25 MAINE REV. STAT. § 1544, 17 MAINE REV. STAT. § 2931

## WHAT DOES THE STATE LAW DO?

- Establishes a right to be free from the threat or commission of physical violence, property damage or trespass motivated by reason of “race, color, religion, sex, ancestry, national origin, physical or mental disability, or sexual orientation.” 5 MAINE REV. STAT. § 4684-A; 17 MAINE REV. STAT. § 2931.
- Provides for enhanced sentences for crimes committed against persons and property “because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness” of the victim. 17-A MAINE REV. STAT. § 1151(8)(B).
- Provides for reporting on crimes “that manifest evidence of prejudice,” including on the basis of sexual orientation. 25 MAINE REV. STAT. § 1544.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Maine’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Maine because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Maine’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute hate crimes. The state law would then provide protections that go beyond the HCPA.
- The law should explicitly provide for police training on hate crimes.

# Maryland

MD. CRIM. LAW §§ 10-301, 10-304, MD. CODE PUB. SAFETY § 2-307

## WHAT DOES THE STATE LAW DO?

- Prohibits the commission of a crime against persons and property “under circumstances exhibiting animosity against a certain person or group . . . because of the race, color, religious beliefs, sexual orientation, gender or national origin of that person, or because the person is homeless.” MD. CRIM. LAW § 10-304.
- Defines “sexual orientation” to include “gender-related identity.” MD. CRIM. LAW § 10-301.
- Directs the Department of State Police to collect hate crimes data. MD. CODE PUB. SAFETY § 2-307.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Maryland law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should explicitly provide for police training on hate crimes.

# Massachusetts

MASS GEN. LAWS CH. 265, § 39

## WHAT DOES THE STATE LAW DO?

- Makes it a criminal offense to commit an assault or battery upon a person or damage to a person's real or personal property "with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, gender identity or disability." MASS GEN LAWS CH. 265, § 39
- Directs the Department of State Police to collect hate crimes data. MASS.GEN.LAWS CH.22C §33.
- Mandates hate crimes training for law enforcement personnel. MASS.GEN.LAWS CH.6 § 116B.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Massachusetts's law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

# Michigan

MICH. COMP. LAWS §§ 750.147B, 28.257A

## WHAT DOES THE STATE LAW DO?

- Provides for civil damages against a person who commits a crime, including property crimes, if that person acts “maliciously and with specific intent to intimidate or harass another person because of that person’s race, color, religion, gender or national origin.” MICH. COMP. LAWS § 750.147B.
- Mandates law enforcement agencies to collect hate crimes data, including crimes motivated by sexual orientation. MICH. COMP. LAWS § 28.257A.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Michigan’s law does not relate to crimes committed because of a victim’s sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Michigan because of a person’s sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Michigan’s hate crimes law were amended to include crimes committed on the basis of the victim’s sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should explicitly provide for police training on hate crimes.

# Minnesota

MINN. STAT. §§ 609.2231, 626.5531, 626.8451

## WHAT DOES THE STATE LAW DO?

- Allows sentencing enhancements for harassment and assault offenses committed “because of the victim’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability ... age or national origin.” MINN. STAT. § 609.2231.
- Requires police officers to report to the officer’s department all crimes motivated by the victim’s “race, religion, national origin, sex, age, disability or characteristics identified as sexual orientation.” MINN. STAT. § 626.5531.
- Provides for law enforcement training on identifying and responding to crimes motivated by the victim’s “race, religion, national origin, sex, age, disability or characteristics identified as sexual orientation.” MINN. STAT. § 626.8451.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Minnesota law does a good job of providing broad protections to lesbian, gay, bisexual or transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should cover all bias-motivated property crimes.<sup>7</sup>

<sup>7</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Mississippi

MISS. CODE § 99-19-301

## WHAT DOES THE STATE LAW DO?

- Imposes enhanced penalties for felonies and misdemeanors, including property crimes, “committed because of the victim’s actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender.” MISS. CODE § 99-19-301.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Mississippi’s law does not relate to crimes committed because of a victim’s sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Mississippi because of a person’s sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Mississippi’s hate crimes law were amended to include crimes committed on the basis of the victim’s sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Mississippi’s law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Missouri

Mo. STAT. §§ 557.035, 557.035(4)(2)

## WHAT DOES THE STATE LAW DO?

- Mandates enhanced sentences for crimes, including a limited category of property crimes, “knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims.” Mo. STAT. § 557.035.
- Defines “sexual orientation” to include “having a self-image or identity not traditionally associated with one’s gender.” Mo. STAT. § 557.035(4)(2).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Missouri law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should require the collection and reporting of hate crimes data. The federal Hate Crimes Prevention Act requires the Federal Bureau of Investigation to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Missouri’s law does not explicitly include gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.
- The law should cover all bias-motivated property crimes.<sup>8</sup>

<sup>8</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Montana

MONT. CODE § 45-5-222

## WHAT DOES THE STATE LAW DO?

- Provides a sentencing enhancement for causing bodily injury to another or damaging the property of another because of that person's "race, creed, religion, color, national origin, or involvement in civil rights or human rights activities." MONT. CODE § 45-5-222.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Montana's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Montana because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Montana's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Montana's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Nebraska

NEB. REV. STAT. §§ 28-110, 28-111, 28-113, 28-114

## WHAT DOES THE STATE LAW DO?

- Establishes a right to “live free from violence or intimidation by threat of violence ... or the destruction or vandalism of, or intimidation by threat of destruction or vandalism of ... property” regardless of race, color, religion, ancestry, national origin, gender, sexual orientation, age or disability. NEB. REV. STAT. § 28-110.

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- Imposes enhanced punishments for crimes against persons and property. NEB. REV. STAT. § 28-111.

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- Creates a civil remedy. NEB. REV. STAT. § 28-113.

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- Provides for the establishment of a central repository for the collection and analysis of data regarding hate crimes. NEB. REV. STAT. § 28-114.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Nebraska’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Nebraska because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Nebraska’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

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- The law should explicitly provide for police training on hate crimes.

# Nevada

NEV.REV.STAT. §§ 207.185, 193.1675, 41.690, 179A.175

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for crimes against persons and property because of “the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression” NEV. REV. STAT. § 193.1675

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- Creates a civil remedy. NEV. REV. STAT. § 41-690

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- Provides for the establishment, within the central repository, of a program for reporting crimes that “manifest evidence of prejudice,” including on the basis of an individual's sexual orientation or gender identity or expression. NEV. REV. STAT. § 179A-175

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Nevada’s law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should explicitly provide for police training on hate crimes

# New Hampshire

N.H. REV. STAT. § 651:6(i)(F)

## WHAT DOES THE STATE LAW DO?

- Allows for enhanced sentences of offenses against persons and property if “substantially motivated ... because of hostility towards the victim’s religion, race, creed, sexual orientation ... national origin or sex.” N.H. REV. STAT. § 651:6(i)(F).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- New Hampshire’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in New Hampshire because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If New Hampshire’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if New Hampshire’s law does not include gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# New Jersey

N.J. STAT. §§ 2C:16-1, 52:9DD-9, 52:17B-5.3

## WHAT DOES THE STATE LAW DO?

- Makes it a crime of bias intimidation to commit an offense, including property crimes, “with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.” N.J. STAT. § 2C:16-1.
- Includes offenses where a victim, considering the manner in which the offense was committed, “reasonably believed” that the offense was committed, or person or property selected, because of the victim’s protected characteristic. N.J. STAT. § 2C:16-1.
- Directs the New Jersey Human Relations Council to work with law enforcement agencies to develop cultural diversity training for law enforcement personnel. N.J. STAT. § 52:9DD-9.
- Directs local and state police officers to report, on a quarterly basis, to the attorney general all bias crimes committed. N.J. STAT. § 52:17B-5.3.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- New Jersey law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

# New Mexico

N.M. STAT. §§ 31-18B-3(B), 31-18B-2(B), 31-18B-2(B), 31-18B-4, 31-18B-5

## WHAT DOES THE STATE LAW DO?

- Defines a hate crime as the commission of a crime, including hate crimes, “with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, handicapped status, gender, sexual orientation or gender identity of the victim.” N.M. STAT. § 31-18B-2(D).
- Defines “gender identity” as a “person’s self-perception, or perception of that person by another, of the person’s identity as a male or female based upon the person’s appearance, behavior or physical characteristics that are in accord or opposed to the person’s physical anatomy, chromosomal sex or sex at birth.” N.M. STAT. § 31-18B-2(B).
- Provides for enhanced penalties for crimes against persons and property. N.M. STAT. § 31-18B-3(B).
- Requires the collection and reporting of hate crimes data. N.M. STAT. § 31-18B-4.
- Requires the development of a course of instruction for law enforcement personnel “concerning the detection, investigation and reporting of a crime motivated by hate.” N.M. STAT. § 31-18B-5.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- New Mexico law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

# New York

N.Y. PENAL LAW §§ 485.05, 485.10; N.Y. EXECUTIVE LAW § 837(4-C)

## WHAT DOES THE STATE LAW DO?

- Defines a hate crime as the commission of a specified offense where a victim is intentionally selected, or an act committed, “because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person.” N.Y. PENAL LAW § 485.05.

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- Allows for enhanced sentences for offenses against persons and property. N.Y. PENAL LAW § 485.10.

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- Directs the Division of Criminal Justice Services to collect and report hate crimes data. N.Y. EXECUTIVE LAW § 837(4-C).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- New York’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in New York because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If New York’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

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- The law should explicitly provide for police training on hate crimes.

# North Carolina

N.C. GEN. STAT. §§ 14-3, 14-401.14

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for ethnic intimidation offenses committed against person or property “because of race, color, religion, nationality or country of origin.” N.C. GEN. STAT. §§ 14-3, 14-401.14.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- North Carolina's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in North Carolina because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If North Carolina's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if North Carolina's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# North Dakota

N.D. CENT. CODE § 12.1-14-04

## WHAT DOES THE STATE LAW DO?

- Criminalizes injuring, intimidating or intentionally interfering with a person's "full and equal enjoyment" of a public place because of that person's sex, race, color, religion or national origin. N.D. CENT. CODE § 12.1-14-04.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- North Dakota's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should be altered to clarify that it addresses hate crimes, including those incidents based on a victim's sexual orientation or gender identity/expression.

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- The law should require the collection and reporting of hate crimes data. The Hate Crimes Prevention Act requires the Federal Bureau of Investigation to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if North Dakota's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.

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- State law should explicitly provide for police training on hate crimes.

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- The law should cover all bias-motivated property crimes.<sup>9</sup>

<sup>9</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Ohio

OHIO REV. CODE § 2927.12

## WHAT DOES THE STATE LAW DO?

- Provides enhanced penalties for ethnic intimidation offenses committed against a person or property “because of race, color, religion or national origin.” OHIO REV. CODE § 2927.12.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Ohio's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Ohio because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Ohio's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Ohio's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Oklahoma

21 OKLA. STAT. § 850

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for felonies and misdemeanors committed against a person or a person's property "because of that person's race, color, religion, ancestry, national origin or disability." 21 OKLA. STAT. § 850.
- Directs the Oklahoma State Bureau of Investigation to develop a bias crime reporting system for state and local law enforcement agencies. 21 OKLA. STAT. § 850.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Oklahoma's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Oklahoma because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Oklahoma's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should explicitly provide for police training on hate crimes.

# Oregon

OR. REV. STAT. §§ 166.155, 166.165, 181.642, 181.550

## WHAT DOES THE STATE LAW DO?

- Makes it a criminal offense of intimidation in either the first or second degree, depending on the nature of the offense, to harm another's person or property, or threaten harm to another's person or property, because of that person's actual or perceived race, color, religion, national origin or sexual orientation. OR. REV. STAT. §§ 166.155, 166.165.
- Defines sexual orientation as including an individual's "gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth." OR. REV. STAT. §§ 166.155, 166.165.
- Mandates training on the investigation, identification and reporting of hate crimes. OR. REV. STAT. § 181.642.
- Mandates the reporting of crimes. OR. REV. STAT. § 181.550.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Oregon law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

# Pennsylvania

18 PA. STAT. § 2710<sup>10</sup>, 71 PA. STAT. § 250(i)

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for offenses committed against a person or a person's property "with malicious intent towards the race, color, religion or national origin of another individual or group of individual." 18 PA. STAT. § 2710
- Directs the state police to collect information relating to crimes related to a person's race, color, religion or national origin. 71 PA. STAT. § 250(i).

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Pennsylvania's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- State law should include a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim's actual or perceived sexual orientation and gender identity, yet remain in keeping with the state Supreme Court ruling.
- State law should explicitly provide for police training on hate crimes.

<sup>10</sup> An amendment to the Pennsylvania Hate Crimes Statute extending protection based on ancestry, disability, sexual orientation, gender and gender identity was held unconstitutional in *Marcavage v. Rendell* 936 A.2d 188, 193 (Pa. Cmwlth., 2007). The state legislature has proposed a new law.

# Rhode Island

R.I. GEN. LAWS §§ 12-19-38, 42-28.2-8.1, 42-28-46

## WHAT DOES THE STATE LAW DO?

- Imposes enhanced punishments for offenses committed against persons and property “because of hatred of or animus toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender of that person or the owner or occupant of that property.” R.I. GEN. LAWS § 12-19-38.
- Provides for mandatory training for police officers in identifying, responding to and reporting hate crimes. R.I. GEN. LAWS § 42-28.2-8.1.
- Provides for the collection of hate crimes data. R.I. GEN. LAWS § 42-28-46.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Rhode Island's law does not cover hate crimes committed because of a victim's gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Rhode Island because of a person's gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Rhode Island's hate crimes law were amended to include crimes committed on the basis of the victim's gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

# South Carolina

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## WHAT DOES THE STATE LAW DO?

- South Carolina does not have a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim's sexual orientation, gender identity or expression, or any other characteristic.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- South Carolina does not have a hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- State law should include a hate crimes law relating to or discussing the punishment or sentencing enhancement of crimes committed because of a victim's actual or perceived characteristic.

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- The law should require the collection and reporting of hate crimes data. The federal Hate Crimes Prevention Act requires the Federal Bureau of Investigation to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if South Carolina's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.

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- State law should explicitly provide for police training on hate crimes.

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- The law should cover all bias-motivated property crimes.<sup>11</sup>

<sup>11</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# South Dakota

S.D. CODIFIED LAWS § 22-19B-1

## WHAT DOES THE STATE LAW DO?

- Codifies that “no person may maliciously and with the specific intent to intimidate or harass any person or specific group of persons because of that person’s race, ethnicity, religion, ancestry or national origin,” cause harm to another’s person or property, or threaten to do so. S.D. CODIFIED LAWS § 22-19B-1.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- South Dakota’s law does not relate to crimes committed because of a victim’s sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in South Dakota because of a person’s sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If South Dakota’s hate crimes law were amended to include crimes committed on the basis of the victim’s sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if South Dakota’s law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Tennessee

TENN. CODE §§ 39-17-309, 40-35-114(17)

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for crimes against persons and property if “the defendant intentionally selects the person against whom the crime is committed or selects the property that is damaged ... in whole or in part because of the actor’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, ancestry or gender of that person or of the owner or occupant of that property.” TENN. CODE § 40-35-114(17).

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- Declares that “it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment and bodily injury caused by the activities of groups and individuals.” TENN. CODE § 39-17-309.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Tennessee’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Tennessee because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Tennessee’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.

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- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Tennessee’s law does not include gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.

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- The law should explicitly provide for police training on hate crimes.

# Texas

TEX. PENAL CODE § 12.47, TEX. CRIM. PRO. ART. 42.014, TEX. EDUC. CODE § 29.905,  
TEX. GOVT. § 411.046

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for crimes against persons and property if the offender “intentionally selected the person against whom the offense was committed or intentionally selected property damaged or affected as a result of the offense because of the defendant’s bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference.” TEX. CRIM. PRO. ART. 42.014; TEX. PENAL CODE. § 12.47.
- Directs the state attorney general to educate students and the community at large about state laws on hate crimes. TEX. EDUC. CODE § 29.905.
- Provides for the establishment of a central repository for hate crimes data. TEX. GOVT. § 411.046.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Texas’ law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Texas because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Texas’ hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should explicitly provide for police training on hate crimes.

# Utah

UTAH CODE § 76-3-203.3

## WHAT DOES THE STATE LAW DO?

- Criminalizes any primary offense, including property crimes, “with the intent to intimidate or terrorize another person or with reason to believe that his action would intimidate or terrorize that person.” UTAH CODE § 76-3-203.3.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Utah’s law does not relate to crimes committed because of a victim’s sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Utah because of a person’s sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Utah’s hate crimes law were amended to include crimes committed on the basis of the victim’s sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Utah’s law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Vermont

13 VT. STAT. §§ 1455, 1466

## WHAT DOES THE STATE LAW DO?

- Defines a hate crime as the commission of a crime “maliciously motivated by the victim’s actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, handicap ... sexual orientation or gender identity.” 13 VT. STAT. § 1455.

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- Provides for enhanced penalties for crimes against persons and property. 13 VT. STAT. § 1455.

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- Creates two civil remedies for either the victim of the crime or the attorney general. 13 VT. STAT. §§ 1457, 1466.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Vermont law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should require the collection and reporting of hate crimes data. The federal Hate Crimes Prevention Act requires the Federal Bureau of Investigation to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA.

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- The law should explicitly provide for police training on hate crimes.

# Virginia

VA. CODE §§ 18.2-57, 18.2-121, 52-8.5

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for crimes, including a limited class of property crimes, committed against persons and property because of the victim's race, religious conviction, color or national origin. VA. CODE §§ 18.2-57, 18.2-121.
- Provides for the collection of hate crimes data. VA. CODE § 52-8.5.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Virginia's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Virginia because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Virginia's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should explicitly provide for police training on hate crimes.
- The law should cover all bias-motivated property crimes.<sup>12</sup>

<sup>12</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.

# Washington

WASH. REV. CODE §§ 9A.36.080, 49.60.040(26), 43.101.290, 36.28A.030

## WHAT DOES THE STATE LAW DO?

- Makes it a crime to maliciously and intentionally cause physical injury to the victim, damage or destruction to the property of the victim, or cause a person or group to fear harm because of the victim's perceived "race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory handicap." WASH. REV. CODE § 9A.36.080.
- Defines "sexual orientation" to include gender expression or identity, meaning "having or being perceived as having a gender identity, self-image, appearance, behavior or expression, whether or not [it] is different from that traditionally associated with the sex assigned to that person at birth." WASH. REV. CODE 49.60.040(26).
- Mandates law enforcement training in identifying, responding to and preventing hate crimes. WASH. REV. CODE § 43.101.290.
- Provides for hate crimes data collection. WASH. REV. CODE § 36.28A.030.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Washington law does a good job of providing broad protections to lesbian, gay, bisexual and transgender persons in its hate crimes law.

# West Virginia

W. VA. CODE § 61-6-21

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for crimes committed against persons and property because of the victim's race, color, religion, ancestry, national origin, political affiliation or sex. W. VA. CODE § 61-6-21.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- West Virginia's law does not relate to crimes committed because of a victim's sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim's sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim's sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in West Virginia because of a person's sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If West Virginia's hate crimes law were amended to include crimes committed on the basis of the victim's sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if West Virginia's law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Wisconsin

Wis. STAT. ANN. § 939.645

## WHAT DOES THE STATE LAW DO?

- Provides for enhanced penalties for crimes against persons and property if the offender “intentionally selects the person against whom the crime ... is committed or selects the property that is damaged or otherwise affected by the crime ... in whole or in part because of the actor’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property, whether or not the actor’s belief or perception was correct.” Wis. STAT. ANN. § 939.645.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Wisconsin’s law does not cover hate crimes committed because of a victim’s gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Wisconsin because of a person’s gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Wisconsin’s hate crimes law were amended to include crimes committed on the basis of the victim’s gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Wisconsin’s law does not include gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- The law should explicitly provide for police training on hate crimes.

# Wyoming

WYO. STAT. § 6-9-102

## WHAT DOES THE STATE LAW DO?

- Criminalizes activities that abridge “the right to life, liberty, pursuit of happiness or the necessities of life because of race, color, sex, creed or national origin.” WYO. STAT. § 6-9-102.

## HOW ARE LGBT PERSONS STILL NOT PROTECTED?

- Wyoming’s law does not relate to crimes committed because of a victim’s sexual orientation or gender identity/expression.

## HOW COULD THE STATE LAW BE IMPROVED?

- The law should include crimes committed because of a victim’s sexual orientation or gender identity/expression. The federal Hate Crimes Prevention Act addresses crimes committed because of a victim’s sexual orientation or gender identity/expression. However, federal authority to investigate and prosecute is limited to hate crimes that affect interstate commerce. Because of this limitation, crimes committed in Wyoming because of a person’s sexual orientation or gender identity/expression cannot be prosecuted as hate crimes unless they meet the tough interstate commerce requirement for intervention by the Federal Bureau of Investigation. If Wyoming’s hate crimes law were amended to include crimes committed on the basis of the victim’s sexual orientation or gender identity/expression, the state could more effectively prosecute these crimes. The state law would then provide protections that go beyond the HCPA.
- The law should require the collection and reporting of hate crimes data. The federal HCPA requires the FBI to track statistics on violent *and* non-violent (i.e., crimes against property) hate crimes. This tracking depends on federal, state and local officials to record and report all hate crimes as defined by the HCPA. Thus, even if Wyoming’s law does not include sexual orientation and gender identity/expression, those hate crimes should be carefully tracked and reported for federal purposes.
- State law should explicitly provide for police training on hate crimes.
- The law should cover all bias-motivated property crimes.<sup>13</sup>

<sup>13</sup> Among those crimes that should be included are arson, vandalism, theft and burglary. Some or all may be currently covered, depending on individualized circumstances, but the law should attempt to cover all such offenses, regardless of the specifics, if the offense is motivated by bias.



# Frequently Asked Questions on Hate Crimes and the HCPA

### **What is a hate crime?**

A hate crime, also known as bias-motivated crime, occurs when the perpetrator intentionally selects the victim because of a bias or prejudice. Each year, thousands of violent hate crimes motivated by sexual orientation and gender identity/expression occur. Hate crimes affect not only the victims and their families, but the entire community or group of people that they target. The term “hate crime” can also describe bias-driven property crimes that are meant to send a signal to a particular community. Although hateful speech can inflict emotional damage and alienate communities, the term “hate crime” does not include speech.

### **Why are hate crimes prevention laws important?**

Hate crimes are different from other crimes. Hate crimes send a message that a particular group of people are not welcome simply because of who they are. That is antithetical to our values as a nation. Hate crimes are unique in that they terrorize entire communities — not just the victims of individual crimes. A September 2000 study funded by the Department of Justice’s Bureau of Justice Statistics shows that 85 percent of law enforcement officials surveyed recognize bias-motivated violence as more serious than similar crimes not motivated by bias.

### **Do hate crimes prevention laws give certain people special protection?**

Laws that address hate crimes don’t divide us — violent, bias-motivated crimes do. Hate crimes laws don’t discriminate. All victims of bias crime are protected by these laws, i.e., those of all races, all religions, all sexual orientations, etc.

### **How often do hate crimes occur?**

Available statistics show that from 1996 to 2012, almost 150,000 hate crime offenses have been voluntarily reported to the Federal Bureau of Investigation, with at least 7,495 reported in 2012, the FBI’s most recent reporting period.

Hate crimes based on race-related bias were by far the most common type of hate crime reported to the FBI, usually representing half or more of all offenses. Hate crimes based on sexual orientation and religious bias alternate as the second most common types of bias. Statistics on hate crimes based on gender identity will be included in future reports as a result of passage of the Hate Crimes Prevention Act.

A 2013 Department of Justice Bureau of Justice Statistics (BJS) report confirmed that two out of every three hate crimes go unreported to the police because victims believe the police would not or could not help. In addition, the report noted that a disproportionately high percentage of both victims and perpetrators of these violent crimes are young people under 25 years of age. And even when a crime is reported and investigated, a 2005 BJS

special report noted that an arrest is made in only a quarter of all crimes. There are mixed reasons for this phenomenon. Some victims who are not “out” in their communities are unlikely to report that they were targeted due to their sexual orientation or gender identity. Others have had, or are aware of, negative experiences with local authorities. Further, psychological trauma and physical injury prevent some victims from reporting the incidents. It is therefore important not only to encourage better data collection and reporting but to improve relationships between law enforcement and communities and to take underreporting into account when making a case for hate crimes legislation.

As noted in the executive summary, evidence indicates that although a staggering number of hate crimes are documented each year, these crimes are significantly underreported. Actual numbers are much higher. This is in part because state and local reporting of bias-motivated crimes to the FBI is voluntary under the Hate Crime Statistics Act.

### **Are hate crimes laws constitutional?**

The Supreme Court of the United States ruled in the early 1990s that hate crimes laws are constitutional. In *R.A.V. v. City of St. Paul* (505 U.S. 377 [1992]) and *Wisconsin v. Mitchell* (508 U.S. 476 [1993]), the Court concluded that evidentiary use of speech to prove motive or intent does not offend the First Amendment.

### **What is the legislative history behind the HCPA?**

Federal hate crimes legislation protecting lesbian and gay individuals was initially introduced in the U.S. Congress in 1997 (a bill that explicitly includes gender identity was introduced in 2007). During the years after the 1997 bill was introduced, a hate crimes bill was passed in the House on two occasions and by the Senate on three occasions. The bill, however, was never passed by both houses during the same congressional session until 2007. That year, the House and Senate successfully amended the FY 2008 Defense Authorization bill with an amendment that protected individuals from hate crimes based on sexual orientation and gender identity. Unfortunately, after a veto threat by President George W. Bush, Congress removed the amendment from the conference report for the underlying bill.

In the 111th Congress, Representatives John Conyers (D-MI) and Mark Kirk (R-IL) in the House and Senators Edward Kennedy (D-MA), Patrick Leahy (D-VT), Arlen Specter (D-PA), Susan Collins (R-ME) and Olympia Snowe (R-ME) in the Senate introduced versions of the HCPA. On April 29, 2009, the House of Representatives passed hate crimes legislation (H.R. 1913) by a vote of 249–175. On July 16, 2009, the Senate voted 63–28 to proceed with hate crimes legislation (S. 909) as an amendment (S. Amdt. 1511) to the FY 2010 Defense Authorization bill (S. 1390). The Defense Authorization bill then passed the Senate with hate crimes legislation attached as an amendment on July 23, 2009. The House and Senate approved the FY 2010 Defense Authorization bill conference report,

which included the HCPA as a section of the conference report, in October 2009. President Barack Obama signed the FY 2010 Defense Authorization bill into law on October 28, 2009 (Public Law No. 111-84).

As part of the final negotiations between the House and Senate, the bill was renamed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act to honor the memory of two victims of hate crimes. Matthew Shepard was a gay college student who was tortured and murdered in Laramie, WY, and James Byrd Jr. was an African-American man who was chained to a truck and dragged to his death in Jasper, TX.

### **Doesn't the HCPA threaten or chill free speech?**

The HCPA punishes violent acts. It does not punish, nor prohibit in any way, name-calling, verbal abuse or expressions of hatred toward any group. Nothing in the Act prohibits the lawful expression of one's deeply held beliefs, including religious beliefs. The HCPA contains language that explicitly ensures that speech and associational rights will not be burdened. Specifically, the HCPA states:

"Nothing in this division shall be construed to allow a court, in any criminal trial for an offense described under this division or an amendment made by this division, in the absence of a stipulation by the parties, to admit evidence of speech, beliefs, association, group membership or expressive conduct unless that evidence is relevant and admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

"This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of a victim.

"Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the First Amendment to the Constitution of the United States."

### **Did Congress exceed its power to legislate when it enacted the HCPA?**

The original 1968 hate crimes law, which provided federal jurisdiction to prosecute hate crimes based on race, color, religion or national origin, has been upheld as a constitutional exercise of congressional authority under the Commerce Clause in *United States v. Lane* (883 F.2d 1484 [10th Cir. 1989]) and under the Thirteenth and Fourteenth Amendments in *United States v. Bledsoe* (728 F.2d 1094 [8th Cir. 1984]).

The HCPA was carefully drafted to ensure that it complies with Supreme Court precedent established by *United States v. Morrison* (529 U.S. 598 [2000]), which invalidated a portion of the Violence Against Women Act because the Court determined that Congress had exceeded its legislative authority when it enacted

the statute. In *Morrison*, the Court concluded that the law in question regulated purely intrastate activity, and was therefore beyond the scope of congressional authority to legislate because the Commerce Clause of the Constitution only provides Congress with the authority to regulate interstate and foreign commerce. The HCPA, however, has been drafted to comply with Congress's ability to legislate based on the Commerce Clause. The HCPA requires that the government allege and prove beyond a reasonable doubt that there is an explicit and discrete connection between a prohibited act (a hate crime based on religion, national origin, gender, sexual orientation, gender identity or disability) and interstate or foreign commerce. Justice Department officials, congressional allies and constitutional scholars are confident that the HCPA can survive post- *Morrison* constitutional scrutiny.

### **Is the HCPA a penalty-enhancement law?**

The HCPA is not a penalty-enhancement law; instead, it provides for federal prosecution of certain violent crimes and offers states and localities tools for prosecuting and investigating crimes on their own. Congress passed a sentencing enhancement statute in 1994, the Hate Crimes Sentencing Enhancement Act, which allows judges to impose harsher penalties for hate crimes, including hate crimes based on gender, disability and sexual orientation.

### **Doesn't the HCPA federalize crimes that are better left to the states to address?**

The vast majority of hate crimes will continue to be prosecuted at the state level. HCPA is important because it provides a backstop to state and local law enforcement by allowing a federal prosecution if — and only if — it is necessary to achieve an effective, just result. Prior to federal prosecution of a hate crime, the attorney general or his or her designee must certify, in writing, that (1) the state does not have jurisdiction, (2) the state has requested that the federal government assume jurisdiction, (3) the verdict or sentence obtained pursuant to state charges left demonstratively unvindicated the federal interest in eradicating bias-motivated violence, or (4) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

Violent crimes, whether or not they are motivated by bias, are generally covered under state law. However, federal authority to prosecute crime often overlaps with state jurisdiction. For example, there is overlapping federal jurisdiction in many homicide cases, bank robberies, kidnappings, fraud cases and other crimes. As is frequently the case when federal and state laws overlap, the number of crimes subject to federal law will greatly exceed the number of federal prosecutions.

This is true of hate crimes. From 2001 to 2012, for example, the FBI documented approximately 101,000 hate crimes. During that period, and up until publication of this guide, however, DOJ only prosecuted about 249 cases. As this shows, even though the HCPA might apply in addition to a state's hate crimes law, there will

be no need for a federal prosecution in the vast majority of cases. Nevertheless, the HCPA is still valuable in these cases, because it permits federal authorities to assist local jurisdictions in investigating and prosecuting hate crimes.

Although criminal law is traditionally the domain of the states, Congress has often enacted legislation to address crimes that have broad national implications. These include organized crime, terrorism, corporate fraud transcending state lines and crimes committed to prevent the victims from exercising their civil rights. From 1995 to 2006, the Republican-controlled Congress enacted at least 37 laws that created new federal crimes or imposed new federal criminal penalties for conduct that is already criminal under state law. These laws addressed a wide range of issues, from punishing “deadbeat dads” to protecting animals used in law enforcement. In fact, the bill protecting animals used in law enforcement was considered so non-controversial that the House passed it by voice vote.

### **Don't the well-publicized prosecutions in the Matthew Shepard and James Byrd, Jr. cases demonstrate states can handle these cases on their own and that the HCPA is unnecessary?**

Not every case has the same fact pattern or the same amount of forensic evidence as the James Byrd, Jr. and Matthew Shepard cases. Often, state and local law enforcement will need to call on the resources of the Justice Department or FBI to help with the investigation and prosecution of a case. Byrne grants — a Bureau of Justice Assistance program set up to help control violent crime — and other federal financial assistance help many local jurisdictions enforcing criminal laws where there is overlapping jurisdiction. For example, in the Byrd case, local authorities in Jasper, Texas, were able to apply for and receive \$284,000 in Byrne grants. In contrast, because the Shepard case was a hate crime based on sexual orientation, local authorities in Laramie, Wyo., could not receive the same federal assistance and had to furlough five law enforcement employees in order to afford to investigate the case.

Unfortunately, many local jurisdictions refuse to prosecute hate crimes, particularly those related to sexual orientation and gender identity. Some interpret a lack of state-level hate crimes laws to mean that crimes motivated on those bases do not deserve the full attention of the law. Others simply are uninterested in investigating or prosecuting hate crimes because of their own personal biases. HCPA allows the FBI to address these failures. Some interpret a lack of state-level hate crimes laws to mean that crimes motivated on those bases do not deserve the full attention of the law. Others simply are uninterested in investigating or prosecuting hate crimes because of their own personal biases. HCPA allows the FBI to address these failures.

### **The police didn't charge an incident in my town as a hate crime even though it was clearly motivated by bias. What can I do?**

If possible, it is best to try to work through local and state channels first. If your

local or state police refuse to charge the incident as a hate crime, you should consider contacting your state attorney general's office for assistance. You may also reach out to a state or national organization that focuses on documenting hate crimes and providing victim services. These organizations offer crucial support and aid in the aftermath of a hate crime.

If you are not able to receive assistance at the local or state level, you should contact an FBI field office in your state. While the federal government's jurisdiction to prosecute hate crimes is limited, FBI resources, forensic expertise and experience can provide valuable assistance to local law enforcement. FBI reports are forwarded to the DOJ Civil Rights Division, which is charged with deciding whether federal prosecution of the crime is appropriate.

In the "Resources" section of this publication, you can find information on state and national lesbian, gay, bisexual and transgender resources, state attorneys general and FBI offices in your area.

# What To Do If You Have Been the Victim of a Hate Crime

Below are some steps you can take if you have been a victim of a hate crime.

- **Get medical help**, if necessary.

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- **Write down any and all of the details of the crime** as soon as possible after the incident. Include the gender, age, height, race, weight, clothes and other distinguishing characteristics of the perpetrator[s]. If any threats or biased comments were made (such as anti-gay epithets), include them in the report.

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- **File reports.**
  - File a police report.
    - Get the responding officer's name and badge number.
    - Make sure the officer files an incident report form and assigns a case number. If a police report is not taken at the time of your report, go to the police station and ask for one. Always get your own copy, even of the preliminary report.
    - If you believe the incident was bias-motivated, urge the officer to check the "hate/bias-motivation" or "hate crime/incident" box on the police report. If the police report does not contain such a box, make sure the officer includes information in the report that indicates that you believe the incident was bias motivated.
  - File a report with the **Federal Bureau of Investigation**.
  - Notify your local lesbian, gay, bisexual and transgender community organization about the incident.

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- **Find support.**
  - Friends and family
  - Get professional help — from a gay-affirmative therapist.
  - Contact an anti-violence support service, such as the **National Coalition of Anti-Violence Programs**. For a list of resources, please turn to page 78.

# Resources

## Resource

**FBI NATIONAL HEADQUARTERS**

**Federal Bureau of Investigation**  
J. Edgar Hoover Building  
935 Pennsylvania Ave., NW  
Washington, DC 20535-0001  
202-324-3000

**FBI FIELD OFFICES, BY STATE**

**ALABAMA**

**FBI Birmingham**  
1000 18th St. North  
Birmingham, AL 35203  
205-326-6166  
[www.birmingham.fbi.gov](http://www.birmingham.fbi.gov)

**FBI Mobile**  
200 N. Royal St.  
Mobile, AL 36602  
251-438-3674  
[www.mobile.fbi.gov](http://www.mobile.fbi.gov)

**ALASKA**

**FBI Anchorage**  
101 E. Sixth Ave.  
Anchorage, AK 99501-2524  
907-276-4441  
[www.anchorage.fbi.gov](http://www.anchorage.fbi.gov)

**ARIZONA**

**FBI Phoenix**  
201 E. Indianola Ave., Suite 400  
Phoenix, AZ 85012-2080  
602-279-5511  
[www.phoenix.fbi.gov](http://www.phoenix.fbi.gov)

**ARKANSAS**

**FBI Little Rock**  
#24 Shackelford West Blvd.  
Little Rock, AR 72211-3755  
501-221-9100  
[www.littlerock.fbi.gov](http://www.littlerock.fbi.gov)

**CALIFORNIA**

**FBI Los Angeles**  
FOB, Suite 1700  
11000 Wilshire Blvd.  
Los Angeles, CA 90024-3672  
310-477-6565  
[www.losangeles.fbi.gov](http://www.losangeles.fbi.gov)

**FBI Sacramento**  
4500 Orange Grove Ave.  
Sacramento, CA 95841-4205  
916-481-9110  
[www.sacramento.fbi.gov](http://www.sacramento.fbi.gov)

**FBI San Diego**  
Federal Office Building  
9797 Aero Dr.  
San Diego, CA 92123-1800  
858-565-1255  
[www.sandiego.fbi.gov](http://www.sandiego.fbi.gov)

**FBI San Francisco**  
450 Golden Gate Ave., 13th Floor  
San Francisco, CA 94102-9523  
415-553-7400  
[www.sanfrancisco.fbi.gov](http://www.sanfrancisco.fbi.gov)

**COLORADO**

**FBI Denver**  
FOB, Room 1823  
1961 Stout St., 18th Floor  
Denver, CO 80294-1823  
303-629-7171  
[www.denver.fbi.gov](http://www.denver.fbi.gov)

**CONNECTICUT**

**FBI New Haven**  
600 State St.  
New Haven, CT 06511-6505  
203-777-6311  
[www.newhaven.fbi.gov](http://www.newhaven.fbi.gov)

**DISTRICT OF COLUMBIA**

**FBI Washington**  
Washington Metropolitan Field Office  
601 4th St., NW  
Washington, DC 20535-0002  
202-278-2000  
[www.washingtondc.fbi.gov](http://www.washingtondc.fbi.gov)

**FLORIDA**

**FBI Jacksonville**  
6061 Gate Pkwy.  
Jacksonville, FL 32256  
904-248-7000  
[www.jacksonville.fbi.gov](http://www.jacksonville.fbi.gov)

**FBI North Miami Beach**  
16320 NW Second Ave.  
North Miami Beach, FL 33169-6508  
305-944-9101  
[www.miami.fbi.gov](http://www.miami.fbi.gov)

**FBI Tampa**  
5525 West Gray St.  
Tampa, FL 33609  
813-253-1000  
[www.tampa.fbi.gov](http://www.tampa.fbi.gov)

**GEORGIA**

**FBI Atlanta**  
2635 Century Pkwy, NE, Suite 400  
Atlanta, GA 30345-3112  
404-679-9000  
[www.atlanta.fbi.gov](http://www.atlanta.fbi.gov)

**HAWAII**

**FBI Honolulu**  
Kalaniana'ole FOB, Room 4-230  
300 Ala Moana Blvd.  
Honolulu, HI 96850-0053  
808-566-4300  
[www.honolulu.fbi.gov](http://www.honolulu.fbi.gov)

**ILLINOIS**

**FBI Chicago**  
2111 W. Roosevelt Rd.  
Chicago, IL 60608-1128  
312-421-6700  
[www.chicago.fbi.gov](http://www.chicago.fbi.gov)

**FBI Springfield**  
900 E. Linton Ave.  
Springfield, IL 62703  
217-522-9675  
[www.springfield.fbi.gov](http://www.springfield.fbi.gov)

**INDIANA**

**FBI Indianapolis**  
FOB, Room 679  
575 N. Pennsylvania St.  
Indianapolis, IN 46204-1585  
317-639-3301  
[www.indianapolis.fbi.gov](http://www.indianapolis.fbi.gov)

**KENTUCKY**

**FBI Louisville**  
12401 Sycamore Station Place  
Louisville, KY 40299-6198  
502-263-6000  
[www.louisville.fbi.gov](http://www.louisville.fbi.gov)

**LOUISIANA**

**FBI New Orleans**  
2901 Leon C. Simon Dr.  
New Orleans, LA 70126  
504-816-3000  
[www.neworleans.fbi.gov](http://www.neworleans.fbi.gov)

**MARYLAND**

**FBI Baltimore**  
2600 Lord Baltimore Dr.  
Baltimore, MD 21244  
410-265-8080  
[www.baltimore.fbi.gov](http://www.baltimore.fbi.gov)

**MASSACHUSETTS**

**FBI Boston**

One Center Plaza, Suite 600  
Boston, MA 02108  
617-742-5533  
[www.boston.fbi.gov](http://www.boston.fbi.gov)

**MICHIGAN**

**FBI Detroit**

P.V. McNamara FOB, 26th Floor  
477 Michigan Ave.  
Detroit, MI 48226  
313-965-2323  
[www.detroit.fbi.gov](http://www.detroit.fbi.gov)

**MINNESOTA**

**FBI Minneapolis**

111 Washington Ave., South,  
Suite 1100  
Minneapolis, MN 55401-2176  
612-376-3200  
[www.minneapolis.fbi.gov](http://www.minneapolis.fbi.gov)

**MISSISSIPPI**

**FBI Jackson**

1220 Echelon Pkwy.  
Jackson, MS 39213  
601-948-5000  
[www.jackson.fbi.gov](http://www.jackson.fbi.gov)

**MISSOURI**

**FBI Kansas City**

1300 Summit  
Kansas City, MO 64105-1362  
816-512-8200  
[www.kansascity.fbi.gov](http://www.kansascity.fbi.gov)

**FBI St. Louis**

2222 Market St.  
St. Louis, MO 63103-2516  
314-231-4324  
[www.stlouis.fbi.gov](http://www.stlouis.fbi.gov)

**NEBRASKA**

**FBI Omaha**

4411 South 121st Ct.  
Omaha, NE 68137-2112  
402-493-8688  
[www.omaha.fbi.gov](http://www.omaha.fbi.gov)

**NEVADA**

**FBI Las Vegas**

John Lawrence Bailey Building  
1787 W. Lake Mead Blvd.  
Las Vegas, NV 89106-2135  
702-385-1281  
[www.lasvegas.fbi.gov](http://www.lasvegas.fbi.gov)

**NEW JERSEY**

**FBI Newark**

11 Centre Place  
Newark, NJ 07102-9889  
973-792-3000  
[www.newark.fbi.gov](http://www.newark.fbi.gov)

**NEW MEXICO**

**FBI Albuquerque**

4200 Luecking Park Ave. NE  
Albuquerque, NM 87107  
505-889-1300  
[www.albuquerque.fbi.gov](http://www.albuquerque.fbi.gov)

**NEW YORK**

**FBI Albany**

200 McCarty Ave.  
Albany, NY 12209  
518-465-7551  
[www.albany.fbi.gov](http://www.albany.fbi.gov)

**FBI Buffalo**

One FBI Plaza  
Buffalo, NY 14202-2698  
716-856-7800  
[www.buffalo.fbi.gov](http://www.buffalo.fbi.gov)

**FBI New York**

26 Federal Plaza, 23rd Floor  
New York, NY 10278-0004  
212-384-1000  
[www.newyork.fbi.gov](http://www.newyork.fbi.gov)

**NORTH CAROLINA**

**FBI Charlotte**

Wachovia Building, Suite 900  
400 S. Tryon St.  
Charlotte, NC 28285-0001  
704-377-9200  
[www.charlotte.fbi.gov](http://www.charlotte.fbi.gov)

**OHIO**

**FBI Cincinnati**

550 Main St., Room 9000  
Cincinnati, OH 45202-8501  
513-421-4310  
[www.cincinnati.fbi.gov](http://www.cincinnati.fbi.gov)

**FBI Cleveland**

Federal Office Building  
1501 Lakeside Ave.  
Cleveland, OH 44114  
216-522-1400  
[www.cleveland.fbi.gov](http://www.cleveland.fbi.gov)

**OKLAHOMA**

**FBI Oklahoma City**

3301 W. Memorial Dr.  
Oklahoma City, OK 73134  
405-290-7770  
[www.oklahomacity.fbi.gov](http://www.oklahomacity.fbi.gov)

**OREGON**

**FBI Portland**

Crown Plaza Building, Suite 400  
1500 SW 1st Ave.  
Portland, OR 97201-5828  
503-224-4181  
[www.portland.fbi.gov](http://www.portland.fbi.gov)

**PENNSYLVANIA**

**FBI Philadelphia**

William J. Green Jr. FOB, 8th Floor  
600 Arch St.  
Philadelphia, PA 19106  
215-418-4000  
[www.philadelphia.fbi.gov](http://www.philadelphia.fbi.gov)

**FBI Pittsburgh**

3311 E. Carson St.  
Pittsburgh, PA 15203  
412-432-4000  
[www.pittsburgh.fbi.gov](http://www.pittsburgh.fbi.gov)

**SOUTH CAROLINA**

**FBI Columbia**

151 Westpark Blvd.  
Columbia, SC 29210-3857  
803-551-4200  
[www.columbia.fbi.gov](http://www.columbia.fbi.gov)

**TENNESSEE**

**FBI Knoxville**

John J. Duncan FOB, Suite 600  
710 Locust St.  
Knoxville, TN 37902-2537  
865-544-0751  
[www.knoxville.fbi.gov](http://www.knoxville.fbi.gov)

**FBI Memphis**

Eagle Crest Building, Suite 3000  
225 N. Humphreys Blvd.  
Memphis, TN 38120-2107  
901-747-4300  
[www.memphis.fbi.gov](http://www.memphis.fbi.gov)

**TEXAS**

**FBI Dallas**

One Justice Way  
Dallas, TX 75220  
972-559-5000  
[www.dallas.fbi.gov](http://www.dallas.fbi.gov)

### **FBI El Paso**

660 S. Mesa Hills Dr.  
El Paso, TX 79912-5533  
915-832-5000  
[www.elpaso.fbi.gov](http://www.elpaso.fbi.gov)

### **FBI Houston**

1 Justice Park Dr.  
Houston, TX 77092  
713-693-5000  
[www.houston.fbi.gov](http://www.houston.fbi.gov)

### **FBI San Antonio**

5740 University Heights Blvd.  
San Antonio, TX 78249  
210-225-6741  
[www.sanantonio.fbi.gov](http://www.sanantonio.fbi.gov)

### **UTAH**

#### **FBI Salt Lake City**

257 Towers Building, Suite 1200  
257 East, 200 South  
Salt Lake City, UT 84111-2048  
801-579-1400  
[saltlakecity.fbi.gov](http://saltlakecity.fbi.gov)

### **VIRGINIA**

#### **FBI Norfolk**

150 Corporate Blvd.  
Norfolk, VA 23502-4999  
757-455-0100  
[www.norfolk.fbi.gov](http://www.norfolk.fbi.gov)

#### **FBI Richmond**

1970 E. Parham Rd.  
Richmond, VA 23228  
804-261-1044  
[www.richmond.fbi.gov](http://www.richmond.fbi.gov)

For Northern Virginia,  
contact the D.C. Field Office.

### **WASHINGTON**

#### **FBI Seattle**

1110 Third Ave.  
Seattle, WA 98101-2904  
206-622-0460  
[www.seattle.fbi.gov](http://www.seattle.fbi.gov)

### **WISCONSIN**

#### **FBI Milwaukee**

330 E. Kilbourn Ave., Suite 600  
Milwaukee, WI 53202-6627  
414-276-4684  
[www.milwaukee.fbi.gov](http://www.milwaukee.fbi.gov)

## **STATE ATTORNEYS GENERAL**

### **ALABAMA**

Luther Strange  
501 Washington Ave.  
Montgomery, AL 36130  
334-242-7300  
[www.ago.alabama.gov](http://www.ago.alabama.gov)

### **ALASKA**

John Burns  
Diamond Courthouse  
P.O. Box 110300  
Juneau, AK 99811-0300  
907-465-3600  
[www.law.state.ak.us](http://www.law.state.ak.us)

### **ARIZONA**

Tom Horne  
1275 W. Washington St.  
Phoenix, AZ 85007  
602-542-4266  
[www.azag.gov](http://www.azag.gov)

### **ARKANSAS**

Dustin McDaniel  
200 Tower Building  
323 Center St.  
Little Rock, AR 72201-2610  
800-482-8982  
[www.ag.arkansas.gov](http://www.ag.arkansas.gov)

### **CALIFORNIA**

Kamala Harris  
1300 I St., Suite 1740  
Sacramento, CA 95814  
916-445-9555  
[www.ag.ca.gov](http://www.ag.ca.gov)

### **COLORADO**

John Suthers  
1525 Sherman St.  
Denver, CO 80203  
303-866-4500  
[www.ago.state.co.us/index.cfm](http://www.ago.state.co.us/index.cfm)

### **CONNECTICUT**

George Jepsen  
55 Elm St.  
Hartford, CT 06141-0120  
860-808-5318  
[www.ct.gov/ag](http://www.ct.gov/ag)

### **DELAWARE**

Joseph R. "Beau" Biden III  
Carvel State Office Building  
820 N. French St.  
Wilmington, DE 19801  
302-577-8338  
[www.attorneygeneral.delaware.gov](http://www.attorneygeneral.delaware.gov)

### **DISTRICT OF COLUMBIA**

Irvin Nathan  
John A. Wilson Building, Suite 409  
1350 Pennsylvania Ave., NW  
Washington, DC 20009  
202-727-3400  
[www.occ.dc.gov](http://www.occ.dc.gov)

### **FLORIDA**

Pam Bondi  
The Capitol, PL 01  
Tallahassee, FL 32399-1050  
850-414-3300  
[www.myfloridalegal.com](http://www.myfloridalegal.com)

### **GEORGIA**

Sam Olens  
40 Capitol Square, SW  
Atlanta, GA 30334-1300  
404-656-3300  
[law.ga.gov](http://law.ga.gov)

### **HAWAII**

David Louie  
425 Queen St.  
Honolulu, HI 96813  
808-586-1500  
[www.hawaii.gov/ag](http://www.hawaii.gov/ag)

### **IDAHO**

Lawrence Wasden  
Statehouse  
Boise, ID 83720-1000  
208-334-2400  
[www2.state.id.us/ag](http://www2.state.id.us/ag)

### **ILLINOIS**

Lisa Madigan  
James R. Thompson Center  
100 W. Randolph St.  
Chicago, IL 60601  
312-814-3000  
[www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov)

### **INDIANA**

Greg Zoeller  
Indiana Government Center South,  
5th Floor  
302 W. Washington St.  
Indianapolis, IN 46204  
317-232-6201  
[www.in.gov/attorneygeneral](http://www.in.gov/attorneygeneral)

### **IOWA**

Tom Miller  
Hoover State Office Building  
1305 E. Walnut  
Des Moines, IA 50319  
515-281-5164  
[www.iowaAttorneyGeneral.org](http://www.iowaAttorneyGeneral.org)

**KANSAS**

Derek Schmidt  
120 SW 10th Ave., 2nd Floor  
Topeka, KS 66612-1597  
785-296-2215  
[www.ksag.org/home](http://www.ksag.org/home)

**KENTUCKY**

Jack Conway  
Capitol Building, Suite 118  
700 Capitol Ave.  
Frankfort, KY 40601  
502-696-5300  
[www.ag.ky.gov](http://www.ag.ky.gov)

**LOUISIANA**

James D. "Buddy" Caldwell  
P.O. Box 94095  
Baton Rouge, LA 70804-4095  
225-326-6000  
[www.ag.state.la.us](http://www.ag.state.la.us)

**MAINE**

William Schneider  
State House Station 6  
Augusta, ME 04333  
207-626-8800  
[www.maine.gov/ag](http://www.maine.gov/ag)

**MARYLAND**

Douglas F. Gansler  
200 St. Paul Place  
Baltimore, MD 21202-2202  
410-576-6300  
[www.oag.state.md.us](http://www.oag.state.md.us)

**MASSACHUSETTS**

Martha Coakley  
1 Ashburton Place  
Boston, MA 02108-1698  
617-727-2200  
[www.mass.gov/ago](http://www.mass.gov/ago)

**MICHIGAN**

Bill Schuette  
525 W. Ottawa St.  
P.O. Box 30212  
Lansing, MI 48909-0212  
517-373-1110  
[www.michigan.gov/ag](http://www.michigan.gov/ag)

**MINNESOTA**

Lori Swanson  
State Capitol, Suite 102  
St. Paul, MN 55155  
651-296-3353  
[www.ag.state.mn.us](http://www.ag.state.mn.us)

**MISSISSIPPI**

Jim Hood  
Department of Justice  
P.O. Box 220  
Jackson, MS 37205-0220  
601-359-3680  
[www.ago.state.ms.us](http://www.ago.state.ms.us)

**MISSOURI**

Chris Koster  
Supreme Court Building  
207 W. High St.  
Jefferson City, MO 65101  
573-751-3321  
[www.ago.mo.gov](http://www.ago.mo.gov)

**MONTANA**

Steve Bullock  
Justice Building  
215 N. Sanders  
Helena, MT 59620-1401  
406-444-2026  
[www.doj.mt.gov](http://www.doj.mt.gov)

**NEBRASKA**

Jon Bruning  
State Capitol  
P.O. Box 98920  
Lincoln, NE 68509-8920  
402-471-2682  
[www.ago.state.ne.us](http://www.ago.state.ne.us)

**NEVADA**

Catherine Cortez Mastro  
Old Supreme Court Building  
100 N. Carson St.  
Carson City, NV 89701  
775-684-1100  
[www.ag.state.nv.us](http://www.ag.state.nv.us)

**NEW HAMPSHIRE**

Michael Delaney  
State House Annex  
33 Capitol St.  
Concord, NH 03301-6397  
603-271-3658  
[www.state.nh.us/nhdoj](http://www.state.nh.us/nhdoj)

**NEW JERSEY**

Paula T. Dow  
Richard J. Hughes Justice Complex,  
25 Market St.  
P.O. Box 080  
Trenton, NJ 08625  
609-292-8740  
[www.state.nj.us/lps](http://www.state.nj.us/lps)

**NEW MEXICO**

Gary King  
P.O. Drawer 1508  
Sante Fe, NM 87504-1508  
505-827-6000  
[www.nmag.gov](http://www.nmag.gov)

**NEW YORK**

Eric Schneiderman  
Department of Law –  
The Capitol, 2nd Floor  
Albany, NY 12224  
518-474-7330  
[www.ag.ny.gov](http://www.ag.ny.gov)

**NORTH CAROLINA**

Roy Cooper  
Department of Justice  
P.O. Box 629  
Raleigh, NC 27602-0629  
919-716-6400  
[www.ncdoj.gov](http://www.ncdoj.gov)

**NORTH DAKOTA**

Wayne Stenehiem  
State Capitol  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0040  
701-328-2210  
[www.ag.state.nd.us](http://www.ag.state.nd.us)

**OHIO**

Mike Dewine  
State Office Tower  
30 E. Broad St.  
Columbus, OH 43266-0410  
614-466-4320  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

**OKLAHOMA**

Scott Pruitt  
313 NE 21st St.  
Oklahoma City, OK 73105  
405-521-3921  
[www.oag.state.ok.us](http://www.oag.state.ok.us)

**OREGON**

John Kroger  
Justice Building  
1162 Court St., NE  
Salem, OR 97301  
503-378-4732  
[www.doj.state.or.us](http://www.doj.state.or.us)

**PENNSYLVANIA**

William H. Ryan, Jr.  
1600 Strawberry Square  
Harrisburg, PA 17120  
717-787-3391  
[www.attorneygeneral.gov](http://www.attorneygeneral.gov)

#### **RHODE ISLAND**

Peter Kilmartin  
150 S. Main St.  
Providence, RI 02903  
401-274-4400  
[www.riag.state.ri.us](http://www.riag.state.ri.us)

#### **SOUTH CAROLINA**

Alan Wilson  
Rembert C. Dennis Office Bldg.  
P.O. Box 11549  
Columbia, SC 29211-1549  
803-734-3970  
[www.scattorneygeneral.org](http://www.scattorneygeneral.org)

#### **SOUTH DAKOTA**

Marty J. Jackley  
1302 E. Highway 14, Suite 1  
Pierre, SD 57501-8501  
605-773-3215  
[www.state.sd.us/attorney](http://www.state.sd.us/attorney)

#### **TENNESSEE**

Robert E. Cooper, Jr.  
425 5th Ave. North  
Nashville, TN 37243  
615-741-3491  
[www.tn.gov/attorneygeneral](http://www.tn.gov/attorneygeneral)

#### **TEXAS**

Greg Abbott  
Capitol Station  
P.O. Box 12548  
Austin, TX 78711-2548  
512-463-2100  
[www.oag.state.tx.us](http://www.oag.state.tx.us)

#### **UTAH**

Mark Shurtleff  
State Capitol, Room 236  
Salt Lake City, UT 84114-0810  
801-538-9600  
[www.attorneygeneral.utah.gov](http://www.attorneygeneral.utah.gov)

#### **VERMONT**

William H. Sorrell  
109 State St.  
Montpelier, VT 05609-1001  
802-828-3173  
[www.atg.state.vt.us](http://www.atg.state.vt.us)

#### **VIRGINIA**

Ken Cuccinelli  
900 E. Main St.  
Richmond, VA 23219  
804-786-2071  
[www.oag.state.va.us](http://www.oag.state.va.us)

#### **WASHINGTON**

Rob McKenna  
1125 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504-0100  
360-753-6200  
[www.atg.wa.gov](http://www.atg.wa.gov)

#### **WEST VIRGINIA**

Darrell V. McGraw Jr.  
State Capitol  
1900 Kanawha Blvd.  
E. Charleston, WV 25305  
304-558-2021  
[www.wvago.gov](http://www.wvago.gov)

#### **WISCONSIN**

J.B. Van Hollen  
State Capitol, Suite 114 E  
P.O. Box 7857  
Madison, WI 53707-7857  
608-266-1221  
[www.doj.state.wi.us](http://www.doj.state.wi.us)

#### **WYOMING**

Greg Phillips  
State Capitol Building  
Cheyenne, WY 82002  
307-777-7841  
[www.attorneygeneral.state.wy.us](http://www.attorneygeneral.state.wy.us)

### **NATIONAL LGBT RESOURCES**

#### **The American Civil Liberties Union (ACLU)**

Lesbian and Gay Rights Project  
125 Broad St.  
New York, NY 10004  
212-549-2627  
[www.aclu.org/lgbt-rights](http://www.aclu.org/lgbt-rights)

#### **Lambda Legal**

120 Wall St., Suite 1500  
New York, NY 10005-3904  
212-809-8585  
[www.lambdalegal.org](http://www.lambdalegal.org)

### **STATE LGBT RESOURCES**

Following is a list of participating programs within the National Coalition of Anti-Violence Programs ([www.avp.org/ncavp.htm](http://www.avp.org/ncavp.htm)), a group of organizations that document hate crimes based on sexual orientation, gender identity and/or HIV status. They also provide victim assistance and work to end such crimes in their communities.

#### **ARIZONA**

##### **Wingspan Anti-Violence Project**

425 E. 7th St.  
Tucson, AZ 85705  
520-624-0348  
800-553-9387  
[wingspan@wingspan.org](mailto:wingspan@wingspan.org)  
[www.wingspan.org](http://www.wingspan.org)

#### **ARKANSAS**

##### **Women's Project/ Projecto Mujeres**

2224 Main St.  
Little Rock, AR 72206  
501-374-4090  
Hotline: 501-372-5113  
[www.womens-project.org](http://www.womens-project.org)

#### **CALIFORNIA**

Community United Against Violence  
170 A Capp St.  
San Francisco, CA 94110  
415-777-5500  
Hotline: 415-333-HELP  
[www.cuav.org](http://www.cuav.org)

##### **Los Angeles Gay & Lesbian Center/Anti-Violence Project**

1625 North Schrader Blvd.  
Los Angeles, CA 90028  
Hotline: 800-373-2227  
Hotline Spanish: 877-963-4666 (Odiono)  
Fax: 323-993-7653  
[avp@lagaycenter.org](mailto:avp@lagaycenter.org)  
[www.lagaycenter.org](http://www.lagaycenter.org)

##### **LA Gay & Lesbian Center/ STOP Partner Abuse/ Domestic Violence Program**

1625 North Schrader Blvd.  
Los Angeles, CA 90028  
Hotline: 323-860-5806  
[domesticviolence@lagaycenter.org](mailto:domesticviolence@lagaycenter.org)  
[www.lagaycenter.org/  
domesticviolence](http://www.lagaycenter.org/domesticviolence)

**COLORADO**

**Colorado Anti-Violence Program**

P.O. Box 181085  
Denver, CO 80218  
888-557-4441  
303-839-5204  
Hotline: 303/852-5094  
info@coavp.org  
[www.coavp.org](http://www.coavp.org)

**DISTRICT OF COLUMBIA**

**Gays and Lesbians Opposing Violence (GLOV)**

The DC Center for the LGBT Community  
1318 U St., NW  
Washington, DC 20009  
202-682-2245  
info@glovdc.org  
[www.thedccenter.org/programs\\_glov.html](http://www.thedccenter.org/programs_glov.html)

**WEAVE Incorporated, Anti-Violence Project**

1111 16 St., NW, Suite 200  
Washington, DC 20036  
202-452-9550  
Fax: 202-452-8255  
morgan@weaveincorp.org  
[weaveincorp.org](http://weaveincorp.org)

**ILLINOIS**

**Center on Halsted Anti-Violence Project**

3656 N. Halsted  
Chicago, IL 60613  
773-871-2273  
[www.centeronhalsted.org](http://www.centeronhalsted.org)

**MASSACHUSETTS**

**Fenway Community Health Center Violence Recovery Program**

7 Haviland St.  
Boston, MA 02115  
800-834-3242 (M–F, 9 a.m. – 5 p.m.)  
Intake Line: 617-927-6250  
Vrp@fenwayhealth.org  
[www.fenwayhealth.org](http://www.fenwayhealth.org)

**The Network/La Red**

P.O. Box 6011  
Boston, MA 02114  
617-695-0877  
Hotline: 617-338-7233  
English/Spanish Hotline: 617-423-7233  
Fax: 617-423-5651  
info@thenetworklared.org  
[www.thenetworklared.org](http://www.thenetworklared.org)

**MICHIGAN**

**The Triangle Foundation**

19641 W. Seven Mile Rd.  
Detroit, MI 48219-2721  
313-537-7000  
877-787-4264  
report@tri.org  
[www.tri.org](http://www.tri.org)

**MINNESOTA**

**Out Front Minnesota**

310 E. 38 St., Suite 204  
Minneapolis, MN 55409  
800-800-0350  
Domestic Violence Hotline:  
612-824-8434  
Anti-Violence Program Hotline:  
612-822-0127 x210  
info@outfront.org  
[www.outfront.org](http://www.outfront.org)

**MISSOURI**

**Kansas City Anti-Violence Project**

P.O. Box 411211  
Kansas City, MO 64141  
816-561-0550 (M–F, 9 a.m. – 5 p.m.)  
info@kcavp.org  
[www.kcavp.org](http://www.kcavp.org)

**St. Louis Anti-Violence Project**

P.O. Box 15067  
St. Louis, MO 63110  
314-503-2050  
anti-violence@sbcglobal.net  
[www.stlouisantiviolence.org](http://www.stlouisantiviolence.org)

**NEW YORK**

**Gay Alliance of the Genesee Valley (GAGV) Anti-Violence Project**

875 E. Main St., Suite 500  
Rochester, NY 14605  
585-244-8640 (M–F, 9 a.m. – 5 p.m.)  
avp@gagv.us  
[www.gayalliance.org](http://www.gayalliance.org)

**In Our Own Voices**

245 Lark Street  
Albany, NY 12210  
518-432-4188  
Hotline: 518-432-4341  
[www.inourownvoices.org](http://www.inourownvoices.org)

**Long Island Gay and Lesbian Youth**

34 Park Ave.  
Bayshore, NY 11706  
631-665-2300  
631-665-7874  
info@ligaly.org  
[www.ligaly.org](http://www.ligaly.org)

**New York City Anti-Violence Project**

240 W. 35th St., Suite 200  
New York, NY 10001  
212-714-1184  
Hotline: 212-714-1141 (also in Spanish)  
TTY Hotline: 212-714-1134  
Fax: 212-714-2627  
clientservices@avp.org  
[www.avp.org](http://www.avp.org)

**OHIO**

**Buckeye Region Anti-Violence Organization (BAVO)**

P.O. Box 82068  
Columbus, OH 43202  
614-294-7867  
866-86-BRAVO  
[www.bravo-ohio.org](http://www.bravo-ohio.org)

**National Leather Association – International Domestic Violence Project**

P.O. Box 423  
Blacklick, OH 43004  
OutreachCoordinator@nlaiddvproject.us  
[www.nlaiddvproject.us](http://www.nlaiddvproject.us)

**PENNSYLVANIA**

**Equality Advocates Pennsylvania**

1211 Chestnut St., 6th Floor  
Philadelphia, PA 19107  
215-731-1447 x15  
866-LGBT-LAW  
(available within Pennsylvania only)  
[www.center4civilrights.org](http://www.center4civilrights.org)

**RHODE ISLAND**

**Sojourner House**

386 Smith St.  
Providence, RI 02908  
Providence Crisis Hotline:  
401-658-4334  
Northern R.I. Crisis Hotline:  
401-658-3232  
[www.sojourner-house.org](http://www.sojourner-house.org)

**TEXAS**

**Montrose Counseling Center, Inc.**

401 Branard, 2nd Floor  
Houston, TX 77006  
713-529-0037  
800-699-0504  
Hotline: 713-529-3211  
Youth Line: 713-529-3590  
Fax: 713-526-4367  
avp@montrosecounselingcenter.org  
[www.montrosecounselingcenter.org](http://www.montrosecounselingcenter.org)

**Project Get the Word OUT!**

501 N. Kansas, Suite 203  
El Paso, TX 79901  
915-626-5292  
[www.freewebs.com/thewordout](http://www.freewebs.com/thewordout)

**Resource Center of Dallas  
Family Violence Program**

P.O. Box 190869  
Dallas, TX 75219  
214-540-4455  
Fax: 214-522-4604  
[info@rcdallas.org](mailto:info@rcdallas.org)  
[www.rcdallas.org](http://www.rcdallas.org)

**VERMONT**

**Safe Space Queer Community Center**

P.O. Box 5883  
Burlington, VT 05402  
802-863-0003  
866-869-7341  
[safespace@ru12.org](mailto:safespace@ru12.org)  
[www.SafeSpaceVT.org](http://www.SafeSpaceVT.org)

**VIRGINIA**

**Equality Virginia, Anti-Violence Project**

403 N. Robinson St.  
Richmond, VA 23220  
804-643-4816  
Fax: 804-643-1552  
[quillin\\_drew@equalityvirginia.org](mailto:quillin_drew@equalityvirginia.org)  
[www.equalityvirginia.org/avp](http://www.equalityvirginia.org/avp)

**WASHINGTON**

**The Northwest Network of Bisexual,  
Trans, Lesbian, & Gay Survivors of Abuse**

P.O. Box 20398  
Seattle, WA 98102  
206-325-2601  
206-568-7777  
TTY Hotline: 206-517-9670  
[info@nwnetwork.org](mailto:info@nwnetwork.org)  
[www.nwnetwork.org](http://www.nwnetwork.org)

**WISCONSIN**

**FORGE Transgender Survivor Project**

P.O. Box 1272  
Milwaukee, WI 53201  
414-559-2123  
[sv@forge-forward.org](mailto:sv@forge-forward.org)  
[www.forge-forward.org](http://www.forge-forward.org)

**Milwaukee LGBT Community Center**

315 W. Court St.  
Milwaukee, WI 53212  
414-271-2656  
(For AVP Program, dial x.111)  
[sv@forge-forward.org](mailto:sv@forge-forward.org)  
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## About the Authors

**Sarah Warbelow** is Legal Director for the Human Rights Campaign. Warbelow leads HRC's team of lawyers and fellows focused on federal, state, and municipal policy. She also coordinates HRC's advocacy efforts as *amicus curiae* ("friend of the court") in litigation affecting the lesbian, gay, bisexual and transgender community. Warbelow joined the organization in 2008, and previously served as state legislative director, working with state and local legislators and lesbian, gay, bisexual and transgender advocacy organizations in pursuing their LGBT-related legislative priorities.

Warbelow holds bachelor's degrees in Social Relations and Women's Studies from James Madison College at Michigan State University, and a master's in Public Policy and a Juris Doctor from the University of Michigan. She is an affiliated professor at The George Washington University, George Mason Law School and Georgetown Public Policy Institute, where she teaches courses in civil rights law and policy.

**Ty Cobb** serves as Director of Global Engagement at the Human Rights Campaign, working to advance equality for LGBT people around the world. Cobb oversees HRC's work strengthen the global equality movement. Much of his work focuses on collaborating with international LGBT organizations and leaders; exposing U.S. individuals and organizations exporting homophobia and transphobia abroad; and ensuring that the U.S. government is fulfilling its commitment to support the human rights of LGBT people across the globe. Previously, Cobb served as legislative counsel. Cobb joined HRC after serving as counsel to Sen. Edward M. Kennedy on the Health, Education, Labor and Pensions Committee of the U.S. Senate. As counsel to the Senator, Cobb did extensive work in support of passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Cobb received bachelor's degrees from the Business Honors Program and American Studies Department of the University of Texas at Austin and his Juris Doctor from the University of Texas School of Law.

**Remington Gregg** serves as Legislative Counsel at the Human Rights Campaign, principally counseling the organization on federal legal and policy issues related to education, the military, veterans, immigration, foreign affairs, domestic violence, and hate crimes.

Prior to joining in 2013, Gregg was Associate Counsel and Advisor for Open Government in the White House Office of Science and Technology Policy, advising on a range of legal and policy issues related to science, technology, and national security, and reducing legal and regulatory burdens to create a more open and accountable government. He has also worked on civil rights litigation and policy with the American Civil Liberties Union and NAACP Legal Defense Fund. Gregg graduated from Binghamton University (State University of New York) and New York Law School.

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