

### Hate Crimes Legislation Package

In the near future, I intend on introducing a package of legislation intended to address hate crimes and ethnic intimidation in Pennsylvania.

Incidents like the Tree of Life shooting in Pittsburgh and the desecration of a Jewish cemetery in Philadelphia have brought hate crime incidents close to home. According to statistics from the U.S. Department of Justice, in 2017, 8,437 hate crime offenses were reported across the nation. The 2017 hate crime offenses represents a 17% increase in reported hate crimes. A May 2018 Report to the Nation from the Center for Study of Hate & Extremism at the California State University, San Bernardino found that hate crimes reported to police in America's ten largest cities rose for the fourth consecutive year. That same report found that Philadelphia ranked in the top ten of largest cities that saw significant increases in the number of reported hate crimes between 2010 – 2017.

The Tree of Life tragedy shone a light on the shortcomings in Pennsylvania law relating to hate crimes and ethnic intimidation. Unfortunately, the Tree of Life incident is not the first and may not be the last crime committed in the Commonwealth fueled by hate. After reviewing current laws and talking to various state and local agencies, many deficiencies in our state statutes have been identified.

The following is a package of legislation will improve enforcement of our hate crimes statute and to provide victims additional relief.

### Providing the Attorney General with Concurrent Jurisdiction in Crimes Involving Ethnic Intimidation

This legislation will amend the Commonwealth Attorneys Act to allow the Attorney General to investigate violations of the Pennsylvania Human Relations Act and to provide the Attorney General with concurrent jurisdiction in crimes involving ethnic intimidation.

The Commonwealth Attorneys Act would be amended to allow the Attorney General to investigate violations of the Pennsylvania Human Relations Act and would provide the Attorney General with concurrent criminal jurisdiction for violations of the ethnic intimidation statute. Additionally, the statute would be amended to allow a district attorney who lacks resources to conduct an adequate investigation to require technical, forensic, prosecutorial or any other form of assistance from the Attorney General.

### Requirement for Hate Crimes Offenders to Complete Diversity Classes and Allowing Community Impact Statements

This legislation will require an individual convicted of ethnic intimidation to perform community service or complete educational classes relating to the motivating factor of the individual's hatred as part of the individual's sentence and allow a representative of an affected community to submit a community impact statement prior to the imposition of a sentence.

The legislation would require, as a condition of probation or parole, an individual who is convicted of ethnic intimidation to perform community service or complete educational classes relating to the motivating factor of the underlying crime. For example, an individual convicted of ethnic intimidation against an individual who is Jewish would be required to take educational classes relating to Judaism.

Additionally, the legislation would allow a representative of a community group to submit a community impact statement prior to sentencing. The community impact statement would be similar to victim impact statements that are submitted by a victim of a crime prior to the sentencing of a perpetrator. Please join in sponsoring this legislation.

#### MPOETC Training on Investigating, Identifying and Reporting Crimes of Ethnic Intimidation

This legislation will provide additional responsibilities to the Municipal Police Officers' Education and Training Commission (MPOETC) to provide training for police officers in investigating, identifying and reporting crimes of ethnic intimidation.

Under the Uniform Crime Reporting Law, state, county and local law enforcement agencies are required to report statistical information related to the number and nature of offenses occurring within their jurisdiction and disposition of those offenses to the Pennsylvania State Police (PSP) Uniform Crime Reporting (UCR) Program. According to PSP's UCR website, since the start of 2018, there have been 54 ethnic intimidation crimes reported. In 2017, a total of 87 ethnic intimidation crimes were reported.

After speaking with PSP regarding the number of ethnic intimidation crimes reported, it became clear ethnic intimidation cases are often reported at a lower number due to a lack of resources or because law enforcement agencies are untrained in recognizing and charging ethnic intimidation crimes. Under this legislation, MPOETC will be required to train all law enforcement agencies under its jurisdiction on how to investigate, identify and report offenses based on race, color, religion, ancestry, national origin, gender, sexual orientation, sexual identity, age or disability of the victim.

#### Private Right of Action for Civil Rights Violation

This legislation will create a private right of action for civil rights violations.

This legislation would strengthen our existing civil rights redress provisions. Under this legislation, all persons in the Commonwealth shall have the right to be free from crimes motivated by hate. A person who is subject to a crime motivated by hate will be able to recover damages, injunctive and other equitable relief, or any relief deemed appropriate by a court.

#### Reporting System for Postsecondary Institutions

A few years ago a Pennsylvania college student was ordered to stand trial on a refiled charge of ethnic intimidation for allegedly harassing an Indian student. According to campus police, the student followed, harassed and threatened another student because he believed he was of Asian or Middle Eastern descent.

This is not an isolated case. This case represents the continuation of a trend for campus hate crimes, first observed in 2016, when such crimes across all colleges increased by 25 percent compared with the year before, according to data collected from thousands of institutions by the U.S. Department of Education.

College can be a remarkably formative experience for young people. While attending college, students are often shaping their sense of self and crystallizing their worldview. They're navigating their identity

across multiple domains of race, gender, religion, spirituality, and heritage. In many cases, they're also being exposed to new cultures and identities that they may not have previously been exposed to.

According to the Southern Poverty Law Center, hate groups are specifically "targeting college campuses" where "you're dealing with people who may be just starting to form their ideas about the world." Tracking the number of such acts can be difficult because many hate crimes go unreported and not all hate-bias rises to the level of a crime. This, coupled with their increased prevalence on college campuses, has prompted my legislation.

My legislation would require postsecondary institutions to offer online and anonymous reporting options for students and employees. Anonymous online reporting alerts campus police of a possible hate crime while at the same time serving as an early point of contact, when a victim can learn about the steps required to file a formal report.

Allowing victims the opportunity to easily and conveniently file a report from will help increase the likelihood that these crimes will be reported, thus protecting others from harm.

As lawmakers, it's on us to ensure that Pennsylvania's campuses are safe, and that the system for reporting these crimes is conducive to justice and healing.

#### Hate Groups Database

There is now a record 1,020 hate groups in the United States, a number that has increased by 30 percent since 2014. Even more alarming, there were over 160 extremist incidents in Pennsylvania in 2017-2018, including the tragic Tree of Life Synagogue mass shooting.

Until now, little has been done in our state to address hate groups. This legislation would give the Attorney General the power to track hate group activity across the state in an information database system, allowing for better protection of our constituents, the marginalized, and other communities that are often the primary targets of hate. The information in the database would only be accessible by law enforcement agencies across the state, to better inform them of the hate group activity in their region.

The Attorney General would also establish a hate group unit that would investigate alleged perpetrators of hate crimes. In addition, the Attorney General would have the authority to investigate local hate groups and hate crime activity in cases when the local district attorney refuses.

Hate groups hold prejudices that attack our democratic values and fracture our society. While we proudly respect the right to free speech, we must also protect the life, liberty, and pursuit of happiness for all Pennsylvanians. Hateful ideologies have already taken the lives of too many people in our state. Please join me in helping to create a proactive solution to prevent this from ever happening again.