



Local Law Enforcement Hate Crime Prevention Act of 2007

Support
legislation
to strengthen
existing

Senate Sponsors:

Sen. Kennedy (D-MA)
Sen. Smith (R-OR)

House Sponsors:

Rep. Conyers (D-MI)
Rep. Kirk (R-IL)
Rep. Frank (D-MA)
Rep. Shays (R-CT)
Rep. Ros-Lehtinen (R-FL)
Rep. Nadler (D-NY)
Rep. Bono (R-CA)

BACKGROUND

This legislation would strengthen existing federal hate crime laws in two ways:

1. The bill would eliminate a serious limitation on federal involvement under existing law – the requirement that a victim of a bias-motivated crime was attacked because he/she was engaged in a specified federally-protected activity, such as serving on a jury or attending public school.
2. Current law, 18 U.S.C. Sec. 245, authorizes federal involvement only in those cases in which the victim was targeted because of race, color, religion, or national origin. The LLEHCPA would also authorize the Department of Justice to investigate and prosecute certain bias-motivated crimes based on the victim's actual or perceived sexual orientation, gender, gender identity, or disability. Current federal law does not provide authority for involvement in these four categories of cases at all.

RECENT ACTION

This measure has repeatedly attracted majority, bipartisan support in both the House and the Senate:

- **House of Representatives** In the 110th Congress, the House of Representatives approved HR 1592, the Local Law Enforcement Hate Crime Prevention Act, by a vote of [237-180](#) on May 3, 2007.
- **Senate** The Senate bill is S. 1105, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act. The text of this legislation was added as an amendment to the Department of Defense Authorization legislation on September 27. The key vote, 60-39, was on a motion to [limit debate](#) on the bill, as policy opponents tried to kill the measure through the use of a filibuster. Unfortunately, inclusion of the hate crimes provisions in the final version of the bill fell victim in the Senate-House Conference Committee to challenges from ideological opponents of hate crimes, as well as unrelated concerns regarding Iraq-related provisions of the Defense Department policy bill. Facing a veto threat by President Bush and united opposition from House Republicans, House Democratic leaders concluded that the Defense measure lacked sufficient support if the hate crimes provision was included – and the provision was pulled from the conference report.

Supporters will continue to look for opportunities to move the legislation in the remainder of the 110th Congress and, if necessary, will work to enact this measure with increased support from the 111th Congress and a new President.

LAW ENFORCEMENT SUPPORT

The measure also enjoys the support of over 290 civil rights, professional, civic, and religious groups, twenty-six state Attorneys General, former US Attorney General Dick Thornburgh, and virtually every major national law enforcement organizations in America, including:

- Federal Law Enforcement Officers Association
- Hispanic American Police Command Officers Association
- Hispanic National Law Enforcement Association
- International Association of Chiefs of Police
- International Brotherhood of Police Officers
- Major Cities Chiefs Association
- National Asian Peace Officers Association
- National Black Police Association
- National Center for Women & Policing
- National Coalition of Public Safety Officers
- National District Attorneys Association



- National Latino Police Officers Association
- National Organization of Black Law Enforcement Executives
- National Sheriffs' Association
- Police Executive Research Forum
- Police Foundation

TALKING POINTS FOR MEMBERS

- The federal government must have jurisdiction to address bias-motivated crimes in states in which current law is inadequate. Currently, only thirty-one states and the District of Columbia include sexual orientation-based crimes in their hate crimes statutes; only twenty-seven states and the District of Columbia include coverage of gender-based crimes; only ten states include coverage of gender identity-based crimes, and only thirty-one states and the District of Columbia include coverage for disability-based crimes.
- This measure would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support – through training or direct assistance – will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation would also facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.
- Passage of a federal law would increase public education and awareness, and encourage Americans to report hate crimes. The federal government must demonstrate its resolve to deal with violence based on prejudice.
- Bias-motivated crimes merit a priority response because of their special impact on the victims. These crimes – designed to intimidate whole communities on the basis of personal and immutable characteristics – can spark widespread neighborhood conflicts and damage the fabric of our society.
- State and local authorities investigate and prosecute the overwhelming majority of hate crime cases – and the federal government can be expected to continue to defer to state authorities under the LLEEA, as well. Since 1991, for example, the FBI has documented over 114,000 hate crimes. During that period, however, the Justice Department has brought fewer than 100 cases under 18 U.S.C. Sec. 245.
- For more information see: www.unitedagainsthate.net and <http://www.fbi.gov/ucr/hc2006/index.html>.

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