

Talking Points: The Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA)/Matthew Shepard Act

Key Messages

- A hate crime or bias-motivated crime occurs when the perpetrator of the crime intentionally selects the victim because of *who the victim is*. Bias-motivated crime affects not only the victim and his or her family but an entire community or category of people and their families.
- Hate crimes are a real and pervasive problem. Hate crimes are underreported – especially those based on sexual orientation, which are often underreported or not reported at all. Even so, over 100,000 hate crimes have been reported since 1991, and more than 16% of hate crimes reported in 2007 were based on sexual orientation.
- Federal legislation is necessary to ensure all citizens are safe from hate violence.
 - Only 11 states and the District of Columbia have hate crimes laws that cover *both* sexual orientation and gender identity.
 - 31 states have hate crimes laws that cover for sexual orientation but *not* gender identity.
- The LLEHCPA is a carefully crafted measure that provides resources to state and local governments for the investigation and prosecution of bias-motivated, violent crimes based on sexual orientation, gender identity, gender and disability. The bill also ensures a federal backstop to assist local law enforcement in the investigation and prosecution of violent, bias-motivated crimes.

Americans Support Hate Crimes Legislation

- Polls have consistently demonstrated broad public support for hate crimes legislation. A 2007 Gallup poll showed that 68% of Americans favored expanding federal hate crimes laws to include sexual orientation and gender identity. A 2007 Hart Research poll showed large majorities of every major subgroup of the electorate – including such traditionally conservative groups as Republican men (56%) and evangelical Christians (63%) – expressed support for strengthening hate crimes laws to include sexual orientation and gender identity.
- This legislation is endorsed by over 280 law enforcement, civil rights, civic and religious organizations, including: the National Sheriffs' Association, International Association of Chiefs of Police, National District Attorneys Association, Presbyterian Church, Episcopal Church, National Association for the Advancement of Colored People, Young Women's Christian Association and National Disability Rights Network.

Responses to the Opposition

- Hate crimes legislation does not violate free speech or endanger First Amendment protections. The LLEHCPA only punishes violent crimes, not a person's speech, beliefs or thoughts.
 - The text of the legislation is explicit about this. In order to be classified as a hate crime under this legislation, a crime must involve "death or serious bodily injury" motivated by bias or by attempting to cause bodily injury to a person through the use of fire, a firearm or an explosive or incendiary device.

- Ministers will not be held liable for hate crimes based on preaching anti-gay sermons. Nothing in this act would prohibit the lawful expression of one's deeply held religious beliefs.
 - The First Amendment protects a preacher from being charged as an accessory to a hate crime simply because of his or her speech. A person's speech can only lead to criminal liability if it is both *directed* to incite a criminal act and *likely* to incite such an act.
- Hate crimes laws that afford for sexual orientation and gender identity protection are not designed to give certain people special protection. These laws do not discriminate – they protect *all* victims of bias, i.e. all races, all religions, all sexual orientations, etc.
- Hate crimes *are* different from other crime. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victims and their families, but the intentional selection and beating or murder of an individual *because of who they are* terrorizes an entire community and sometimes the nation.