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HOUSE JOINT RESOLUTION NO. 85

Offered January 10, 2018

Prefiled January 9, 2018

Directing the Virginia State Crime Commission to study the prevalence of hate crimes in the Commonwealth and the adequacy of the current provisions in the Code of Virginia in addressing such crimes in comparison with the laws of other states across the nation. Report.

Patrons—Plum, Boysko, Hope, Krizek, Levine, Simon, Sullivan, Turpin and Tyler; Senator: Ebbin

Referred to Committee on Rules

WHEREAS, the United States Supreme Court in *Wisconsin v. Mitchell*, 113 S. Ct. 2194 (1993), reasoned that the state has a valid desire to combat bias-motivated crimes through stricter penalties for such crimes because bias-motivated crimes are more likely to "provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest"; and

WHEREAS, the 2016 Hate Crime Statistics Report published by the Federal Bureau of Investigation (FBI) states that 150 hate crimes against persons were reported in the Commonwealth in 2016; and

WHEREAS, the FBI collects data on offenses that were motivated by bias against race, ethnicity, ancestry, religion, sexual orientation, disability, gender, and gender identity, but the Virginia State Police reports data only on offenses that were motivated by race, religion, or national origin, and the Code of Virginia has enhanced penalties only for certain criminal offenses motivated by race, religious conviction, color, or national origin; and

WHEREAS, in recent years legislation has been introduced that would expand the hate crime offenses reported by the Virginia State Police and the criminal offenses that have enhanced penalties to include offenses that were motivated by sexual orientation, gender, gender identification, mental or physical disability, and age, but such legislation has been unsuccessful; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the prevalence of hate crimes in the Commonwealth and the adequacy of the current provisions in the Code of Virginia in addressing such crimes in comparison with the laws of other states across the nation.

In conducting its study, the Virginia State Crime Commission (the Commission) shall investigate and determine the prevalence of bias-motivated crimes in the Commonwealth; identify barriers faced by attorneys for the Commonwealth when prosecuting such offenses; compare the protections from bias-motivated crimes in Virginia to those protections in other states; and determine the feasibility of expanding the groups protected against bias-motivated crimes in Virginia.

Technical assistance shall be provided to the Commission by the Virginia State Police. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2018, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2019 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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