



## **FAQ: HATE CRIMES & FLORIDA LEGISLATION**

### **Why Are Hate Crime Laws Needed?**

Hate crimes target victims simply for who they are. In these crimes, violence is not used as a means for victim compliance. Rather, inflicting maximum violence is the goal. All that matters to the assailant is that the victim appears to be of a particular race, religion, or other group. Because hate crime victims are interchangeable and random, these crimes terrorize the entire victim's community and often lead to similarly terrorizing retaliatory hate crimes against the perpetrator's community. So hate crime laws, which increase sentences for criminals who commit them, are a way for society to recognize that these crimes strike special fear within victimized groups, fragment communities, and tear at the very fabric of our democratic way of life.

### **Why Does Florida's Hate Crime Law Need to Be Amended?**

Although Florida already has a hate crime law, it is not comprehensive. Floridians are not protected by it if they are targeted for a crime because of physical disability, gender, or gender identity. And the law does not cover "association with" hate crimes where, for example, a person is victimized for being at a bar or restaurant with African American or Hispanic friends. It also does not cover "mixed motive" hate crimes. So, for instance, if a perpetrator involved in a fender-bender assaults the other driver while yelling racial epithets and angry remarks about the accident at the victim, a hate crime cannot be charged. The legislation that FHCC supports – HB 743 and SB 940 - closes these critical gaps in the law.

### **How Many Hate Crimes Occur in Florida?**

According to the Florida Attorney General's 2017 Hate Crime Report, the most recent available, Florida had a 36.3% increase in hate crimes from the prior year. Due to the gaps in Florida's hate crime law, these statistics do not account for hate crimes that were committed because of physical disability, gender, gender identity, as well as "association with" or "mixed motive" hate crimes. Furthermore, there is significant underreporting of hate crimes in America. In fact, a U.S. Department of Justice survey estimates that 250,000 hate crime victimizations annually occur in the U.S.

### **Do Hate Crime Laws Punish Thought or Speech?**

No - Americans are free to believe and say whatever they want. Hate crime laws only punish criminal acts, such as aggravated assault or vandalism. Just like any criminal case, hate crime laws require the underlying criminal act and bias motive to be proven with evidence beyond a reasonable doubt. In 1994, the Florida Supreme Court upheld Florida's hate crime law against a First Amendment challenge. The year before, the U.S. Supreme Court unanimously upheld a Wisconsin hate crime law against a similar constitutional challenge.

### **Do Hate Crime Laws Give Special Rights to Special Groups?**

No - Hate crime laws are color blind. They cover victims whether they are in the majority or minority. In fact, the FBI's recently released 2017 national hate crime statistics reflect that 22% of race-based hate crimes were against white people, 12% of religious-based hate crimes were against Christians, 48% of gender-based hate crimes were against men, and 3% of sexual-orientation based hate crimes were against heterosexuals.