

# FINAL BILL REPORT

## SSB 5427

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Synopsis as Enacted

**Brief Description:** Supporting people who have been targeted or affected by hate crimes and bias incidents by establishing a reporting hotline and tracking hate crimes and bias incidents.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Valdez, Billig, Cleveland, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Saldaña, Salomon, Stanford and Wilson, C.).

**Senate Committee on Law & Justice**  
**Senate Committee on Ways & Means**  
**House Committee on Civil Rights & Judiciary**  
**House Committee on Appropriations**

**Background:** Hate Crime Offense. A person is guilty of a hate crime offense, a class C felony, if the person maliciously and intentionally commits one of the following acts because of the person's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability:

- causes physical injury to the victim or someone else;
- causes physical damage to or destruction of the property of the victim or someone else; or
- threatens a specific person or group of persons and puts that person, or that group in reasonable fear of harm.

The fear must be a fear a reasonable person would have under all the circumstances.

Words alone do not constitute a hate crime offense unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute a hate crime offense if it is apparent to the victim the person does not have the ability to carry out the threat.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Definitions. "Reasonable person" is defined as a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory handicap as the victim.

"Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

"Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

"Threat" means to communicate, directly or indirectly, the intent to:

- cause bodily injury immediately or in the future to the person threatened or to any other person; or
- cause physical damage immediately or in the future to the property of a person threatened or that of any other person.

**Summary:** Hate Crimes and Bias Incidents Hotline. The Attorney General's Office (AGO) must oversee a hate crimes and bias incidents hotline (hotline) staffed during business hours, dedicated to assisting people who have been targeted or affected by hate crimes and bias incidents. The hotline must:

- provide appropriate victim-centered, culturally competent, and trauma-informed information and referral;
- be as accessible to as many residents of Washington as is practical within appropriations, regardless of language proficiency.

Whenever a hate crime or bias incident is reported to the hotline, it shall inquire whether the person reported the hate crime or bias incident to law enforcement. If the person targeted or affected consents, the AGO shall promptly share information concerning the incident, location, date, and real or perceived affected protected class, of the hate crime or bias incident with local law enforcement. The information shall be anonymous unless the victim consents to the disclosure of identifying information. Identifying information received by the hotline is exempt from public inspection and disclosure requirements.

The AGO must develop a pilot hotline program to assist individuals in at least three counties, one of which must be in eastern Washington, by July 1, 2025, and implement the hotline statewide by January 1, 2027.

Law Enforcement Duties. Any law enforcement agency in this state that receives a report of a hate crime or bias incident shall refer the targeted or affected person to the hotline.

Attorney General Duties. The AGO must:

- identify local service providers and culturally specific services to refer people who

- have been targeted by hate crimes and bias incidents;
- coordinate with other counties and relevant hotlines; and
- provide an annual report to the Governor and Legislature, published on its website, regarding hate crimes and bias incidents reported to the hotline, beginning on July 1, 2027.

Advisory Committee. The AGO must establish an advisory committee to provide advice and assistance regarding hotline program design, operation, outreach, service delivery objectives and priorities, and funding. Among others, advisory committee members must include representatives from:

- legal aid;
- at least five community organizations working with historically underserved communities;
- local and culturally specific service providers;
- state agencies; and
- other entities the AGO deems relevant.

Definitions. "Bias incident" means a person's hostile expression of animus toward another person, relating to the other person's actual or perceived race, color, ethnicity, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability. A bias incident is deemed to be non-criminal in nature and does not include expressions of support for or opposition to a government's policies or actions protected under free speech.

"Hate crimes" means the commission, attempted commission, or alleged commission of the criminal hate crime offense as currently described in state law.

**Votes on Final Passage:**

Senate	30	18
House	56	39

**Effective:** January 1, 2025