

HOUSE BILL REPORT

EHB 1052

As Passed House:

February 13, 2025

Title: An act relating to clarifying a hate crime offense.

Brief Description: Clarifying a hate crime offense.

Sponsors: Representatives Ryu, Ramel, Leavitt, Berry, Taylor, Reed, Thai, Obras, Macri, Cortes, Callan, Parshley, Fosse, Gregerson, Goodman, Pollet, Kloba, Berg, Davis, Ormsby, Salahuddin, Reeves and Hill.

Brief History:

Committee Activity:

Community Safety: 1/13/25, 1/16/25 [DP].

Floor Activity:

Passed House: 2/13/25, 61-31.

Brief Summary of Engrossed Bill

- Modifies the conduct that constitutes a Hate Crime offense to include when a person commits a specified act in whole or in substantial part because of the person's perception of another person's certain characteristics.

HOUSE COMMITTEE ON COMMUNITY SAFETY

Majority Report: Do pass. Signed by 5 members: Representatives Goodman, Chair; Davis, Farivar, Fosse and Obras.

Minority Report: Without recommendation. Signed by 3 members: Representatives Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Burnett.

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.

Staff: Corey Patton (786-7388).

Background:

A person commits a Hate Crime offense if the person maliciously and intentionally commits one of the following acts because of the person's perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or disability:

- assaults another person;
- causes physical damage to or destruction of the property of another person; or
- threatens a specific person or group of persons and places that person, or members of the specific group of persons, in fear of harm to person or property that a reasonable person with similar characteristics to the victim would have under the same circumstances.

A Hate Crime offense is a class C felony ranked at seriousness level IV and is punishable by a maximum sentence of five years of imprisonment, a \$10,000 fine, or both. In addition to such criminal penalties, the victim of a Hate Crime offense may bring a civil cause of action against the perpetrator for actual damages, punitive damages of up to \$100,000, and reasonable attorneys' fees and costs incurred in bringing the action.

Summary of Engrossed Bill:

The conduct that constitutes a Hate Crime offense is modified to include when a person maliciously and intentionally commits one of the statutorily specified acts in whole or in substantial part because of the person's perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or disability. "In whole or in substantial part" means that the perpetrator's bias must be a cause in fact of the offense regardless of whether other causes also exist. If there are multiple concurrent motives, the bias must be a substantial factor in bringing about the offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Everyone is wonderfully made even though everyone is different, and no person should feel unsafe because of the person's identity. Hate Crime offenses are messaging crimes that affect victims and the entire community. Current statutory language has been a barrier during trials because jurors are interpreting the law to require that bias be

the only motive for the offense. This is a problem because most cases involve mixed motives, and defendants can come up with secondary excuses. The language changes in this bill will ensure that jurors understand that a defendant's bias does not need to be the only motive in a Hate Crime offense. The Legislature has made changes in recent years to bring accountability in Hate Crime offenses, and this is another important step in that direction to promote fairness, dignity, and a justice system that works for everyone.

(Opposed) This bill highlights the problem with Hate Crime offense laws. Even though freedom of thought is more fundamental than freedom of speech, Hate Crime offense laws seek to punish thought. Assaults are crimes no matter the motivation, but thoughts are not. This bill is too broad and eliminates virtually any requirement of proof. Prosecutors will assume and assert that a person is motivated in part by animosity towards whatever group the victim belongs to. The desire to punish thoughts is authoritarian and trends towards tyranny. There are real world examples of the harm caused by Hate Crime offense laws in other countries such as Britain, where officials and the media are afraid to speak up against horrible acts for fear of being called Islamophobic and punished. This bill should not be enacted, and the underlying Hate Crime offense law should be repealed.

Persons Testifying: (In support) Representative Cindy Ryu, prime sponsor; Yessenia Manzo, King County Prosecuting Attorney's Office; and Ariel Novick, ADL Pacific Northwest.

(Opposed) Sharon Damoff.

Persons Signed In To Testify But Not Testifying: None.