

SENATE BILL REPORT

EHB 1052

As Reported by Senate Committee On:
Law & Justice, March 20, 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: Passed House: 2/13/25, 61-31.

Committee Activity: Law & Justice: 3/13/25, 3/20/25 [DPA, DNP].

Brief Summary of Amended Bill

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

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Lovick, Salomon and Valdez.

Minority Report: Do not pass.

Signed by Senators Holy, Ranking Member; Fortunato, Torres and Wagoner.

Staff: Ryan Giannini (786-7285)

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

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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 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 Amended 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 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.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Reverts to original bill language by removing the term "substantial" so that a hate crime offense is specific conduct that is maliciously and intentionally committed in whole or in part because of a person's perception of another person's certain characteristics.
- Removes the definition of "in whole or in substantial part."

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill strengthens laws against hate crimes and addresses current gaps in the law. The hate crimes statute needs to be clarified because jurors are interpreting the law to mean that bias must be the only motive. Most crimes, including hate crimes, are mixed motive crimes. Adding specific language to include "in whole or in part" is essential to enforce hate crime laws and hold offenders accountable. This will help clarify for jurors that if a defendant is at least in

part motivated by bias, they are guilty of a hate crime offense. The addition of the term substantial is not supported since this language is based on California law where hate crimes are enhancements and the underlying crime is already being proven.

CON: Hate crime laws are bad because they criminalize what people think. Thought is more fundamental than free speech. This bill would be even worse if it did not include the term substantial. Jurors would need to make assumptions because they are not mind readers. Imminent threats, not mere insults, should be punishable by law.

Persons Testifying: PRO: Representative Cindy Ryu, Prime Sponsor; Yessenia Manzo, King County Prosecuting Attorney's Office; Ariel Novick, Anti-Defamation League.

CON: Laurie Layne; Sharon Damoff.

Persons Signed In To Testify But Not Testifying: No one.