

SENATE BILL REPORT

EHB 1052

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

Committee Activity: Law & Justice: 3/13/25.

Brief Summary of 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.

SENATE COMMITTEE ON LAW & JUSTICE

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 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

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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 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.

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: 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.