



## Talking Points Georgia "Hate Crimes" Legislation

*A crime is a crime no matter what the criminal thinks of the victim.*

**#1 “Hate crime” laws violate the Constitution’s 14th Amendment guarantee of equal protection under the law.** By providing more penalties for some perpetrators, “hate crime” laws afford some victims less protection. HB 660, HB 663 and SB 316 would designate special classes of victims who get a higher level of government protection than others victimized by similar crimes. The bills would treat victims differently because of their sexual choices. An assault on a homosexual man would trigger a harsher penalty than committing the same violent crime against a straight man or even a child. That is wrong.

**#2 “Hate crime” laws expand the un-American concept of “thought crime” by penalizing thoughts in addition to actions.** While the intent-based evaluation for murder examines intent and treats all criminals equally, “hate crime” laws require an evaluation of a criminal’s thoughts and treat victims differently based on their identity. According to the FBI’s annual report on “hate crimes,” identifying feelings is beyond law enforcement’s ability and jurisdiction. The determination of thoughts and feelings involves enormous possibility of error. To maintain order and justice, the government must judge actions – not feelings.

**#3 “Hate crime” laws divide American into groups, each seeking special protections.** By turning the criminal law into a racial or behavioral identification spoils system, “hate crime” laws undermine impartial law enforcement. A crime is a crime - there should be no elite groups creating a hierarchy of victims.

**#4 "Hate crime" laws politicize criminal law,** leading to pressure on police and prosecutors to devote more of their limited resources to some cases at the expense of other crime victims' cases.

**#5 “Hate crime” laws violate freedom of speech** by attempting to read people’s thoughts, motives, and attitudes, and then silencing and punishing all opposing viewpoints.

**#6 “Hate crime” laws play into the false narrative that there is a hate crimes epidemic.**

The data doesn’t back this claim. Hate crimes constitute less than one-tenth of one percent of all crimes. According to the 2016 FBI crime reports:

- Of the approximate 9.2 million crimes nationally, only about 6,000 were labeled “hate crimes.” Of these 6,000 so-called “hate crimes,” most involved lesser offenses, such as intimidation or simple assault, which could be nothing more than name-calling or a perceived threat.
- Of the approximate 351,000 crimes in Georgia, only 39 were labeled “hate crimes.” Of those 39 so-called “hate crimes,” most involved lesser offenses, such as intimidation or simple assault.
- Bias-motivated crimes are on the decline nationally and in Georgia.