



## MEMORANDUM

**TO:** The Pennsylvania House Judiciary Committee

**FROM:** Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

**DATE:** October 3, 2017

**RE: OPPOSITION TO HOUSE BILL 982 (ZIMMERMAN)**

Historically marginalized groups of people have long been the targets of harassment and violence. Too often, hate-motivated crimes were not vigorously investigated or prosecuted. In response, states began passing hate crime laws in the 1980s, recognizing race, religion, and ethnicity as protected classes under the law. Since then, [46 states](#) have enacted hate crimes laws. Statutes vary from state to state, as many have expanded protected class categories to include gender, national origin, sexual orientation, gender identity, and disability status. Currently, [Pennsylvania's hate crimes statute](#) protects people based on race, color, religion, and national origin. House Bill 982 proposes to amend the law to include police officers, firefighters, and EMTs.

**On behalf of the 53,000 members of the ACLU of Pennsylvania, I respectfully urge you to vote 'no' on House Bill 982 for the following reasons:**

### **Employment is not an 'immutable characteristic.'**

Hate crimes laws were created in response to violence against groups that have historically been targets of bigotry; hate crime statutes across all states most commonly prohibit crimes based on race, religion, and ethnicity. Hate crimes are defined in the statute as **ethnic intimidation** – crimes that are motivated by bias against people who are targeted *specifically because of* their race, religion, or some other immutable characteristic. This bill would add police officers, firefighters, and EMTs as protected classes under the law. But these are *employment categories* and therefore fundamentally different from the personal characteristics traditionally recognized in hate crime statutes. Police officers are valued public servants, not members of a minority group.

### **Existing criminal code imposes stronger penalty enhancements.**

[Pennsylvania's criminal code](#) imposes enhanced penalties for violent crimes committed against 38 categories of "officers, agents, or employees," including police officers, firefighters, and EMTs. In fact, existing penalty enhancements are far more severe than those applied under the hate crimes statute. People charged with a hate crime receive a one-level enhancement to charges filed against them, while the criminal code escalates a simple assault against a police officer to an aggravated assault.

**Killing a police officer in Pennsylvania is already punishable by death.** Using the hate crimes statute as a mechanism to protect first responders is both unnecessary and redundant.

**Prioritizes protections for powerful institutions over the people they serve.**

Law enforcement is an institution with highly-trained, highly-weaponized officers that wield a great deal of power over some of our most marginalized communities. And these marginalized communities are often home to the protected classes recognized under hate crimes statutes. If passed, this bill tips the scales even further in favor of the police, who already have significant legal and other systemic advantages. Those *in* power are attempting to shield those *with* power against the people they ostensibly serve.

If House Bill 982 is enacted, some lives would be classified by law as more valuable based solely on the jobs they happen to occupy. More severe, enhanced penalties for assaults on police and other first responders already exist under Pennsylvania's criminal code. The truth is that including police in hate crime laws is nothing more than a political statement — and an unnecessary one at that.

We condemn violence against anyone, including first responders. If we want to support both communities and first responders, we should train officers on how to avoid unnecessarily dangerous encounters, de-escalate potentially violent situations, recognize the stress police officers and their families confront, and provide mental health resources for those who need assistance. This bill does nothing to address any of these worthy goals.

**For these reasons, we urge you to vote NO on HB 982.**