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## Civil Rights & Judiciary Committee

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### SSB 5427

**Brief Description:** Supporting people who have been targeted or affected by hate crimes and bias incidents by establishing a reporting hotline and tracking hate crimes and bias incidents.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Valdez, Billig, Cleveland, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Saldaña, Salomon, Stanford and Wilson, C.).

#### Brief Summary of Substitute Bill

- Requires the Attorney General's Office to oversee a hotline to assist people who have been targeted or affected by hate crimes and bias incidents and to publish annual reports regarding hate crimes and bias incidents reported to the hotline during the prior calendar year.
- Prohibits disclosure of any reporting individual's personal identifying information in annual reports and exempts such information from disclosure under the Public Records Act.
- Requires law enforcement agencies receiving a report of a hate crime or bias incident to provide hotline information to the targeted or affected person.
- Directs the hotline to ask persons reporting a hate crime or bias incident whether it has been reported to law enforcement and, if the reporting person consents, to share that person's information with law enforcement.

**Hearing Date:** 2/16/24

**Staff:** John Burzynski (786-7133).

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*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.*

## **Background:**

### Hate Crime Offenses.

A person is guilty of a hate crime offense if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability:

- assaults the victim or another person;
- causes physical damage to or destruction of the property of the victim or another person;  
or
- threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all the circumstances. For purposes of this provision, a "reasonable person" is a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory disability as the victim. Words alone do not constitute a hate crime offense unless the context or circumstances surrounding the words indicate the words are a threat.

Threatening words do not constitute a hate crime offense if it is apparent to the victim that the person does not have the ability to carry out the threat.

Commission of a hate crime offense is a class C felony.

### Law Against Discrimination.

Washington's Law Against Discrimination prohibits discrimination on the basis of race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The right to be free from such discrimination applies in employment, access to public accommodations, real estate transactions, credit transactions, insurance transactions, and other contexts.

Any person injured by a violation of the Law Against Discrimination may bring a civil action in a court of competent jurisdiction to enjoin violations and recover actual damages and the costs of suit, including reasonable attorneys' fees.

### Public Records Act.

Washington's Public Records Act provides for the disclosure of public records. Each state and local agency, in accordance with published rules, must make all public records available for public inspection and copying, unless the record falls within a specific exemption. Public records include all writings containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

## **Summary of Bill:**

### Hate Crimes and Bias Incidents Hotline.

The Attorney General's Office is required to oversee a hate crimes and bias incidents hotline staffed during business hours and dedicated to assisting people who have been targeted or affected by hate crimes and bias incidents. The hotline must provide information and referrals to people targeted or affected by hate crimes and bias incidents, and must be victim-centered, culturally competent, and trauma-informed. The hotline must also be accessible to as many as possible within resource limits, regardless of language proficiency.

The Attorney General's Office must identify local service providers and culturally specific services for referrals, coordinate and partner with counties and other relevant hotlines, and establish an advisory committee to provide advice and assistance regarding program design, operation, outreach, service delivery objectives and priorities, and funding.

### Implementation.

By July 1, 2025, the Attorney General's Office must develop and implement a pilot hotline program to assist individuals in at least three counties, including one county in Eastern Washington. By January 1, 2027, the hotline must be implemented statewide.

### Annual Report.

By July 1, 2027, and each year thereafter, the Attorney General's Office must publish information regarding hate crimes and bias incidents reported to the hotline during the prior calendar year. This information must be provided to the Governor, Senate, and House of Representatives, and made available on the website of the Attorney General's Office.

### Information Disclosure.

Information regarding hate crimes or bias incidents that reveals the personal identifying information of any individual must be excluded from Attorney General reports and is exempt from public inspection, copying, and disclosure under the Public Records Act.

### Law Enforcement.

Whenever a law enforcement agency receives a report of a hate crime or bias incident, it must provide the phone number and website address of the hotline to the targeted or affected person.

Whenever a person reports a hate crime to the hotline, the hotline must ask whether the person reported the hate crime or bias incident to law enforcement. If the person targeted or affected by the hate crime or bias incident consents to sharing personal identifying information with the primary local law enforcement agency, the hotline must promptly share that person's name, address, and contact information with the law enforcement agency. If the person consents to share some but not all personal identifying information, the hotline must share only the information the person has consented to share.

### Definitions.

"Bias incident" means a person's hostile expression of animus toward another person, relating to actual or perceived characteristics identified by specified statutes, of which criminal

investigation or prosecution is impossible or inappropriate. "Bias incident" does not include any incident in which probable cause of the commission of a crime is established by the investigating law enforcement officer, and does not include expressions of opposition or support for the actions or policies of a foreign or domestic government protected under free speech.

Characteristics identified by specified statutes include: ancestry; citizenship or immigration status; color; creed; gender; gender expression or identity; honorably discharged veteran or military status; mental, physical, or sensory disability; national origin; race; religion; sex; sexual orientation; or use of a trained dog guide or service animal by a person with a disability.

"Hate crime" means the commission, attempted commission, or alleged commission of an offense described in the section of state law governing hate crime offenses.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on January 1, 2025.