

116TH CONGRESS
1ST SESSION

S. 2043

To provide incentives for hate crime reporting, provide grants for State-run hate crime hotlines, and establish alternative sentencing for individuals convicted under the Matthew Shephard and James Byrd, Jr. Hate Crimes Prevention Act.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2019

Mr. BLUMENTHAL (for himself, Mr. DURBIN, Ms. HIRONO, Mr. WARNER, Mr. KAINE, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide incentives for hate crime reporting, provide grants for State-run hate crime hotlines, and establish alternative sentencing for individuals convicted under the Matthew Shephard and James Byrd, Jr. Hate Crimes Prevention Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Khalid Jabara and
5 Heather Heyer National Opposition to Hate, Assault, and
6 Threats to Equality Act of 2019” or the “Jabara-Heyer
7 NO HATE Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The incidence of violence known as hate
4 crimes, or crimes motivated by bias, poses a serious
5 national problem.

6 (2) According to data obtained by the Federal
7 Bureau of Investigation, the incidence of such vio-
8 lence increased in 2017, the most recent year for
9 which data is available.

10 (3) In 1990, Congress enacted the Hate Crime
11 Statistics Act (Public Law 101–275; 28 U.S.C. 534
12 note) to provide the Federal Government, law en-
13 forcement agencies, and the public with data regard-
14 ing the incidence of hate crime. The Hate Crimes
15 Statistics Act and the Matthew Shepard and James
16 Byrd, Jr. Hate Crimes Prevention Act (division E of
17 Public Law 111–84; 123 Stat. 2835) have enabled
18 Federal authorities to understand and, where appro-
19 priate, investigate and prosecute hate crimes.

20 (4) A more complete understanding of the na-
21 tional problem posed by hate crime is in the public
22 interest and supports the Federal interest in eradi-
23 cating bias-motivated violence referenced in section
24 249(b)(1)(C) of title 18, United States Code.

25 (5) However, a complete understanding of the
26 national problem posed by hate crimes is hindered

1 by incomplete data from Federal, State, and local
2 jurisdictions through the Uniform Crime Reports
3 program authorized under section 534 of title 28,
4 United States Code, and administered by the Fed-
5 eral Bureau of Investigation.

6 (6) Multiple factors contribute to the provision
7 of inaccurate and incomplete data regarding the in-
8 cidence of hate crime through the Uniform Crime
9 Reports program. A significant contributing factor is
10 the quality and quantity of training that State and
11 local law enforcement agencies receive on the identi-
12 fication and reporting of suspected bias-motivated
13 crimes.

14 (7) The problem of crimes motivated by bias is
15 sufficiently serious, widespread, and interstate in na-
16 ture as to warrant Federal financial assistance to
17 States and local jurisdictions.

18 (8) Federal financial assistance with regard to
19 certain violent crimes motivated by bias enables Fed-
20 eral, State, and local authorities to work together as
21 partners in the investigation and prosecution of such
22 crimes.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) HATE CRIME.—The term “hate crime”
2 means an act described in section 245, 247, or 249
3 of title 18, United States Code, or in section 901 of
4 the Civil Rights Act of 1968 (42 U.S.C. 3631).

5 (2) PRIORITY AGENCY.—The term “priority
6 agency” means—

7 (A) a law enforcement agency of a unit of
8 local government that serves a population of not
9 less than 100,000, as computed by the Federal
10 Bureau of Investigation; or

11 (B) a law enforcement agency of a unit of
12 local government that—

13 (i) serves a population of not less than
14 50,000 and less than 100,000, as com-
15 puted by the Federal Bureau of Investiga-
16 tion; and

17 (ii) has reported no hate crimes
18 through the Uniform Crime Reports pro-
19 gram in each of the 3 most recent calendar
20 years for which such data is available.

21 (3) STATE.—The term “State” has the mean-
22 ing given the term in section 901 of title I of the
23 Omnibus Crime Control and Safe Streets Act of
24 1968 (34 U.S.C. 10251).

1 (4) UNIFORM CRIME REPORTS.—The term
2 “Uniform Crime Reports” means the reports author-
3 ized under section 534 of title 28, United States
4 Code, and administered by the Federal Bureau of
5 Investigation that compile nationwide criminal sta-
6 tistics for use—

7 (A) in law enforcement administration, op-
8 eration, and management; and

9 (B) to assess the nature and type of crime
10 in the United States.

11 (5) UNIT OF LOCAL GOVERNMENT.—The term
12 “unit of local government” has the meaning given
13 the term in section 901 of title I of the Omnibus
14 Crime Control and Safe Streets Act of 1968 (34
15 U.S.C. 10251).

16 **SEC. 4. REPORTING OF HATE CRIMES.**

17 (a) IMPLEMENTATION GRANTS.—

18 (1) IN GENERAL.—The Attorney General may
19 make grants to States and units of local government
20 to assist the State or unit of local government in im-
21 plementing the National Incident-Based Reporting
22 System, including to train employees in identifying
23 and classifying hate crimes in the National Incident-
24 Based Reporting System.

1 (2) PRIORITY.—In making grants under para-
2 graph (1), the Attorney General shall give priority to
3 States and units of local government with larger
4 populations.

5 (b) REPORTING.—

6 (1) COMPLIANCE.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), in each fiscal year beginning
9 after the date that is 3 years after the date on
10 which a State or unit of local government first
11 receives a grant under subsection (a), the State
12 or unit of local government shall provide to the
13 Attorney General, through the Uniform Crime
14 Reporting system, information pertaining to
15 hate crimes committed in that jurisdiction dur-
16 ing the preceding fiscal year.

17 (B) EXTENSIONS; WAIVER.—The Attorney
18 General—

19 (i) may provide a 120-day extension
20 to a State or unit of local government that
21 is making good faith efforts to comply with
22 subparagraph (A); and

23 (ii) shall waive the requirements of
24 subparagraph (A) if compliance with that
25 subparagraph by a State or unit of local

1 government would be unconstitutional
2 under the constitution of the State or of
3 the State in which the unit of local govern-
4 ment is located, respectively.

5 (2) FAILURE TO COMPLY.—If a State or unit of
6 local government that receives a grant under sub-
7 section (a) fails to substantially comply with para-
8 graph (1) of this subsection, the State or unit of
9 local government shall repay the grant in full, plus
10 reasonable interest and penalty charges allowable by
11 law or established by the Attorney General.

12 **SEC. 5. GRANTS FOR STATE-RUN HATE CRIME HOTLINES.**

13 (a) GRANTS AUTHORIZED.—

14 (1) IN GENERAL.—The Attorney General shall
15 make grants to States to create State-run hate
16 crime reporting hotlines.

17 (2) GRANT PERIOD.—A grant made under
18 paragraph (1) shall be for a period of not more than
19 5 years.

20 (b) HOTLINE REQUIREMENTS.—A State shall ensure,
21 with respect to a hotline funded by a grant under sub-
22 section (a), that—

23 (1) the hotline directs individuals to—

24 (A) law enforcement if appropriate; and

25 (B) local support services;

1 (2) any personally identifiable information that
 2 an individual provides to an agency of the State
 3 through the hotline is not directly or indirectly dis-
 4 closed, without the consent of the individual, to—

5 (A) any other agency of that State;

6 (B) any other State;

7 (C) the Federal Government; or

8 (D) any other person or entity;

9 (3) the staff members who operate the hotline
 10 are trained to be knowledgeable about—

11 (A) applicable Federal, State, and local
 12 hate crime laws; and

13 (B) local law enforcement resources and
 14 applicable local support services; and

15 (4) the hotline is accessible to—

16 (A) individuals with limited English pro-
 17 ficiency, where appropriate; and

18 (B) individuals with disabilities.

19 (c) BEST PRACTICES.—The Attorney General shall
 20 issue guidance to States on best practices for imple-
 21 menting the requirements of subsection (b).

22 **SEC. 6. INFORMATION COLLECTION BY STATES AND UNITS**
 23 **OF LOCAL GOVERNMENT.**

24 (a) DEFINITIONS.—In this section:

1 (1) APPLICABLE AGENCY.—The term “applica-
2 ble agency”, with respect to an eligible entity that
3 is—

4 (A) a State, means—

5 (i) a law enforcement agency of the
6 State; and

7 (ii) a law enforcement agency of a
8 unit of local government within the State
9 that—

10 (I) is a priority agency; and

11 (II) receives a subgrant from the
12 State under this section; and

13 (B) a unit of local government, means a
14 law enforcement agency of the unit of local gov-
15 ernment that is a priority agency.

16 (2) COVERED AGENCY.—The term “covered
17 agency” means—

18 (A) a State law enforcement agency; and

19 (B) a priority agency.

20 (3) ELIGIBLE ENTITY.—The term “eligible enti-
21 ty” means—

22 (A) a State; or

23 (B) a unit of local government that has a
24 priority agency.

25 (b) GRANTS.—

1 (1) IN GENERAL.—The Attorney General may
2 make grants to eligible entities to assist covered
3 agencies within the jurisdiction of the eligible entity
4 in conducting law enforcement activities or crime re-
5 duction programs to prevent, address, or otherwise
6 respond to hate crime, particularly as those activities
7 or programs relate to reporting hate crimes through
8 the Uniform Crime Reports program, including—

9 (A) adopting a policy on identifying, inves-
10 tigating, and reporting hate crimes;

11 (B) developing a standardized system of
12 collecting, analyzing, and reporting the inci-
13 dence of hate crime;

14 (C) establishing a unit specialized in iden-
15 tifying, investigating, and reporting hate
16 crimes;

17 (D) engaging in community relations func-
18 tions related to hate crime prevention and edu-
19 cation such as—

20 (i) establishing a liaison with formal
21 community-based organizations or leaders;
22 and

23 (ii) conducting public meetings or
24 educational forums on the impact of hate
25 crimes, services available to hate crime vic-

1 tims, and the relevant Federal, State, and
2 local laws pertaining to hate crimes; and

3 (E) providing hate crime trainings for
4 agency personnel.

5 (2) SUBGRANTS.—A State that receives a grant
6 under paragraph (1) may award a subgrant to a pri-
7 ority agency of a unit of local government within the
8 State for the purposes under that paragraph.

9 (c) INFORMATION REQUIRED OF STATES AND UNITS
10 OF LOCAL GOVERNMENT.—

11 (1) IN GENERAL.—For each fiscal year in
12 which an eligible entity receives a grant under sub-
13 section (b), the eligible entity shall—

14 (A) collect information from each applica-
15 ble agency summarizing the law enforcement
16 activities or crime reduction programs con-
17 ducted by the agency to prevent, address, or
18 otherwise respond to hate crime, particularly as
19 those activities or programs relate to reporting
20 hate crimes through the Uniform Crime Re-
21 ports program; and

22 (B) submit to the Attorney General a re-
23 port containing the information collected under
24 subparagraph (A).

1 (2) SEMIANNUAL LAW ENFORCEMENT AGENCY
2 REPORT.—

3 (A) IN GENERAL.—In collecting the infor-
4 mation required under paragraph (1)(A), an eli-
5 gible entity shall require each applicable agency
6 to submit a semiannual report to the eligible
7 entity that includes a summary of the law en-
8 forcement activities or crime reduction pro-
9 grams conducted by the agency during the re-
10 porting period to prevent, address, or otherwise
11 respond to hate crime, particularly as those ac-
12 tivities or programs relate to reporting hate
13 crimes through the Uniform Crime Reports pro-
14 gram.

15 (B) CONTENTS.—In a report submitted
16 under subparagraph (A), a law enforcement
17 agency shall, at a minimum, disclose—

18 (i) whether the agency has adopted a
19 policy on identifying, investigating, and re-
20 porting hate crimes;

21 (ii) whether the agency has developed
22 a standardized system of collecting, ana-
23 lyzing, and reporting the incidence of hate
24 crime;

1 (iii) whether the agency has estab-
2 lished a unit specialized in identifying, in-
3 vestigating, and reporting hate crimes;

4 (iv) whether the agency engages in
5 community relations functions related to
6 hate crime, such as—

7 (I) establishing a liaison with for-
8 mal community-based organizations or
9 leaders; and

10 (II) conducting public meetings
11 or educational forums on the impact
12 of hate crime, services available to
13 hate crime victims, and the relevant
14 Federal, State, and local laws per-
15 taining to hate crime; and

16 (v) the number of hate crime
17 trainings for agency personnel, including
18 the duration of the trainings, conducted by
19 the agency during the reporting period.

20 (d) COMPLIANCE AND REDIRECTION OF FUNDS.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), beginning not later than 1 year after the
23 date of this Act, an eligible entity receiving a grant
24 under subsection (b) shall comply with subsection
25 (c).

1 (2) EXTENSIONS; WAIVER.—The Attorney Gen-
2 eral—

3 (A) may provide a 120-day extension to an
4 eligible entity that is making good faith efforts
5 to collect the information required under sub-
6 section (c); and

7 (B) shall waive the requirements of sub-
8 section (c) for a State or unit of local govern-
9 ment if compliance with that subsection by the
10 State or unit of local government would be un-
11 constitutional under the constitution of the
12 State or of the State in which the unit of local
13 government is located, respectively.

14 **SEC. 7. REQUIREMENTS OF THE ATTORNEY GENERAL.**

15 (a) INFORMATION COLLECTION AND ANALYSIS; RE-
16 PORT.—In order to improve the accuracy of data regard-
17 ing the incidence of hate crime provided through the Uni-
18 form Crime Reports program, and promote a more com-
19 plete understanding of the national problem posed by hate
20 crime, the Attorney General shall—

21 (1) collect and analyze the information provided
22 by States and units of local government under sec-
23 tion 6 for the purpose of developing policies related
24 to the provision of accurate data obtained under the
25 Hate Crime Statistics Act (Public Law 101–275; 28

1 U.S.C. 534 note) by the Federal Bureau of Inves-
2 tigation; and

3 (2) for each calendar year beginning after the
4 date of enactment of this Act, publish and submit to
5 Congress a report based on the information collected
6 and analyzed under paragraph (1).

7 (b) CONTENTS OF REPORT.—A report submitted
8 under subsection (a) shall include—

9 (1) a qualitative analysis of the relationship be-
10 tween—

11 (A) the number of hate crimes reported by
12 State law enforcement agencies or priority
13 agencies through the Uniform Crime Reports
14 program; and

15 (B) the nature and extent of law enforce-
16 ment activities or crime reduction programs
17 conducted by those agencies to prevent, ad-
18 dress, or otherwise respond to hate crime; and

19 (2) a quantitative analysis of the number of
20 State law enforcement agencies and priority agencies
21 that have—

22 (A) adopted a policy on identifying, inves-
23 tigating, and reporting hate crimes;

1 (B) developed a standardized system of
2 collecting, analyzing, and reporting the inci-
3 dence of hate crime;

4 (C) established a unit specialized in identi-
5 fying, investigating, and reporting hate crimes;

6 (D) engaged in community relations func-
7 tions related to hate crime, such as—

8 (i) establishing a liaison with formal
9 community-based organizations or leaders;
10 and

11 (ii) conducting public meetings or
12 educational forums on the impact of hate
13 crime, services available to hate crime vic-
14 tims, and the relevant Federal, State, and
15 local laws pertaining to hate crime; and

16 (E) conducted hate crime trainings for
17 agency personnel during the reporting period,
18 including—

19 (i) the total number of trainings con-
20 ducted by each agency; and

21 (ii) the duration of the trainings de-
22 scribed in clause (i).

23 **SEC. 8. ALTERNATIVE SENTENCING.**

24 Section 249 of title 18, United States Code, is
25 amended by adding at the end the following:

1 “(e) SUPERVISED RELEASE.—If a court includes, as
2 a part of a sentence of imprisonment imposed for a viola-
3 tion of subsection (a), a requirement that the defendant
4 be placed on a term of supervised release after imprison-
5 ment under section 3583, the court may order, as an ex-
6 plicit condition of supervised release, that the defendant
7 undertake educational classes or community service di-
8 rectly related to the community harmed by the defendant’s
9 offense.”.

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