

117TH CONGRESS
1ST SESSION

S. 1235

To establish a United States Commission on Hate Crimes to study and make recommendations on the prevention of the commission of hate crimes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2021

Mrs. GILLIBRAND (for herself and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a United States Commission on Hate Crimes to study and make recommendations on the prevention of the commission of hate crimes, and for other purposes.

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 “Hate Crimes Commis-
5 sion Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The Federal Bureau of Investigation (re-
9 ferred to in this section as the “FBI”) defines a

1 hate crime as a criminal offense—such as murder,
2 arson, or vandalism—against a person or property
3 motivated in whole or in part by an offender’s bias
4 against a race, religion, disability, sexual orientation,
5 ethnicity, gender, or gender identity.

6 (2) Forty-five States and the District of Colum-
7 bia have statutes criminalizing various types of bias-
8 motivated violence or intimidation.

9 (3) Congress has enacted various statutes to
10 address hate crimes since 1968, with the most re-
11 cent statute enacted in 2009.

12 (4) In 2019, hate crimes rose by 2.7 percent.

13 (5) In 2019, 51 deaths from hate crimes were
14 reported, the highest number since the FBI began
15 reporting the statistic in the early 1990s.

16 (6) Hate crimes not only damage the individual
17 victim or victims, but also traumatize entire commu-
18 nities and erode public confidence in their safety.

19 (7) In 2019, hate crimes directed at Latinos in-
20 creased by almost 9 percent from the year before.

21 (8) In 2019, hate crimes based on sexual ori-
22 entation represented 16.7 percent of total hate
23 crimes, and hate crimes based on gender identity
24 represented 2.7 percent of total hate crimes, which
25 was an increase from the year before.

1 (9) In testimony before the Committee on
2 Homeland Security of the House of Representatives
3 in September 2020, FBI Director Christopher Wray
4 said, “Within the domestic terrorism bucket, the cat-
5 egory as a whole, racially motivated violent extre-
6 mism is, I think, the biggest bucket within that larg-
7 er group. And within the racially motivated violent
8 extremist bucket, people subscribing to some kind of
9 white supremacist-type ideology is certainly the big-
10 gest chunk of that.”.

11 (10) The category of hate crime that increased
12 the most in 2019 was anti-Semitic hate crimes,
13 which rose by 14 percent.

14 (11) In October 2018, a shooting at the Tree
15 of Life synagogue in Pittsburgh, Pennsylvania left
16 11 people dead.

17 (12) In July 2019, a Hindu priest in New York
18 City was hospitalized after a man attacked him and
19 screamed “this is my neighborhood” during the inci-
20 dent.

21 (13) In August 2019, an assailant entered a
22 Walmart in El Paso, Texas to target Hispanics and
23 left 22 people dead.

24 (14) In November 2020, a woman shouted anti-
25 Muslim slurs and attacked a couple in New York

1 City, leaving one victim needing surgery for facial
2 fractures.

3 (15) In response to the COVID–19 pandemic,
4 Asian Americans have suffered an increasing num-
5 ber of hate crimes. According to Stop AAPI Hate,
6 2,808 “hate incidents” toward Asian Americans and
7 Pacific Islanders were reported between March 2020
8 and December 2020.

9 (16) Many hate crimes go unreported. In 2019,
10 the number of law enforcement agencies providing
11 hate crimes data to the FBI decreased, as only 14
12 percent of law enforcement agencies in the United
13 States reported 1 or more hate crimes.

14 (17) There is a clear need for stronger action
15 to accurately report and effectively combat hate-
16 based attacks.

17 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

18 (a) ESTABLISHMENT.—There is established the
19 United States Commission on Hate Crimes (in this Act
20 referred to as the “Commission”).

21 (b) MEMBERSHIP.—The Commission shall be com-
22 posed of 12 members. Members of the Commission shall
23 be appointed in accordance with the following:

24 (1) Two members shall be appointed by the ma-
25 jority leader of the Senate.

1 (2) Two members shall be appointed by the mi-
2 nority leader of the Senate.

3 (3) Two members shall be appointed by the
4 Speaker of the House of Representatives.

5 (4) Two members shall be appointed by the mi-
6 nority leader of the House of Representatives.

7 (5) Two members shall be jointly appointed by
8 the 2 appointing officials under paragraphs (1)
9 through (4) who are members of, or caucus with, the
10 Democratic Party.

11 (6) Two members shall be jointly appointed by
12 the 2 appointing officials under paragraphs (1)
13 through (4) who are members of, or caucus with, the
14 Republican Party.

15 (7) Not more than 6 members may be from the
16 law enforcement community and not more than 6
17 members may be from the civil rights community.

18 (8) Not more than 6 members may be from the
19 same political party.

20 **SEC. 4. DUTIES OF THE COMMISSION.**

21 (a) DEFINITION.—In this section, the term “hate
22 crime” means an offense under section 249 of title 18,
23 United States Code.

24 (b) INVESTIGATION.—The Commission shall inves-
25 tigate the following:

1 (1) Whether the number of hate crimes com-
2 mitted has increased during the period beginning on
3 January 1, 2007, and ending on the date that is 60
4 days after the date of enactment of this Act.

5 (2) To the extent that the Commission deter-
6 mines under paragraph (1) that the number of hate
7 crimes committed has increased, the factors that
8 have contributed to the increase.

9 (3) Policies or actions that law enforcement
10 agencies might adopt or engage in to reduce the
11 commission of hate crimes.

12 (4) The impact of underreporting on hate
13 crimes statistics and hate crimes prevention.

14 (5) Community bias prevention responses that
15 are successful and possible through coordination
16 with nonprofit organizations, local education agen-
17 cies, and government entities.

18 **SEC. 5. REPORT.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Commission shall submit a report to Con-
21 gress and the President setting forth the results of the
22 investigation conducted under section 4.

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