

Hate crime legislation vague and inconsistent among 50 U.S. states

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Hate crimes in the United States have increased in frequency in recent years. The rise of antisemitism, white supremacy and religious extremism has prompted the federal government and many states to pass several pieces of legislation targeted at crimes motivated by hate.

To better understand the nature of these laws, researchers from Florida

Atlantic University conducted a [content analysis](#) that focused on the nation's hate crime [legislation](#) from all 50 states following the 2016, but prior to the 2017, legislative session.

The final data analysis consisted of 271 statutes and four themes emerged from the data, including how hate crimes have been contextualized, inconsistencies in hate crime legislation coverage, differences in court procedures in hate crime cases, and state efforts to combat hate crimes.

Results of the study, published in the journal *Victims & Offenders*, showed that race, national origin, religion, sexual orientation, and disability were among the most recognized classes and populations in hate crime legislation. However, coverage differed greatly within these classifications due to how states conceptualize them.

"Every state legislates hate crimes differently, which results in differential justice in these cases across the nation," said Seth Fallik, Ph.D., lead author, associate professor and undergraduate coordinator in the School for Criminology and Criminal Justice within FAU's College of Social Work and Criminal Justice.

Among the study's key findings:

- Four states did not have any hate crime statutes (Indiana, Mississippi, New Hampshire and South Carolina)
- Although voting and political expression are paramount in a democracy, only Iowa and West Virginia had statutes that recognized hate crimes motivated by political affiliation.
- Thirty-one states address [sexual orientation](#) in their hate crime legislation, however, only 12 states protect individuals based on their gender identity. While the number of states that cover the LGBTQ+ community continues to grow, not all states define

these groups appropriately in their hate crime legislation.

- There were 37 states that protected religious locations. Yet, most states do not mention mosques and/or synagogues among protected institutions, despite these religious institutions being the most frequent targets of hate crimes. While churches were the most commonly identified religious institution among hate crimes legislation, they were mentioned by name in fewer than half of U.S. states. Only Delaware protects all places of worship.
- Thirty-one states offer protection covering physical, mental and other disabilities. While most states do recognize the importance of protecting these individuals, states continue to vary in the extent of their protections and rights afforded. New Mexico offers the most encompassing statute in this context.
- The most protected classes and populations of people were race (48 states), nation of origin (47 states), and religion (46 states).
- More than half of the states require prison (35 states) and/or jail time (30 states) for those who have been convicted of a hate crime.
- More than half of the states (27) have laws regarding hate crime reporting, which require collecting and storing data on hate [crimes](#) for the state.
- Combating [hate crimes](#) by public dissemination and training was primarily overlooked by the states. Two areas where states had a consensus on were victim resources and data collecting.

California offered the most encompassing law, as it clearly delineates protected classes and locations, while conceptualizing both. The researchers say California should serve as a basis for [states](#) moving forward, as it addresses the vagueness and inconsistent nature of other state statutes.

"There still much more work to be done. We suggest that state legislation provide greater conciseness and specificity to the law and courtroom

procedures, be mindful of appropriate social science definitions, apply equal coverage to institutions, and provide victims' resources and public services through legislation," said Cassandra Atkin-Plunk, Ph.D., co-author, an associate professor, and associate director in FAU's College of Social Work and Criminal Justice. "By doing so, hate [crime](#) and its harms can be adequately addressed within the criminal justice system."

More information: Seth Wyatt Fallik et al, Defining Hate: A Content Analysis of State Hate Crime Legislation in the United States of America, *Victims & Offenders* (2022). [DOI: 10.1080/15564886.2022.2140729](#)

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