

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.

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## 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

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## 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.”.

○