



CBF Advocacy

Support GA Hate Crimes Bill HB 426

Why a hate crimes bill?

Georgia is one of only four states without a hate crimes law. When someone commits a crime motivated by hate, there are two victims – the direct victim of the offense, and the community to which they belong. Hate crimes are often meant to terrorize or strike fear into all people who share the same characteristic, race, for example. The enhanced punishment is a way to recognize the impact on the broader community.

A hate crimes law also sends an important message to the people of Georgia that the state is looking out for the vulnerable and willing to punish more severely those who commit crimes motivated by hate. Without a state hate crimes law, a separate Federal prosecution would be necessary to punish a hate crime. Georgia once had a hate crimes law on the books, but it was ruled unconstitutional. HB 426 is drafted to withstand such a legal challenge.

What does the bill do?

The bill, HB 426, states that once a judge or jury “determines beyond a reasonable doubt that the defendant intentionally selected any victim or group of victims or any property as the object of the offense because of the actual or perceived **race, color, religion, national origin, sexual orientation, gender, mental disability, or physical disability** of such victim or group of victims,…” then the judge will impose a sentence greater than what would otherwise be available for the underlying crime.

The full text and current status can be found [here](#). The decision to seek additional hate crimes penalties would be made by a prosecutor. If the enhanced sentence is sought, after the conviction of the basic offense, additional evidence will be heard to determine if it is a hate crime.

Who are the bill sponsors?

[Rep. Chuck Efstrotation \(R- Dacula, 104th Dist.\)](#)

[Rep. Calvin Smyre \(D-Columbus, 135th Dist.\)](#)

[Rep. Ron Stephens \(R-Savannah, 164th Dist.\)](#)

[Dist.\)](#)

[Rep. Karen Bennett \(D- Stone Mountain, 94th Dist.\)](#)

[Rep. Deborah Silcox \(R- Sandy Springs, 52nd Dist.\)](#)

[Rep. Karla Drenner \(D- Avondale Estates, 85th](#)

What organizations are supporting the bill?

The [Hate Free GA coalition](#), led by the Anti-Defamation League (ADL) a Jewish organization, is made up of [35 faith and civil rights organizations](#) working to pass a hate crimes law for Georgia. On May 22 ADL hosted a very informative webinar on the bill with former Governor Roy Barnes, Reps. Efstrotation & Bennet as well as Vernon Keenan a former head of the Georgia Bureau of Investigations. You can watch or listen to the webinar [here](#). [Faith in Public Life Georgia](#) also supports the bill. You can add your name [here](#) to receive more information about how to join their efforts.

What do those not in support say?

Some of those who oppose the bill, particularly conservatives, express a fear that enhancing a penalty for the expression of ideas or beliefs, including hate, infringes on the First Amendment right of free expression. Others believe the bill should not be passed until it includes training for law enforcement and a right for victims to



pursue recourse in a civil suit. A few more progressive organizations do not support the bill because they oppose enhancements that lengthen prison sentences.

Where is the bill in the process?

HB 426 passed the Georgia House with bipartisan support in March 2019. Since that time the bill has been stalled in the Senate Judiciary committee. When the General Assembly reconvenes on June 15, there will be only 11 legislative working days with which to pass the bill. The next necessary step is a hearing and vote in the Senate Judiciary committee. Importantly, should the bill be amended in any way from what passed the House, it will have to go back to the House for another vote. There is not enough time to do so. In 2021 another bill would have to be filed and start the entire process over.

Who is key to securing passage?

Fortunately, both Governor Kemp and Speaker Ralston have publicly expressed their support for the bill. Speaker Ralston has made clear it should pass “as-is.” Lt. Gov. Duncan has affirmed support for a hate crimes law, but said the bill needs additional changes. Any such amendments will likely kill the bill for the session.

The most critical member is [Sen. Jesse Stone \(R-Waynesboro, Dist. 23\)](#). As Chairman of the committee he sets the agenda. Without his support to bring the bill for a vote in committee it will die.

The other members of the committee are –
[Sen. Bill Cowsert \(R-Athens, Dist. 46\)](#), Vice Chairman
[Sen. Blake Tillery \(R-Vidalia, Dist. 19\)](#), Secretary
[Sen. Bill Heath \(R-Bremen, Dist. 31\)](#)
[Sen. Harold V. Jones II \(D-Augusta, Dist. 22\)](#)
[Sen. John F. Kennedy \(R-Macon, Dist. 18\)](#)
[Sen. William T. Ligon, Jr. \(R-Brunswick, Dist. 3\)](#)
[Sen. Elena Parent \(D-Atlanta, Dist. 42\)](#)
[Sen. Michael ‘Doc’ Rhett \(D-Marietta, Dist. 33\)](#)
[Sen. Brian Strickland \(R-McDonough, Dist. 17\)](#)

What are the key messages right now?

We need your voice **RIGHT NOW! Call and email your Senator** and urge their support and ask them to encourage Sen. Stone to hold a hearing and a committee vote on the bill. If your Senator serves on the Judiciary Committee, they are even more important. You should also **call Gov. Kemp’s office** at (404) 656-1776 let them know of your support and ask that he pressure the Senate to pass the bill.

When you call, tell them you are a person of faith, and the name of your church. Tell them why you care and that:

- Georgia Needs a Hate Crimes Law
- HB 426 is the best chance in decades
- The Senate Judiciary Committee should vote to pass the bill **as-is, with no amendments**

You can find who represents you [here](#). The phone numbers and email addresses for all Senators can be found [here](#).

After you contact your Senator and call the Governor’s office, find out how your House member voted by clicking [here](#). If your House member is one of the six sponsors listed above, or they voted for the bill, please consider a call or email to **thank them**. The contact info for House members can be found [here](#).

