

POLICY BRIEF

Senate Bill 264: Hate Crimes

By: Senator Wilkins

What the bill does: Provides enhanced penalties if a crime is committed because of the victims race, color, religion, ancestry, national origin, sexual orientation, or disability.

Position: Family Council opposes this bill.

- **Enhanced penalties are already available under Arkansas law.** Judges and juries are granted discretion as to the severity of a sentence based on the severity of the crime. This already provides for punishment to fit the crime.
- **This bill discriminates against categories of people not included.** This bill does not address crime victims targeted because of their gender, age, profession, social class, or relationship to the perpetrator (all characteristics that experience much higher crime rates than some of those included in this bill).
- **This bill promotes unequal treatment and justice for victims of crime.** No crime victim should be entitled to greater protection than another should. Our Constitution guarantees equal protection under law, not unequal protection. This bill proposes to place a higher value on the lives or safety of certain people than on others.
- **With the actual physical crime being the same in both a “hate” crime and non-hate crime, penalties are being based on the criminal’s values.** When and why did we decide that “hatred” is worse than, for instance, “greed” or any other value held by the criminal?
 1. Have any Arkansas prosecutors refused to prosecute any perpetrator of a “hate crime”? If perpetrators are being prosecuted, why are we trying to pass a law for a problem where sufficient laws already exist?
 2. Do we have any evidence that any criminal who committed a possible “hate crime” has not been sufficiently punished according to existing law?
 3. If our existing laws are not strong enough to punish criminals, shouldn’t we strengthen them across the board for these types of serious crimes against all victims rather than just a select few?

“People who talk about “hate crimes” ignore both the past and the implications for the future in what they are advocating. It took centuries of struggle and people putting their lives on the line to get rid of the idea that a crime against “A” should be treated differently than the same crime committed against “B.” After much sacrifice and bloodshed, the principle finally prevailed that killing a peasant deserved the same punishment as killing a baron. Now the “hate crime” advocates want to undo all that and take us back to the days when punishment did not fit the crime, but varied with who the crime was committed against.”

--Syndicated Columnist Thomas Sowell

Why would we teach our children that the worth of an individual is dependent upon the group to which he belongs?

PLEASE VOTE NO ON SB 264

