

**Possible Talking Points on “Bias Crimes”  
Legislation for Calls to Action**

1. **“Hate Crime” laws are not necessary in Indiana.** There is no evidence that such crimes are not being adequately prosecuted or sentenced now. Judges in Indiana already have the ability to enhance a sentence for *any* victim if they deem it helpful. (*Witmer v. State*, 800 N.E.2d at 573.)
2. **Hate Crime incidents make up a very small percentage of crimes in Indiana.** In 2016 there were 76 hate crime incidents reported in Indiana, which is only 0.0002 percent of the 384,382 crimes in the state that year. Doesn't every Hoosier victim of these 384,382 crimes deserve political and media attention, too?
3. **There is no evidence that “hate crime” laws are a deterrent to crime.** The top 15 states with the highest rates of hate crimes all have longstanding hate crime laws like the one called for by the media and Governor Holcomb. Why would we mimic their failed policies, when Indiana ranks near the bottom of states in hate crime incidents? (rate per 100,000 population)
4. **Hate Crime proposals are political statements; not legal necessities.** For more than a decade Indiana judges have had the ability to enhance a sentence for any victim of a hate crime. This is a media driven issue, not a deficit in Indiana law.
5. **“Hate Crime” legislation actually limits the ability of Indiana judges to sentence criminals.** Hate Crime legislation proposed in the Indiana General Assembly includes a list of politically favored victims. Creating a preferred list for enhancements actually reduces the incentive for judges to enhance a sentence involving any victim targeted due to excessive animus.
6. **“Hate Crime” legislation punishes thoughts, not just actions.** Advocates of hate crime laws deny this because some of these proposals only authorize prosecution of someone who causes bodily injury or property damage. But **such acts are already crimes under Indiana law.** *What converts the acts targeted by these bills into a new crime are the thoughts or opinions of the perpetrator, alone.* In America we have always punished people for what they do, not for what they think.
7. **“Hate Crimes” laws violate the “equal justice under law” concept inscribed in stone in the US Supreme Court building by protecting**

- some victims more than others.** Do we somehow care *less* about a victim who is violently assaulted because of a random robbery or a personal dispute than we do about a victim who is assaulted because they fit in a list of politically protected categories?
8. **Creating a list of politically-favored classes of victims in hate crime statutes will always leave off other victims of the same crime.** Hate crime victim lists in legislation create unequal justice. Every victim of a hate crime deserves justice. Why should a physical assault against a healthy, 35 year-old, homosexual male carry a significantly stronger sentence than a physical assault against an 80 year-old grandmother under Indiana law?
  9. **“Bias Crime” legislation shows contempt for the moral and religious views of millions of Hoosiers by including “sexual orientation” and “gender identity” as protected categories.** By distinguishing between an ordinary crime and a so-called “hate crime” solely on the basis of the perpetrator’s disapproval of homosexual conduct or sex changes, the bill sends a message that such disapproval alone - *even if expressed peacefully and lovingly* - constitutes a form of “hate” that is equivalent to racial bigotry. This is an insult to many compassionate individuals of all races who sincerely object to such conduct, not only based on religious and moral boundaries that are thousands of years old, but also based on well-founded concerns about the serious medical and psychological risks of such behaviors.
  10. **“Hate Crime” legislation sets Indiana on a slippery slope toward the infringement of the freedom of speech and freedom of religion.** In some states that have adopted these laws, “hate crimes” have been defined to include not just violent physical acts, but also mere verbal activity as well. This occurs by using terms like “**hate speech**,” “intimidation,” or “verbal assault.” By endorsing the “thought crimes” mentality, these laws pave the way for future expansions of their scope. *Christians have already been prosecuted under hate crime laws for peacefully expressing disapproval of homosexual behavior in Sweden, England, Canada, and even in Philadelphia, PA.*
    - a. Several Indiana cities have ordinances that punish people who politely and peacefully refuse to participate in certain activities, such as a homosexual wedding, based upon their moral or religious beliefs. Adding a “hate crime” law to the books only makes matters worse for those Hoosiers and encourages cities to further trample on the rights of conscience or conscientious objection.