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## HATE CRIMES STATISTICS ACT

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JULY 18, 1985.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. CONYERS, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 2455]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2455) having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE

The purpose of H.R. 2455 is to require the Department of Justice annually to collect and publish statistics on crimes motivated by racial, ethnic, or religious prejudice.

#### BACKGROUND AND NEED FOR LEGISLATION

There are at present no comprehensive, accurate, and up-to-date statistics kept on the national incidence of crimes motivated by racial, ethnic, or religious hatred. Yet, we know that these crimes take place.

There can be little doubt that keeping statistics about hate crimes would be very useful. Communities and organizations that seek to combat hate crimes must guess at the frequency of their incidence and at any trends in such crimes. There are many other things we need to know about hate crimes but do not, such as the actual extent of hate crime; whether an incident is isolated or part of a more pervasive problem; which communities are especially prone to have such crimes occur; and what law enforcement techniques are effective in solving and preventing such crimes. As Representative Barbara Kennelly noted in testimony before the Subcommittee on Criminal Justice:

The scattered and incomplete data available today permits us to do little more than ask these questions. But a society that prides itself on its tolerance for diversity and thrives on the presence of different races, religions, and ethnic groups should demand to know more.

Two bills—H.R. 775, sponsored by Representative Mario Biaggi, and H.R. 1171, sponsored by Representative Barbara Kennelly and others—were introduced to ensure the availability of adequate statistics about hate crime. Both bills required the Attorney General to acquire, and publish in the Uniform Crime Reports, information regarding the incidence of (1) robbery, burglary, theft, arson, vandalism, and trespass involving property which symbolizes, or is customarily used in, the performance of a religious activity or the achievement of a religious purpose, and (2) homicide, assault, robbery, burglary, theft, arson, vandalism committed manifestly to express racial, ethnic, or religious prejudice.

The Subcommittee on Criminal Justice held a hearing on these bills and received testimony from Representatives Biaggi and Kennelly, as well as Representative Norman Mineta, a cosponsor of H.R. 1171; representatives of the Justice Department (the Director of the Bureau of Justice Statistics, the Assistant Director of the F.B.I.'s Uniform Crime Reporting Section); the Director of Community Relations of the Maryland Commission on Human Rights; the Executive Director of the Institute for the Prevention and Control of Violence and Extremism; representatives of the Anti-Defamation League of B'nai B'rith; a representative of the NAACP Legal Defense and Educational Fund, Inc.; and a representative of the Anti-Klan Network.

The principal objection to the legislation raised during the hearing, which was voiced by the representatives of the Justice Department, concerned using the Uniform Crime Reporting system to collect and publish data about hate crimes. They also questioned whether the legislation, by requiring the collection of "information" about the incidence of hate crimes, called for more than the mere gathering of statistics.

The Subcommittee on Criminal Justice worked with the Justice Department to fashion new language that would meet these objections. At its markup on May 2, the Subcommittee adopted an amendment in the nature of a substitute offered by the Subcommittee's ranking minority member and reported a clean bill. The clean bill, which was introduced as H.R. 2455, differs from the legislation as introduced in five respects. First, it provides that data about hate crimes be collected and published independently of the Uniform Crime Reports. Second, the bill requires the collection of "data"; the term "information" is not used. Third, the crime of "threat" was added to the list of crimes covered by the legislation. Fourth, the legislation sunsets at the end of 1990, and fifth, the bill authorizes the appropriation of such sums as are necessary to carry out the legislation.

The Committee took up H.R. 2455 on June 25 and ordered the bill reported favorably without amendment.

## SECTION-BY-SECTION ANALYSIS

Section one of the bill provides that the short title of the legislation is the "Hate Crime Statistics Act".

Section two of the bill requires the Attorney General, under the authority of 28 U.S.C. 534 (which provides for the acquisition, preservation, and exchange of identification records and information, and the appointment of officials) to acquire, and publish annually a summary of data on crimes that manifest racial, ethnic, or religious prejudice, including the crimes of homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, and threat. The data is to be collected for four calendar years, starting with 1986.

Section three of the bill authorizes the appropriation, for fiscal year 1986 and the four succeeding fiscal years, of such sums as are necessary to carry out the legislation.

## OVERSIGHT FINDINGS

The Committee makes no oversight findings with respect to this legislation.

In regard to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to this Committee by the Committee on Government Operations.

## NEW BUDGET AUTHORITY

In regard to clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives, H.R. 2455 creates no new budget authority or increased tax expenditures for the Federal Government.

## INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee finds that the bill will have no inflationary impact on prices or costs in the operation of the national economy.

## FEDERAL ADVISORY COMMITTEE ACT OF 1972

The Committee finds that this legislation does not create any new advisory committee within the meaning of the Federal Advisory Committee Act of 1972.

## STATEMENT OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 16, 1985.*

HON. PETER W. RODINO, Jr.,  
*Chairman, Committee on the Judiciary, House of Representatives,*  
*Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2455, the Hate Crime Statistics Act, as ordered reported by the House Committee on the Judiciary, June 25, 1985.

This bill directs the Attorney General to collect and publish data about crimes motivated by racial, religious, or ethnic hatred, for the five calendar years beginning with 1986. The bill does not

specify how the data are to be collected, and this could be accomplished in a number of ways. For example, a survey similar to the National Crime Survey could be conducted. This method would be among the most accurate, but also the most expensive, because it would require collecting information from institutions not currently surveyed. Less expensive would be a method in which police reported incidents, and a follow-up was conducted by federal authorities. Even less expensive would be a method whereby police would simply indicate in the crime reports submitted to the Federal Bureau of Investigation (FBI) whether the crime was motivated by prejudice.

Since we cannot predict how the Department of Justice will undertake to collect data, no precise estimate of the cost of this bill can be made. Information from the FBI and the Bureau of Justice Statistics indicates, however, that data collection costs could range from less than \$1 million to about \$8 million annually, depending on the method of data collection.

No significant cost to state and local governments is expected to be incurred as a result of enactment of H.R. 2455, because none of the data collection methods require significant additional effort by state or local authorities.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,  
Sincerely,

RUDOLPH G. PENNER, *Director.*

#### COST ESTIMATE

In regard to clause 7 of rule XIII of the Rules of the House of Representatives, the Committee estimates that the cost to the Federal Government of collecting the data will be less than \$1 million.

#### COMMITTEE VOTE

The Committee reported H.R. 2455 on June 25, 1985, by voice vote, a quorum of Members being present.

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