

118TH CONGRESS
1ST SESSION

S. 2030

To establish a United States Commission on Hate Crimes to study and make recommendations on the prevention of the commission of hate crimes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2023

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a United States Commission on Hate Crimes to study and make recommendations on the prevention of the commission of hate crimes, and for other purposes.

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 “Hate Crimes Commis-
5 sion Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The Federal Bureau of Investigation (re-
9 ferred to in this section as the “FBI”) defines a

1 hate crime as a criminal offense—such as murder,
2 arson, or vandalism—against a person or property
3 motivated in whole or in part by an offender’s bias
4 against a race, color, national origin, religion, dis-
5 ability, sexual orientation, ethnicity, gender, or gen-
6 der identity.

7 (2) Forty-six States and the District of Colum-
8 bia have statutes criminalizing various types of bias-
9 motivated violence or intimidation.

10 (3) Congress has enacted various statutes to
11 address hate crimes since 1968, with the most re-
12 cent statute, the COVID–19 Hate Crimes Act (Pub-
13 lic Law 117–113; 135 Stat. 265), enacted in 2021.

14 (4) In 2021, the FBI reported 10,840 single-
15 bias incidents, an increase of nearly 12 percent from
16 2020.

17 (5) Hate crimes not only damage the individual
18 victim or victims, but also traumatize entire commu-
19 nities and erode public confidence in their safety.

20 (6) In 2021—

21 (A) 64.5 percent of victims were targeted
22 because of the offender’s race, ethnicity, or an-
23 cestry bias;

1 (B) 15.9 percent of victims were targeted
2 because of the offender's sexual orientation
3 bias;

4 (C) 14.1 percent of victims were targeted
5 because of the offender's religious bias;

6 (D) 3.2 percent of victims were targeted
7 because of the offender's gender identity bias;

8 (E) 1.4 percent of victims were targeted
9 because of the offender's disability bias; and

10 (F) 1 percent of victims were targeted be-
11 cause of the offender's gender bias.

12 (7) In testimony before the Committee on
13 Homeland Security of the House of Representatives
14 in September 2020, FBI Director Christopher Wray
15 said, "Within the domestic terrorism bucket, the cat-
16 egory as a whole, racially motivated violent extre-
17 mism is, I think, the biggest bucket within that larg-
18 er group. And within the racially motivated violent
19 extremist bucket, people subscribing to some kind of
20 white supremacist-type ideology is certainly the big-
21 gest chunk of that."

22 (8) In August 2012, a shooting at the gurdwara
23 in Oak Creek, Wisconsin, left 6 people dead, and a
24 seventh victim of the shooting succumbed to his in-
25 juries in 2020.

1 (9) In October 2018, a shooting at the Tree of
2 Life synagogue in Pittsburgh, Pennsylvania, left 11
3 people dead.

4 (10) In July 2019, a Hindu priest in New York
5 City was hospitalized after a man attacked him and
6 screamed “this is my neighborhood” during the inci-
7 dent.

8 (11) In August 2019, an assailant entered a
9 Walmart in El Paso, Texas, to target Hispanic im-
10 migrants and left 22 people dead.

11 (12) In November 2020, a woman shouted anti-
12 Muslim slurs and attacked a couple in New York
13 City, leaving one victim needing surgery for facial
14 fractures.

15 (13) In March 2021, a gunman targeted 3 spas
16 across Atlanta, Georgia, killing 8 people, 6 of whom
17 were Asian women.

18 (14) In May 2022, a gunman injured 3 people
19 after entering a Korean-owned business in Dallas,
20 Texas, and firing 13 rounds before fleeing.

21 (15) In May 2022, a gunman targeted a Tops
22 supermarket located in a predominantly Black
23 neighborhood in Buffalo, New York, killing 10 peo-
24 ple and injuring 3 others. Of the 13 victims, 11 were
25 Black.

1 (16) In November 2022, a gunman killed 5 peo-
2 ple and wounded 25 others after opening fire on an
3 LGBTQ+ nightclub in Colorado Springs, Colorado.

4 (17) In response to the COVID–19 pandemic,
5 Asian Americans have suffered an increasing num-
6 ber of hate crimes. According to Stop AAPI Hate,
7 nearly 11,500 “hate incidents” toward Asian Ameri-
8 cans and Pacific Islanders were reported between
9 March 2020 and March 2022.

10 (18) The Anti-Defamation League (commonly
11 known as the “ADL”) annually surveys and reports
12 anti-Semitic hate incidents across the country. In
13 2022, the ADL reported a 36-percent increase in
14 anti-Semitic incidents compared to 2021.

15 (19) In the original 2021 Hate Crime Statistics
16 published by the FBI in December 2022, the FBI
17 acknowledged the significant discrepancy in report-
18 ing from local law enforcement agencies as a result
19 of transitioning to the National Incident-Based Re-
20 porting System. Due to the lack of reporting by local
21 enforcement agencies, the FBI acknowledged that
22 the 2021 Hate Crime Statistics cannot be compared
23 reliably across years.

24 (20) In March 2023, the FBI released supple-
25 mental data for the 2021 Hate Crime Statistics con-

1 sisting of data collected through the Summary Re-
2 porting System by local law enforcement agencies.

3 (21) There is a clear need for stronger action
4 to accurately report and effectively combat hate-
5 based attacks.

6 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

7 (a) **ESTABLISHMENT.**—There is established the
8 United States Commission on Hate Crimes (in this Act
9 referred to as the “Commission”).

10 (b) **MEMBERSHIP.**—

11 (1) **SIZE OF COMMISSION.**—The Commission
12 shall be composed of 12 members.

13 (2) **APPOINTMENT.**—Members of the Commis-
14 sion shall be appointed in accordance with the fol-
15 lowing:

16 (A) Two members shall be appointed by
17 the majority leader of the Senate.

18 (B) Two members shall be appointed by
19 the minority leader of the Senate.

20 (C) Two members shall be appointed by
21 the Speaker of the House of Representatives.

22 (D) Two members shall be appointed by
23 the minority leader of the House of Representa-
24 tives.

1 (E) Two members shall be appointed by
2 the Attorney General.

3 (F) Two members shall be appointed by
4 the Secretary of Health and Human Services.

5 (3) LIMITATIONS.—Not more than 5 members
6 of the Commission may be from the law enforcement
7 community and not more than 5 members of the
8 Commission may be from the civil rights community.

9 (4) DEADLINE.—Each member of the Commis-
10 sion shall be appointed not later than 60 days after
11 the date of enactment of this Act.

12 (c) MEETINGS.—The Commission shall hold its first
13 meeting not later than 90 days after the date as of which
14 all members of the Commission have been appointed under
15 subsection (b)(2).

16 **SEC. 4. DUTIES OF THE COMMISSION.**

17 (a) DEFINITION.—In this section, the term “hate
18 crime” means an offense under section 249 of title 18,
19 United States Code.

20 (b) INVESTIGATION.—The Commission shall inves-
21 tigate the following:

22 (1) Whether the number of hate crimes com-
23 mitted has increased during the period beginning on
24 January 1, 2015, and ending on the date that is 60
25 days after the date of enactment of this Act.

1 (2) To the extent that the Commission deter-
2 mines under paragraph (1) that the number of hate
3 crimes committed has increased, the factors that
4 have contributed to the increase.

5 (3) Policies or actions that law enforcement
6 agencies might adopt or engage in to reduce the
7 commission of hate crimes.

8 (4) The impact of underreporting on hate
9 crimes statistics and hate crimes prevention.

10 (5) Ways to improve hate crimes reporting and
11 ensure full and complete participation in the Na-
12 tional Incident-Based Reporting System by local law
13 enforcement agencies, including by identifying any
14 barriers that may deter such reporting.

15 (6) Bias prevention efforts and responses to
16 hate crimes that are successful and possible through
17 coordination with nonprofit organizations, local edu-
18 cation agencies, and government entities.

19 (7) The prevalence and rise of online hate crime
20 incidents.

21 **SEC. 5. REPORT.**

22 Not later than 1 year after the date as of which all
23 members of the Commission have been appointed under
24 section 3(b)(2), the Commission shall submit a report to
25 Congress and the President that sets forth the results of

1 the investigation conducted under section 4, including rec-
2 ommendations for—

3 (1) actions Federal agencies can take to help
4 improve hate crimes reporting by local law enforce-
5 ment agencies, as described in section 4(b)(5); and

6 (2) bias prevention efforts and responses to
7 hate crimes, as described in section 4(b)(6).

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