

“Hate Crimes” Legislation Results in Problems, Not Solutions

By: Arnold J. Gaunt

“Groups” are Problematic

- ◆ Because HB 85 offers no definition of “sexual orientation,” it may extend special protections to pedophiles, necrophiles, rapists, and bestialists.
- ◆ The term “disability” may go far beyond common physical limitations, to include such groups as alcoholics, illegal drug addicts, and the criminally insane.
- ◆ Are you prepared to deny certain groups of people equal protection because they are not specifically listed? What about people who are harassed or threatened because they are obese or unattractive?

Eliminating “Groups” is Still Problematic

- ◆ By eliminating groups, virtually any crime (having no connection to hate or terror) can be punished at a higher level based upon *arbitrary* prosecutorial or judicial decisions.
- ◆ Under Utah Code 76-8-104, a citizen can be charged with a class A misdemeanor for threatening to remove a representative from political office at the next election (under this section, threaten “harm” is defined as “any disadvantage or injury”). Under HB 85 and the various substitutes proposed, if the citizen evidences any “bias or prejudice” against that public official, he would now be guilty of a **FELONY**.

“Hate Crimes” Legislation Mocks the Second Amendment

- ◆ Firearms ownership rights are lost for life upon conviction of a felony. A person’s right to bear arms should not be forever eliminated for trivial misdemeanor offenses elevated to felonies, particularly if these offenses have nothing to do with protecting vulnerable individuals and communities.

“Hate Crimes” Legislation Is Not Acceptably Limited to “Terroristic Acts”

- ◆ All versions of HB 85 are overly broad and punish *thought*, rather than being limited to the unacceptable *intent* to threaten or terrorize a larger community.

A Responsible Course of Action

Refer HB 85 to Interim Committee to determine the extent, if any, of terroristic crimes in Utah and to consider potential legislative remedies.