

Written Testimony of Sarah Warbelow, State Legislative Director for the Human Rights Campaign, in Support of Senate Bill 139: An Act  
Expanding Provisions Governing Criminal and Civil Liability for Certain Crimes to Include Crimes Motivated by the Victim's Gender Identity or Expression  
to  
The Nevada Senate Judiciary Committee  
March 4th, 2013

Chair Segerblom and Members of the Committee:

My name is Sarah Warbelow, and I am the State Legislative Director for the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of our more than one and a half million members and supporters nationwide, including more than 25,000 in Nevada, I am honored to submit this statement in support of SB 139, An Act Expanding Provisions Governing Criminal and Civil Liability for Certain Crimes to Include Crimes Motivated by the Victim's Gender Identity or Expression.

Nevada has a proud history of being a welcoming state for everyone. The people of the Silver State, born in the midst of the Civil War, are known for valuing justice. Hate crimes prevention laws put those values into practice. They send a strong message that all of Nevada's residents matter. Today it is time to protect the most vulnerable among us by extending hate crimes protections to cover gender identity and expression.

We must take a strong stand against violence committed against our neighbors for simply being themselves. The purpose of our government, first and foremost, is to protect all of our citizens. While a random act of violence against any individual is always a tragic event, violent crimes based on prejudice have a much stronger impact because they have the power to terrorize an entire community.

The passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009 was a significant victory in the fight for equality for lesbian, gay, bisexual and transgender people. The expansion of hate crimes protections at the federal level sends an important message to our nation that the federal government will not tolerate violent crimes that target individuals because of their sexual orientation, gender identity or other characteristics, like disability, race or gender. Passage of the Hate Crimes Prevention Act does not, however, end the need for state lawmakers to address hate-motivated crimes that terrorize communities across our country.

The Hate Crimes Prevention Act does not protect individuals from non-violent hate crimes or hate crimes committed solely against another's property. It only protects individuals from bias-motivated violence. Therefore, if a non-violent or property hate crime occurs in Nevada, it must be prosecuted under the state hate crimes law. Transgender people who are targeted for a property crime based upon their gender

identity currently have no recourse under either Nevada or federal hate crimes prevention law.

To prosecute a hate crime based on gender identity under the Hate Crimes Prevention Act, the government must allege and prove beyond a reasonable doubt that there is an explicit and discrete connection between the hate crime and interstate or foreign commerce. If the Department of Justice cannot prove such a nexus to federal jurisdiction, the crime cannot be prosecuted as a federal hate crime. Only Nevada authorities have jurisdiction to prosecute the crime as a hate crime — and may do so only if Nevada adds gender identity to the list of protected categories.

Transgender individuals are disproportionately affected by hate crimes. These crimes are among the most violent and brutal, often resulting in the death of the victim. Passage of SB 139 will not only provide local law enforcement with the tools they need to combat hate violence, but just as importantly, it will put would-be perpetrators on notice that Nevada does not tolerate bias-motivated, violent crime.

The time has come for Nevada to ensure that gender identity is fully protected in this great state. Please vote in favor of Senate Bill 139.