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February 8th, 2021

RE: Testimony in Support of HB 1443

Greetings Chairman Klemin and members of the Committee,

I am Brandi Hardy, the Legislative Coordinator for the North Dakota Human Rights Coalition.

We are here in support of HB 1443. A bill that would standardize training and reporting for peace officers responding to bias crimes, aggravated assault, harassment, and criminal mischief.

A bias crime, sometimes known as a hate crime, is defined by the FBI as a 'criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.' HB 1443 mimics much of this language with its definition from section 5, lines 26 - 31.

According to Hate Crime Victimization Report, 90% of hate crimes involved violence, with 29% of those resulting in rape or sexual assault, robbery, and aggravated assault. Overall, hate crimes accounted for a higher rate of violence, than non-hate crimes.

HB 1443 would add comprehensive, fully-inclusive bias crime protections to North Dakota law. Sending a strong message that hatred and prejudice are not North Dakota values. That everyone is welcome here and should be able to live their lives free from the threat of bias-motivated crimes.

At first glance, ND hate crime reports look relatively low. However, when we start cross referencing two national sources, we can see there are gaps in our state's reporting.

The first of these sources is the FBI's Uniform Crime Reporting (UCR). Data collection is based on law enforcement agency reports and classifications. They capture offenses against all persons, regardless of age, and hate crimes against organizations, businesses, schools, and religious facilities.

The second source is the National Crime Victimization Survey (NCVS). Data collected is based on hate crimes reported and not reported to law enforcement agencies. It captures offenses against persons 12 or older but does not include properties.

In 2019, ND reported 18 bias motivated crimes statewide. This is out of a population of 760,000 people. That number equals 2.4 hate crimes per 100,000 persons.

But if we look at 2015 NCVS, which is the most recent data available, we see the national average being closer to 70 crimes per 100,000 persons over the age of 12. Meaning, the

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national estimate is about 29 times higher than reported cases in ND. By using this data, ND could have expected approximately 446 hate crime cases in 2019. Simply put, we are greatly underreported in ND.

How have bias crimes gone so under-reported? A lot of that has to do with our inconsistency. If we look at 2019 as an example, there were 109 participating agencies with only 12 reporting bias-motivated crimes. This could be due to the training each department is receiving and the perception of the crime from the peace officer. Through HB 1443, ND would establish the framework from subjective reporting to objective reporting.

HB 1443 will allow us to start destigmatizing biases we have in North Dakota. This is the same thing we did as a state when we started addressing human trafficking. Legislation was introduced and passed to create consistencies in services for survivors and track trends in our state. By passing HB 1443, we are protecting ALL residents who love to call ND home.

I urge the committee to vote DO PASS on HB 1443.

Thank you for your time. I stand for questions.

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