

Testimony in Support of HB 1537

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North Dakota House Judiciary Committee

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Chairman Klemin and Members of the Committee:

My name is Christina Sambor, I am here today on behalf of the North Dakota Coalition for Homeless People, the North Dakota Human Rights Coalition, and Youthworks. We stand strongly in favor of HB 1537, and urge this committee to recommend a “do pass.” This bill has, as the sponsor noted, been refined to take into consideration concerns of law enforcement, is a good bill, and would result in important data being collected for our state’s health and safety.

Acts of violence or disparate treatment based on someone’s identity or sincerely held beliefs happen. Other witnesses have given you many examples of such acts that have occurred in North Dakota. This has always been a sad truth about human existence. These types of crimes are not the same as crimes that have other motivations. These types of crimes pose an indiscriminate threat to entire groups of people, making them feel unsafe and unseen in their communities. Refusing to recognize these crimes as bias crimes when they happen has the effect of denying the victim justice and amplifies concerns that communities rightly have about a lack of safety.

If someone is randomly attacked by a perpetrator, who during the attack is yelling derogatory language at them about being a catholic, or being a female, or being Chinese, those facts are relevant to the perpetrator’s motive, and indicate that the perpetrator poses a general threat to anyone who is part of that community. All of us deserve recognition by the criminal justice system if we are attacked by other people simply for who we are, how we look, or what we believe. This is not a radical, “woke” or anti-conservative proposition. In fact, our neighbors South Dakota and Montana both have enacted anti-bias statutes. It is simply a reality that in protecting and policing our communities, it is of value to understand whether and where bias or “hate” crimes are occurring.

Let us not forget that any of us could end up in a group that is targeted based on general characteristics. This has happened to Indigenous people all over the world. This has happened to Christians throughout history. In fact, this very committee, and the entire House, voted nearly unanimously to prohibit the state or local governments in North Dakota from infringing on religious practice via HB 1136, Rep. Klemin’s bill.

There is clearly agreement by this committee that protection of religious status is an important public policy, even though these rights are already protected by our constitution, laws and courts. Why then would a law that recognizes and punishes violence perpetrated on the basis of that same religion be objectionable? We all want to be protected against such indefensible acts. This bill simply seeks to put a mechanism into law that says that where there is evidence that an individual was attacked because they are Christian, or black, or female, etc., that we have the ability to charge that crime, and its motivation, appropriately.

I would ask that the committee consider the crime of human trafficking. Over the last 10 years, we have passed criminal laws, provided funding, and collectively spent time and energy learning about this particular crime. We didn't pass laws in ND criminalizing the act of human trafficking specifically until 2009. Yet, I think we can agree that the ND legislature thought that defining this particular crime for what it was, a premeditated recruitment of people for the purposes of forcing, defrauding, or coercing them into sexual servitude or slave labor, was a worthwhile endeavor. Yes, we could prosecute a human trafficker for other crimes – say kidnapping, rape, assault. But do those crimes really sum up what it means to be a human trafficker? Not the way a human trafficking statute does. Here, if an individual in our communities is so motivated by their hatred for a certain racial group that they would randomly attack a child, does simply charging them with assault really sum up what they did? Does it adequately inform the community and the justice system about the threat they pose? Does it help us quantify and understand trends with these types of crimes? Not the way charging them with a bias crime would.

Should any of us find ourselves in the position of being victimized by a bias crime, it would be infuriating to have police or prosecutors tell us that why we were attacked doesn't matter because there are already laws that exist to prosecute the attack. This is a simple law that is in line with 45+ other states, conservative and liberal alike, and should be added to the Century Code. For these reasons, NDCHP, NDHRC and Youthworks respectfully requests a do pass vote on HB 1537.