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Senate Republicans sink hate crime legislation

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INDIANAPOLIS—Hate crime legislation appears to be dead for the 2018 session after Senate Republicans Tuesday pulled it, saying they were unable to find common ground to advance the bill.

Senate Bill 418 would have allowed judges to weigh everything from race and sex to gender identity and sexual orientation as aggravating circumstances in sentencing a criminal defendant.

People interested in the outcome of the bill waited two-hours while the Senate Corrections and Criminal Law Committee worked it way through other legislation. When the time came for SB 418 to be voted on, the committee chair, Sen. Michael Young, R-Indianapolis, announced that it would not be heard.

Young then joined President Pro Tem David Long, R-Fort Wayne, and author of the bill, Sen. Susan Glick, R-LaGrange, in a press conference to explain their reasons for pulling the bill.

Long said the Republican caucus could not find common ground for a number of reasons, including the language not accounting for all Hoosiers.

Another reason was many believe Indiana already allows for a criminal sentence to be increased in a bias-crime situation because of a state Supreme Court case decided in 2003. Alex Witmer's sentence for robbery and murder was enhanced because his acts were racist and the court upheld his conviction, saying bias-motivated crimes are intolerable and may constitute an aggravating circumstance.

Long said the Witmer case "clearly" states that a criminal sentence can be increased if there is proof that the underlying crime was motivated by a bias against the victim. He said for those reasons, the caucus felt there was justification for choosing to not move forward with the bill.

Byron Ratcliffe, the criminal justice chair of the Indiana NAACP, said the decision to kill the bill is "shameful."

"We've got five states, only five states in the Union that don't have a biased crimes bill. Why is Indiana one?" Ratcliffe said. "Why doesn't the caucus do what they need to do and

represent all Hoosiers?”

Ratcliffe also said that the Witmer case is not a justification for killing the bill. He specifically noted the crime against Jason Gardner, who was beaten nearly to death because of his race, and his attacker received a 30-day sentence.

“I would’ve thought that to be attempted murder,” Ratcliffe said. “Legislation is available so they can, but none of that’s happening, and none of that has been happening.”

Ratcliffe said he spoke to Sen. Greg Taylor, D-Indianapolis, before the hearing Tuesday morning. He said Taylor warned “this might happen,” referring to the bill being pulled.

Taylor took a moment during the Senate session Tuesday to criticize his colleagues for pulling HB 418. He read an impact statement from Gardner’s mother, La’Kysha Gardner, in which she stated she is moving her family out of Indiana because her son is too afraid to leave their house.

“I’m going to let you guys have it. My heart can’t do it anymore. My soul can’t do it anymore,” Taylor said on the Senate floor. “Don’t ask me to co-sponsor a bias crimes bill ever again.”

Glick said she is disappointed the bill could not get passed this session. She also noted that she believes the bill is inclusive but said there are many who did not see it that way with the language.

“Many people see that list and see, in their minds, it only applies to this race or this religion or these people, and in fact, all of us have a gender identity, all of us have sexual identity, all of us have a gender or a race,” Glick said.

The American Family Association of Indiana, an organization that opposed SB 418, posted a statement on its website claiming victory for its rejection. AFA, saying supporters wanted a politically correct list of favored victims, thanked its members for their calls, emails and post cards against the legislation.

The Indiana Democratic Party released a statement criticizing Gov. Eric Holcomb for failing to address the issue.

Long said the Senate plans to bring the bill back next session. Glick said she hopes cultural changes and attitude changes will help the bill move in the future.

“Our ability to reach a compromise might come sooner rather than later,” Glick said.

Erica Irish contributed to this story. She and Emily Ketterer are reporters for TheStatehouseFile.com, a news website powered by Franklin College journalism students.

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