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Virginia lawmakers kill hate crime bills even as anti-LGBTQ attacks increase

Republicans resist attempts to include protections for LGBTQ people in Virginia's hate crimes law

By John Riley on February 1, 2018

The Virginia General Assembly has defeated a bevy of bills that deal with bias-motivated crimes, particularly those that target LGBTQ victims, even as the number of anti-LGBTQ homicides hit a record high last year.

Last Friday, the House Courts of Justice's Subcommittee #1 defeated two bills dealing with so-called "hate crimes." Del. Ken Plum (D-Reston) introduced a bill that would have added gender, sexual orientation, gender identity, and disability to the categories of victims whose attacks can be recognized as hate crimes. That means that offenders can be charged with bias enhancements, or subject to harsher penalties, if prosecutors choose to pursue additional prison time on top of the underlying murder or assault charges.

Del. Rip Sullivan (D-McLean) introduced a separate bill that would have required the reporting of hate crimes based on sexual orientation or gender identity to the Virginia State Police. Law enforcement authorities are already reporting such statistics to the FBI, and law enforcement authorities have consistently supported similar bills patroned by Sullivan during past legislative sessions.

Both Plum's bill and Sullivan's bill were defeated on party-line votes, 4-3, with Republicans voting to table them, in that subcommittee. Del. Les Adams (R-Chatham) was absent.

The Courts of Justice Subcommittee has not yet voted on HB 10 or HB 266, identical measures that combine Plum and Sullivan's bills into one, but both are expected to be defeated on party-line votes.

Earlier in the session, the Republican-controlled Senate behaved similarly, defeating a bill patroned by Sen. Barbara Favola (D-Arlington) that sought to expand the classes of victims that are covered by Virginia's current hate crime laws. The bill, which sought to add gender, sexual orientation, and gender identity to the hate crimes law, was defeated in the Courts of Justice Committee on a party-line 9-6 vote.

The General Assembly's actions come at a time when anti-LGBTQ hate crimes are on the rise, constituting the third most common type of hate crime in the nation. A recent [report](#) by the National Coalition of Anti-Violence Projects found that there were 52 reported anti-LGBTQ homicides in 2017, the highest number ever recorded, and an 86% increase from the number of LGBTQ murders in 2016.

Recently, a jury convicted a man from Chester, Va., on federal hate crime charges after he assaulted a co-worker he thought was gay at the Amazon Fulfillment Center in May 2015. James William Hill III admitted to an Amazon manager and to police that he dislikes gay people, and that gay people should expect to be assaulted because of their sexual orientation, reports [WRIC](#).

Hill could face up to 10 years in prison when he's sentenced later this year. Ironically, though, Hill's punishment would likely be less severe had he been charged with assault and prosecuted under the commonwealth's criminal laws, due to the General Assembly's refusal — and therefore, the commonwealth's — to admit the existence of crimes motivated by anti-LGBTQ animus.

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