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WV Lawmakers Propose Changing Hate Crime Statute

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CHARLESTON, WV (WOWK) -- This week, bills will drop in the West Virginia House and Senate to add sexual orientation and gender identity to the state's hate crime law.

LGBT advocates have been pushing for the change since a 26-year old gay man in Marion County was beaten to death in 2000. But supporters say they believe this could be the year West Virginia changes it's law.

According to data released just two months ago from the FBI, in 2016 more than 1,200 people were attacked because of their sexual orientation, and 127 for their gender identity. With hate crimes up 20% overall in 2017, human rights advocates say now is the time to protect all West Virginians.

In April 2015 Steward Butler attacked a gay couple on a Huntington sidewalk. Then just four months ago, he was sentenced to six months in jail. Prosecutors were hoping for a longer sentence, but they couldn't charge Butler with a hate crime because sexual orientation isn't covered in state law.

"Passenger in a car that was stopped at a stop light ran out of the car and punched them and assaulted them- simply because they were holding hands," Fairness West Virginia's Executive Director Andrew Schneider told 13 News.

Schneider said these problems aren't going away, so he believes West Virginia lawmakers need to act now and add sexual orientation and gender identity to the state's hate crime statute.

"So my community, the LGBT community, no longer has to live in fear in West Virginia," Schneider added.

So this week, Ron Walters will propose a bill in the House and Richard Ojeda in the Senate.

"You can't do that if you don't agree with their religion, race, creed, things like that. So I think we need to go ahead and put that blanket of protection over the LGBT community as well," Senator Ojeda explained.

What makes the bill different this year is breaking the law wouldn't add jail time, but would require community service and education.

"We think that people aren't born with hatred in their heart, it's something that they learned,

and it's something they can un-learn. Through restorative justice process, you really examine what the victim of the crime and the community targeted needs to be made whole," Joseph Cohen explained.

Cohen is the Executive Director of the ACLU's West Virginia chapter. He said this approach has worked in other states to break the cycle of hatred and violence.

But not everyone agrees that this bill is best for West Virginia. Share your thoughts by commenting below.

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