

By: Veasey

H.C.R. No. 227

CONCURRENT RESOLUTION

1 WHEREAS, Recognizing that crimes perpetrated against an
2 individual because of bias or prejudice are particularly heinous,
3 in 1993 the Texas Legislature enhanced the punishment for such
4 offenses and defined them as hate crimes; and

5 WHEREAS, As instances of hate crimes increased so too did the
6 need for an appropriate law enforcement response; as a result, the
7 77th Texas Legislature enacted House Bill 587, popularly known as
8 the James Byrd, Jr. Hate Crimes Act, to protect Texas citizens from
9 being targets of hateful acts of violence simply because of their
10 race, color, disability, religion, national origin or ancestry,
11 age, gender, or sexual preference; and

12 WHEREAS, Devised to improve the investigation and
13 prosecution of hate crimes, augment the protections and remedies
14 available to the victims of such crimes, and expand the reporting of
15 the crimes, the James Byrd, Jr. Hate Crimes Act has been in effect a
16 sufficient length of time to warrant an assessment of its
17 effectiveness; now, therefore, be it

18 RESOLVED, That the 80th Legislature of the State of Texas
19 hereby request that the lieutenant governor and the speaker of the
20 house of representatives establish a joint interim committee to
21 study the implementation and effectiveness of the James Byrd, Jr.
22 Hate Crimes Act, as amended; and, be it further

23 RESOLVED, That the joint interim committee:

24 (1) conduct the study so that it identifies successful

1 strategies for prosecuting crimes of bias or prejudice and any
2 barriers or obstacles to use of the hate crimes law;

3 (2) examine the characteristics of crimes reported as
4 crimes of bias or prejudice and categorize each crime by type,
5 severity, year of commission, any protected class status of the
6 victim and the alleged perpetrator, and any other factor that would
7 assist in improving the effectiveness of the hate crimes law;

8 (3) for each crime identified under Subdivision (2),
9 examine:

10 (A) whether an affirmative finding under the hate
11 crimes law was requested and obtained;

12 (B) whether a protective order was requested and
13 obtained;

14 (C) whether other charges related to the incident
15 were filed;

16 (D) whether other convictions were obtained; and

17 (E) if no affirmative finding was requested,
18 whether the alleged perpetrator was ever identified, whether there
19 was any basis found for the affirmative finding or other charge, and
20 whether a victim declined to participate in the investigation;

21 (4) survey county, district, and criminal district
22 attorneys in whose jurisdictions complaints of crimes of bias or
23 prejudice have been made and determine:

24 (A) the characteristics of crimes leading to
25 requests for affirmative findings under the hate crimes law;

26 (B) whether there are barriers or disincentives
27 discouraging requests for affirmative findings; and

1 (C) whether the availability of additional
2 resources would lead to a greater number of requests for
3 affirmative findings; and

4 (5) interview a representative sample of victims of
5 crimes recorded as crimes of bias or prejudice and examine their
6 experiences with the hate crimes prosecution process to determine
7 problems, burdens, or disincentives to the prosecution of hate
8 crimes; and, be it further

9 RESOLVED, That the joint interim committee, in reference to
10 training for prosecuting attorneys on punishment enhancement
11 because of bias or prejudice, examine:

12 (1) the amount of money appropriated for prosecutorial
13 training;

14 (2) the number of training sessions provided and the
15 number requested; and

16 (3) the number of attendees of the training sessions;
17 and, be it further

18 RESOLVED, That the joint interim committee, in reference to
19 extraordinary costs of prosecution, examine:

20 (1) the amount of money appropriated;

21 (2) the number of requests made for money and the
22 amounts requested; and

23 (3) the total amount of money distributed; and, be it
24 further

25 RESOLVED, That the joint interim committee, in reference to
26 community education on hate crime law, examine:

27 (1) the amount of money appropriated for community and

1 public curricula;

2 (2) the results of any curriculum feedback model;

3 (3) the number of requests for a curriculum;

4 (4) when a curriculum was developed; and

5 (5) the amount of any actual instruction under a
6 curriculum; and, be it further

7 RESOLVED, That the joint interim committee compare data
8 regarding crimes of bias or prejudice under state law, federal law,
9 and the law of other states, including:

10 (1) reporting requirements;

11 (2) the number of complaints made;

12 (3) the number of prosecutions;

13 (4) money available for prosecutions;

14 (5) money available for education; and

15 (6) other models for prosecution of, or education
16 about, crimes of bias or prejudice; and, be it further

17 RESOLVED, That the committee's proceedings and operations be
18 governed by such general rules and policies for joint interim
19 committees as the 80th Legislature may adopt and that such rules and
20 policies supersede the provisions of this resolution to the extent
21 of any conflict; and, be it further

22 RESOLVED, That the committee submit a full report on the data
23 collected in accordance with this resolution to the Texas
24 Legislature not later than January 1, 2009.