

Addendum

Eau Claire County
Committee on Judiciary and Law Enforcement
Wednesday, March 24, 2021 – 3:00 PM
Virtual Meeting via Cisco Webex

Public Access Participation Information:

Dial In: 1-415-655-0001

Access Code: 920 751 770

Notice Regarding Public Comment: *Members of the public wishing to make comments must email Eric Huse at Eric.Huse@da.wi.gov at least 30 minutes prior to the start of the meeting. You will be called on during the Public Comment session to make your comments.*

1. Resolution 20-21/127 – *Requesting the State of Wisconsin Strengthen Its Hate Crime Statute, Wis. Stat. § 939.645, to Provide Enhanced Security to Members of Wisconsin’s Marginalized Communities* – Discussion/Action

Posted: 03/23/2021

Note: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 715-839-6945, (FAX) 715-839-1669, or (TDD) 715-839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703

FACT SHEET

TO FILE NO. 20-21/127

Subject: Hate Crime Statute Modification and Strengthening

Hate crime incident rates have been rising for the past four plus years. These crimes affect people from all marginalized communities by degrading their sense of self-worth, forcing segregation, and by forcing people to live in fear based on the color of their skin, where they live, or who they love. Strengthening hate crime laws should be seen as a step toward embracing diversity and placing value on the lives of all people for the contributions they make to our society. It is important to acknowledge that people shouldn't have to fear for the lives of their families or themselves.

This resolution strengthens Wisconsin's existing Hate Crimes statute by clarifying language, forbidding the gay/transgender panic defense, adding training requirements for law enforcement, expanding the list of protected people, and by requiring data collection and public availability.

Fiscal Impact: None.

Sincerely,



Zoe Roberts.
Eau Claire County Board Supervisor - District 27

Resolution/20-21/127

2
3 -REQUESTING THE STATE OF WISCONSIN STRENGTHEN ITS HATE CRIME
4 STATUTE, WIS. STAT. § 939.645, TO PROVIDE ENHANCED SECURITY TO
5 MEMBERS OF WISCONSIN’S MARGINALIZED COMMUNITIES-

6
7 WHEREAS, the people of the State of Wisconsin are as diverse as anywhere in the
8 United States, be they indigenous, Asian, Pacific Islander, Latin X, Black, LGBTQ, or any
9 combination thereof, or other; and

10
11 WHEREAS, on a national, state, and local basis, the number of hate crimes committed
12 against marginalized communities is increasing at exponential rates; and

13
14 WHEREAS, people from all walks of life deserve to be treated with dignity and respect;
15 and

16
17 WHEREAS, people from all communities contribute to making Wisconsin a healthy and
18 thriving environment for families and businesses; and

19
20 WHEREAS, hate crimes pose an immediate threat to the sanctity and security of every
21 citizen and present a security risk to both the State of Wisconsin and the United States; and

22
23 WHEREAS, Wisconsin’s current hate crime statute is by and large used by prosecutors
24 as a bargaining or negotiation tool; and

25
26 WHEREAS, Wis. Stat. § 939.645, the current “hate crimes” statute, needs an update to
27 strengthen it and provide enhanced security to members of Wisconsin’s marginalized
28 communities.

29
30 NOW, THEREFORE, BE IT RESOLVED that the Eau Claire County Board of
31 Supervisors requests that the legislature and the governor of the state of Wisconsin enact
32 legislation to modify Wis. Stat. § 939.645, as set forth below, by making the following changes:

33
34 939.645 (1) If a person does ~~all~~ any of the following, the penalties for the underlying
35 crime are increased as provided in sub. (2):

36
37 939.645 (1) (b) Intentionally selects the person against whom the crime under par. (a) is
38 committed or selects the property that is damaged or otherwise affected by the crime under
39 par. (a) in whole or in part because of the actor’s belief, values, or perception regarding the race,
40 religion, color, disability, sexual orientation, national origin or ancestry, gender, gender identity,
41 gender expression, age, or veteran’s status of that person or the owner or occupant of that
42 property, whether or not the actor’s belief, values, or perception was correct.

43
44 939.645 (1) (c) The use of gay/transgender panic defenses is forbidden.

45
46 939.645 (4) This section does not apply to any crime if proof of race, religion, color,
47 disability, sexual orientation, national origin or ancestry, gender, gender identity, gender
48 expression, age, or veteran’s status or proof of any person’s perception or belief regarding
49 another’s race, religion, color, disability, sexual orientation, national origin or ancestry, gender,

1 gender identity, gender expression, age, or veteran’s status is required for a conviction for that
2 crime.

3
4 939.645 (5) This section mandates that hate crime data be collected, retained, and made
5 publicly available based on demographic statistics by the Attorney General of the State of
6 Wisconsin and the Wisconsin Department of Justice.

7
8 939.645 (6) this section requires sworn law enforcement officers to receive specialized
9 hate crime training and continuing education on a biennial basis.

10
11 BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs
12 the county clerk to forward a copy of this resolution to the Office of the Governor of the State of
13 Wisconsin, the Office of the Attorney General for the State of Wisconsin, members of the
14 Wisconsin Assembly and Senate, the county clerk for every county in the state of Wisconsin, as
15 well as to the Wisconsin Counties Association.

16
17 I hereby certify that the foregoing
18 correctly represents the action of the
19 Committee on Judiciary and Law
20 on March ___, 2021 by a vote
21 of ___ for, and ___ against.

22
23
24 _____
25 Gerald Wilkie, Chair
26 Committee on Judiciary and Law

27 TSJ/ljl