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9/19/2014

Attorney General Joseph R. Biden, Jr.
Delaware Department of Justice
Carvel State Building
820 N. French St.
Wilmington, DE 19801

RE: Hate Crimes

Dear Attorney General Biden,

The Developmental Disabilities Council, as most Delawareans, is disgusted and disturbed by the recent cases in Bear, Delaware of young men with disabilities being beaten by teens in the area.

One of those cases became known over-night across this country because the perpetrators recorded the incident via video and blatantly posted their behavior on the internet

(<http://www.delawareonline.com/story/news/crime/2014/09/07/teens-arrested-attack-mentally-challenged-man/15264833/>).

After having read the list of charges that are pending against the teens who have been discovered in this case, the Council discussed the possibility of an additional charge of Hate Crime for this case and the second case of the young man who uses a wheelchair having been beaten and robbed.

We are certain that you are quite aware of the language in the Delaware Code that pertains to Hate Crimes and we are including that language below.



§ 1304 Hate crimes; class A misdemeanor, class G felony, class F felony, class E felony, class D felony, class C felony, class B felony, class A felony.

(a) Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who intentionally:

(1) Commits said crime for the purpose of interfering with the victim's free exercise or enjoyment of any right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime because the victim has exercised or enjoyed said rights; or

(2) Selects the victim because of the victim's race, religion, color, disability, sexual orientation, gender identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this section, the term "sexual orientation" means heterosexuality, bisexuality, or homosexuality, and the term "gender identity" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

(b) Hate crimes shall be punished as follows:

(1) If the underlying offense is a violation or unclassified misdemeanor, the hate crime shall be a class A misdemeanor;

(2) If the underlying offense is a class A, B, or C misdemeanor, the hate crime shall be a class G felony;

(3) If the underlying offense is a class C, D, E, F, or G felony, the hate crime shall be one grade higher than the underlying offense;

(4) If the underlying offense is a class A or B felony, the hate crime shall be the same grade as the underlying offense,



and the minimum sentence of imprisonment required for the underlying offense shall be doubled.

The Developmental Disabilities Council asks you to seriously consider an additional charge of Hate Crime for both of these recent cases in addition to the other charges that you have considered. From the information of which we are aware as reported in the video and the news, this charge seems appropriate.

Please let us know if you would like to discuss our perspective and request. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Diann Jones". The signature is written in a cursive, flowing style.

Diann Jones
Chair

Cc: The Honorable Lewis Schiliro
State Council for Persons with Disabilities
Governor's Advisory Council for Exceptional Citizens