Criminal Justice:
Hate Crime Laws

No updates required since May 16, 2024

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Background

While there are many dimensions of state hate crime laws, MAP’s Equality Maps show three key areas: (1) whether a state’s hate crime law specifically enumerates crimes based on sexual orientation and/or gender identity; (2) whether states require data collection about hate crimes, including specifically about hate crimes based on sexual orientation and/or gender identity; and (3) whether states require training for law enforcement about hate crimes, including specifically about hate crimes based on sexual orientation and/or gender identity.

Note that even in states that do not legally require data collection or law enforcement training about hate crimes, such data collection or training may still occur.

For additional information about state hate crime laws, as well as the challenges and opportunities of hate crime law, see MAP’s 2021 report Policy Spotlight: Hate Crime Laws.

Equality Maps & Additional Resources

• See MAP’s Equality Maps: Hate Crime Laws, which is updated and maintained in real time alongside this document.

• See also MAP’s 2021 in-depth report, Policy Spotlight: Hate Crime Laws, featuring a foreword from Judy Shepard, for further information about the many components of state hate crime laws, as well as the challenges and opportunities of hate crime law.

• Extensive research about hate crimes law is available from other organizations and researchers, including but not limited to:
  o Brennan Center for Justice’s “State Hate Crime Statutes” (July 2020), tracking enumerated categories and other statutes such as data collection, law enforcement training, and more
  o Southern Poverty Law Center’s “Hate Crimes, Explained” (October 2021)
State-by-State Sources & More Detail

Alabama
- State hate crime law does not enumerate sexual orientation or gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Alaska
- State hate crime law does not enumerate sexual orientation or gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Arizona
- State hate crime law enumerates sexual orientation and gender, but not gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation
  - See ARS § 41-1750 and HB2489 (1991)
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation
  - See ARS § 41-1750 and HB2489 (1991)

Arkansas
- State does not have a hate crime law
  - Arkansas’s SB 622 (2021) is sometimes described as a hate crime law, but it does not constitute a true hate crime law. The 2021 law includes bias-motivated crimes, among many other types of crimes, but the law is written so broadly that it could be applied to virtually any circumstance, which is at odds with both the structure and purpose of hate crime law. See, for example, analysis from the Anti-Defamation League (ADL) and the Brennan Center noting that Indiana’s law (similar in structure) does not constitute a hate crime law.
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes
California
- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See CA Penal Code § 13023
  - SB 2080 (1984) required the state DOJ to study and make recommendations about statewide data collection on bias crimes. This report was issued by the state DOJ in 1986. SB 202 (1989) added § 13023 to the state penal code, requiring data collection.
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See CA Penal Code § 13519.6

Colorado
- State hate crime law enumerates sexual orientation and transgender status (included in definition of sexual orientation)
  - See CRS 18-9-121. State hate crime law first created in 1988. Sexual orientation, defined to include transgender status, added by HB 05-1014 (2005). Gender identity moved to its own standalone definition (“transgender identity”) by SB189 (2024).
- State requires data collection about hate crimes, including for crimes based on sexual orientation and transgender status
  - See CRS 24-33.5-412.5(b), added by HB 1138 (2017)
- State does not require training for law enforcement about hate crimes

Connecticut
- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See CT ST § 29-7m
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See CT ST § 7-294n

Delaware
- State hate crime law enumerates sexual orientation and gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes
District of Columbia

- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - However, the law relies only on voluntary (rather than mandatory) participation from law enforcement agencies, which may limit available data.
  - See **DC Code § 22-3702**
- State does not require training for law enforcement about hate crimes

Florida

- State hate crime law enumerates sexual orientation
- State requires data collection about hate crimes, including for crimes based on sexual orientation
- State does not require training for law enforcement about hate crimes

Georgia

- State hate crime law enumerates sexual orientation, sex, and gender. MAP, community advocates, and Georgia policymakers understand this to cover gender identity.
  - See **HB 426** (2020)
  - “Sex” was added to the bill after the June 2020 Supreme Court decision in *Bostock*, which affirmed that sex includes both sexual orientation and gender identity. The term “gender” was added to the bill after criticism that omitting it would leave out protections for transgender people. Testimony before the Georgia Senate (beginning around 20 min mark of this video) discussed implications for transgender people if “gender” was omitted from the bill. Legislators understood the impact of including both sex and gender to include protections for transgender people.
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See **O.C.G.A. § 17-4-20.2** (2020)
- State does not require training for law enforcement about hate crimes
Hawai`i
- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
- State does not require training for law enforcement about hate crimes

Idaho
- State hate crime law does not enumerate sexual orientation or gender identity
  - See Idaho Statutes 18-7902, added 1983
- State requires data collection about hate crimes, but not for crimes based on sexual orientation or gender identity
  - See Idaho Statutes 67-2915, added by SB 1150 (1989) (see p591)
- State does not require training for law enforcement about hate crimes

Illinois
- Law enumerates sexual orientation and “gender-related identity”
  - See 720 Ill. Comp. Laws Ann. 5/12-7.1
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See 20 ILCS 4070/20, added by SB1047 (2007), requiring an annual report by the Commission on Discrimination and Hate Crimes
  - See 50 ILCS 709/5-10 and 5-12, added by SB1304 (2015), requiring law enforcement to submit monthly reports on hate crime incidents and requiring Department of State Police to issue an annual report
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See 20 ILCS 2605/2605-390, added by HB2051 (1988)
  - See also 20 ILCS 4070/15, added by SB1047 (2007)
Indiana

- State does not have a hate crime law
  - Indiana’s SB 198 (2019) is sometimes described as a hate crime law, but it does not constitute a true hate crime law. The 2019 law includes bias-motivated crimes, among many other types of crimes, but the law is written so broadly that it could be applied to virtually any circumstance, which is at odds with both the structure and purpose of hate crime law. See, for example, analysis from the Anti-Defamation League (ADL) and the Brennan Center noting that Indiana’s law does not constitute a hate crime law.
  - State requires data collection about hate crimes, including for crimes based on sexual orientation
- State does not require training for law enforcement about hate crimes

Iowa

- State hate crime law enumerates sexual orientation
  - See Iowa Code § 729.A. State hate crime law first created by SF 2065 (1992), including sexual orientation.
- State requires data collection about hate crimes, including for crimes based on sexual orientation
  - See Iowa Code § 692.15, added by SF 2065 (1992)
- State requires training for law enforcement about hate crimes
  - See Iowa Code § 80B.11, added by SF 2065 (1992), and see also IAC 501.3.5(5)e

Kansas

- State hate crime law enumerates sexual orientation
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Kentucky

- State hate crime law enumerates sexual orientation
  - See KY Statutes 532.031. State hate crime law first created by HB455 (1998), including sexual orientation.
- State requires data collection about hate crimes, but not for crimes based on sexual orientation or gender identity
  - See KY Statutes 17.1523, added by SB8/Ch. 413 (1992)
- State requires training for law enforcement about hate crimes, but not for crimes based on sexual orientation or gender identity
  - See KY ST 15.334(1)(d), added by SB8/Ch. 413 (1992)
Louisiana
- State hate crime law enumerates sexual orientation
  - See RS 14:107.2. State hate crime law first created by SB 914 (1997), including sexual orientation.
- State requires data collection about hate crimes, including for crimes based on sexual orientation
  - However, the law relies only on voluntary (rather than mandatory) participation from law enforcement agencies, which may limit available data.
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation
  - See LA Rev. St. 40:2403 (H)(1)

Maine
- State hate crime law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
  - See 5 MRS 4684-A and 5 MRS 4553(9-C) for definition of sexual orientation.
  - State hate crime law first created by LD 1253 (1989). Enumerated categories first added by LD 1334 (1993), including sexual orientation. Gender identity added by LD 1196 (2005), which defined sexual orientation to include gender identity.
  - See also this 2001 article on the history of Maine’s hate crime law.
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See 25 MRS 1544
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See 25 MRS 2803-B (1-E), added by LD1475 (2019)

Maryland
- State hate crime law enumerates sexual orientation and “gender-related identity” (included in definition of sexual orientation)
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity (via definition of sexual orientation)
  - See MD Public Safety Code 2-307
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See MD Statutes §3–207(a)(6)(iii), added by SB633 (2020)
Massachusetts

- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See Mass. Gen. Laws 6 §116B

Michigan

- State hate crime law does not enumerate sexual orientation or gender identity
  - See MI 750.147b “Ethnic Intimidation”
- State requires data collection about hate crimes, including for crimes based on sexual orientation
  - See MI 28 §257A, added by HB5105/PA172 (1991), and MI 28.252
- State does not require training for law enforcement about hate crimes

Minnesota

- State hate crime law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See MN ST 626.5531, added by HF2340 (1988), including sexual orientation
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See MN ST 626.8451 and MN ST 8.34

Mississippi

- State hate crime law does not enumerate sexual orientation or gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes
Missouri

- State hate crime law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
  - See MO Rev Statutes 557.035 and 556.061. State hate crime law first created by SB328 (1999), including sexual orientation, defined to cover gender identity (see original version here; definition now found here).
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Montana

- State hate crime law does not enumerate sexual orientation or gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Nebraska

- State hate crime law enumerates sexual orientation
  - State requires data collection about hate crimes, including for crimes based on sexual orientation
    - However, the law relies only on voluntary (rather than mandatory) participation from law enforcement agencies, which may limit available data.
    - See NE Revised Statutes 28-114 (1997)
- State requires data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Nevada

- State hate crime law enumerates sexual orientation and gender identity
  - State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
- State does not require training for law enforcement about hate crimes

New Hampshire

- State hate crime law enumerates sexual orientation and gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes
New Jersey

- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See also NJ Rev Stat § 52:17B-5.4a and NJ Rev Stat § 52:9DD-9
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See NJ RS 52:17B-77.12, added by S2975 (2008)
  - See also NJ RS 52:17B-77.13, added by A1663 (2016)

New Mexico

- State hate crime law enumerates sexual orientation and gender identity
- State does not require* data collection about hate crimes
  - * NM Statutes 31-18B-4 (2003) requires state attorneys and law enforcement to submit data to the FBI, as required under the federal Hate Crime Statistics Act, but does not require collecting or reporting data to New Mexico itself, as in other states
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity

New York

- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - However, the law relies only on voluntary (rather than mandatory) participation from law enforcement agencies, which may limit available data.
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See NY Executive Code §840 (6), added by A3606 (2019)

North Carolina

- State hate crime law does not enumerate sexual orientation or gender identity
  - See NC Statute 14-3, added by HB513 (1991)
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes
North Dakota
- State hate crime law does not enumerate sexual orientation or gender identity
  - See ND Ch 12.1-14-04, added by Ch.117 (1973)
  - Note that some researchers or advocates characterize North Dakota as not having a hate crime law, given that the state’s statute is more similar to an antidiscrimination law than to other states’ hate crime laws. See for example the Brennan Center.
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Ohio
- State hate crime law does not enumerate sexual orientation or gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Oklahoma
- State hate crime law does not enumerate sexual orientation or gender identity
- State requires data collection about hate crimes, but not for crimes based on sexual orientation or gender identity
  - See OK ST § 21-850 (F) (1987)
- State does not require training for law enforcement about hate crimes

Oregon
- State hate crime law enumerates sexual orientation and gender identity (included in definition of sexual orientation)
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See ORS 181A.225
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See ORS 181A.470 (1-A)
Pennsylvania
- State hate crime law does not enumerate sexual orientation or gender identity
  - See  PA 18 § 2710. State hate crime law first created by HB1806 (1982).
  - Note: HB1493 (2002) added sexual orientation and gender identity, but the bill was ruled unconstitutional in 2007 for technical reasons (see Marcavage v. Rendell).
- State requires data collection about hate crimes, but not for crimes based on sexual orientation or gender identity
  - See PA Code 37 Ch. 53, added by HB1337 (1985)
- State does not require training for law enforcement about hate crimes

Rhode Island
- State hate crime law enumerates sexual orientation and gender, but not gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See RI ST 42-28.2-8.1
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See RI ST 42-28.2-8.1

South Carolina
- State does not have a hate crime law
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

South Dakota
- State hate crime law does not enumerate sexual orientation or gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Tennessee
- State hate crime law enumerates sexual orientation and gender, which state attorney general currently interprets to apply to transgender people
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes
Texas

- State hate crime law enumerates “sexual preference” (definition refers to heterosexuality, homosexuality, or bisexuality)
- State requires data collection about hate crimes, including for crimes based on sexual orientation
  - See TX Government Code 411.046 and TX Criminal Code 2.211
- State requires training for law enforcement* about hate crimes, including for crimes based on sexual orientation
  - *However, the law applies only to prosecuting attorneys and not to police.
  - See TX Government Code 22.111

Utah

- State hate crime law enumerates sexual orientation and gender identity
  - See Utah Code 76-3-203.14, created by SB 103 (2019)
- State requires data collection about “hate crimes, but not for crimes based on sexual orientation or gender identity
  - Additionally, the law relies only on voluntary (rather than mandatory) participation from law enforcement agencies, which may limit available data.
  - See UT Code 53-10-202
- State does not require training for law enforcement about hate crimes

Vermont

- State hate crime law enumerates sexual orientation and gender identity
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Virginia

- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
- State does not require training for law enforcement about hate crimes
Washington
- State hate crime law enumerates sexual orientation and gender identity
- State requires data collection about hate crimes, including for crimes based on sexual orientation and gender identity
  - See WA ST 36.28A.030
- State requires training for law enforcement about hate crimes, including for crimes based on sexual orientation and gender identity
  - See RCW 43.101.290

West Virginia
- Existing hate crime law does not enumerate sexual orientation or gender identity
  - See WV Code Ann. 61-6-21
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Wisconsin
- Law enumerates sexual orientation
  - See WI State 939.645. State hate crime law first created by AB599 (1987), including sexual orientation.
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

Wyoming
- State does not have a hate crime law
- State does not require data collection about hate crimes
- State does not require training for law enforcement about hate crimes

U.S. Territories

Note: All five U.S. territories are covered by federal hate crime law, which explicitly enumerates sexual orientation and gender identity.

American Samoa
- Territory does not have a hate crime law
- Territory does not require data collection about hate crimes
- Territory does not require training for law enforcement about hate crimes
Commonwealth of the Northern Mariana Islands
- Territory does not have a hate crime law
- Territory does not require data collection about hate crimes
- Territory does not require training for law enforcement about hate crimes

Guam
- Territory does not have a hate crime law
- Territory does not require data collection about hate crimes
- Territory does not require training for law enforcement about hate crimes

Puerto Rico
- Territory hate crime law enumerates sexual orientation and gender identity
  - See Act No. 46 (2002)
- Territory does not require data collection about hate crimes
- Territory does not require training for law enforcement about hate crimes

U.S. Virgin Islands
- Territory hate crime law enumerates sexual orientation and gender identity
  - See The Hate-Motivated Crimes Act (2014)
- Territory does not require data collection about hate crimes
- Territory does not require training for law enforcement about hate crimes