

Legal Update

Summary

- The General Assembly has expanded the definition of "Hate crime" to include crimes motivated by "gender identity or expression."
- The amended statute relies on definitions set forth in R.I. Gen. Laws §11-24-2.1, which is consistent with the definition as it appears throughout the General Laws.
- The amendment requires the Providence Police Department to adjust its monitoring and reporting of hate crimes.

Background

The amended statute expands the scope of "hate crimes" to those crimes motivated by "gender identity or expression." "Hate crimes" continue to include those that the evidence demonstrates were "motivated by racial, religious, ethnic, sexual orientation, gender, disability or homelessness." R.I. Gen. Laws § 42-28-46(2). For purposes of determining what is a gender or gender identity issue, the amended law refers to the definition in §11-24-2.1 (discrimination in public accommodations). This definition has not changed since it was initially enacted:

“Gender identity or expression” includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self image, gender-related appearance, or gender-related expression, whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth."

Please note that "gender identity or expression" is also defined in §§ 28-5-6 ("Fair Employment Practices"), 34-37-3 ("Fair Housing Act"). The definitions are identical to the above.

Effects of the Legislation

- The Department should now consider a "hate crime" to include one motivated by “gender identity” and “gender expression.”
- The Department should report and process gender-related hate crimes in the same manner as other hate crimes.