

MEMORANDUM

Agenda Item No. 11(A) (18)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

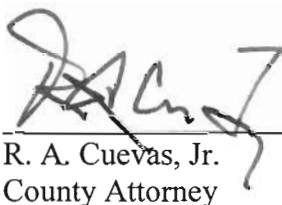
DATE: February 5, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution Urging U.S.
Congress and Florida
Legislature to Strengthen
Hate Crime Laws

Resolution R-131-08

The accompanying resolution was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/dcp



MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 5, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
2-5-08

RESOLUTION NO. **R-131-08**

RESOLUTION URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE TO STRENGTHEN HATE CRIME LAWS TO PROVIDE THAT INTENTIONALLY EXPOSING A PERSON TO HANGING NOOSES OR OTHER OBJECTS OR SYMBOLS EVIDENCING PREJUDICE CREATES A PRESUMPTION OF A HATE CRIME, IN LIGHT OF RECENT EVENTS IN JENA, LOUISIANA

WHEREAS, in August, 2006, at Jena High School in Jena, Louisiana, a student asked at an assembly if black students were “allowed” to sit under a tree on campus that had been a frequent gathering place for white students; and

WHEREAS, school officials told the student that black students were allowed to sit there, but the next day nooses were found hanging from the tree; and

WHEREAS, incidents similar to the Jena incident recently have been reported at schools in College Park, Maryland and Columbia, South Carolina; and on Columbia University's campus in New York City; and

WHEREAS, these incidents suggest that there are still instances in which this nation is fighting old demons of hatred and prejudice, even among people too young to remember the civil rights era and Jim Crow laws; and

WHEREAS, in *Wisconsin v. Mitchell*, 508 U.S. 476 (1993), the U.S. Supreme Court unanimously upheld the constitutionality of hate crime laws, effectively removing any doubt that state legislatures have the authority to increase the penalties for criminal activity in which a person is intentionally targeted for a crime as based on the person's personal characteristics; and

WHEREAS, there is currently a federal hate crime law, but it is limited in scope and requires as an element of the crime that the victim of a bias-motivated crime be attacked because

he or she was engaging in a particular federally-protected activity, such as serving on a jury or attending public school; and

WHEREAS, on May 3, 2007, the U.S. House of Representatives by a vote of 237-180 passed and sent to the Senate for consideration, H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA); and

WHEREAS, the LLEHCPA would strengthen federal hate crime laws by (i) eliminating the requirement that a victim of a bias-motivated crime was attacked because he or she was engaged in a particular federally-protected activity, (ii) authorizing the Department of Justice to investigate and prosecute in a broader range of hate crime cases, (iii) providing federal assistance and resources to state and local law enforcement to address hate crimes, and (iv) providing a new data collection requirement for crimes committed by and directed against juveniles; and

WHEREAS, on September 27, 2007, the U.S. Senate added the LLEHCPA as an amendment to its version of the Department of Defense Authorization legislation; and

WHEREAS, Representative Geraldine F. "Geri" Thompson has filed a bill in the Florida House of Representatives, HB 307, which provides that intentional exposure of victims to hanging nooses and other objects or symbols in the course of an offense creates a presumption that the offense evidences prejudice; and

WHEREAS, Senator Larcenia Bullard has filed a bill in the Florida Senate, SB 768, which prohibits a person, with intent to intimidate or harass another person, from placing a noose in a public place, on the property of another without written permission of the owner or occupant, or in an exhibit; and

WHEREAS, hate crime laws at both the state and federal levels should be strengthened to provide that the intentional exposure of a person to hanging nooses and other objects or symbols that evidence prejudice creates a presumption of a hate crime,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in light of the recent events in Jena, Louisiana, this Board:

Section 1. Urges the U.S. Congress to strengthen federal hate crime laws so as to provide that the intentional exposure of a person to hanging nooses or other objects or symbols evidencing prejudice creates a presumption of a hate crime.

Section 2. Urges the U.S. Congress to pass the Local Law Enforcement Hate Crimes Prevention Act of 2007, or similar legislation.

Section 3. Urges the Florida Legislature to pass HB 307, which provides that the intentional exposure of a person to hanging nooses and other objects or symbols in the course of a crime creates a presumption that the crime evidences prejudice, or similar legislation.

Section 4. Urges the Florida Legislature to pass SB 768, which prohibits a person, with intent to intimidate or harass another person, from placing a noose in a public place, on the property of another without written permission of the owner or occupant, or in an exhibit, or similar legislation.

Section 5. Directs the Clerk of the Board to transmit copies of this resolution to the Florida Congressional Delegation, the Governor, Senate President, House Speaker, Senator Larcenia Bullard, the Chair and Members of the Miami-Dade County State Legislative Delegation, and Representative Geraldine F. "Geri" Thompson.

Section 6. Directs the County's federal and state lobbying teams to advocate for the passage of the legislation set forth in Sections 1, 2, 3 and 4 above; and directs the Office of Intergovernmental Affairs to include this item in the 2008 Federal and State Legislative Packages.

The foregoing resolution was sponsored by Vice-Chairwoman Barbara J. Jordan and offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye	
	Barbara J. Jordan, Vice-Chairwoman	absent	
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	absent
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairman thereupon declared the resolution duly passed and adopted this 5th day of February, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk



Approved by County Attorney as to form and legal sufficiency.

Jess M. McCarty