

CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD
RESOLUTION No. 2024-04

--
RECOMMENDING AMENDMENTS TO THE HATE CRIMES ORDINANCE (§12-2-27);

--
WHEREAS, the City of Albuquerque (“City”) Human Rights Board (“Board”), the governing body of the Office of Civil Rights, is committed to preserving, protecting, and promoting human rights and human dignity by utilizing the powers granted in the City Human Rights Ordinance (“HRO”); and

WHEREAS, the City of Albuquerque Human Rights Board is tasked by §11-3-5 (F) of the HRO to review passed legislation and make recommendations in the areas of Human Rights; and

WHEREAS, the State of New Mexico’s Hate Crimes Act defines crimes motivated by hate as being “the commission of a crime with the intent to commit the crime because of the actual or perceived race, religion, color, national origin, ancestry, age, handicapped [SIC] status, gender, sexual orientation or gender identity of the victim, whether or not the offender’s belief or perception was correct”; and

WHEREAS, the Board recognizes that people experiencing homelessness, veterans, senior citizens, and gender diverse people are disproportionately victims of crimes motivated by animus including vandalism, theft, harassment, battery, assault, and murder; and

WHEREAS, the Albuquerque Native American Homelessness Task Force identified the need to include hate crimes against people experiencing homelessness in laws that prohibit hate crimes over 10 years ago; and

WHEREAS, the 2022 FBI hate crimes statistics, both for New Mexico and nationwide, document that bias against gender identity comprises 4.0% of single-bias hate crimes for that year, which is more than gender and disability combined; and

WHEREAS, the City of Albuquerque is home to a diverse population who deserve to live without fear of hate motivated crimes; and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF ALBUQUERQUE HUMAN RIGHTS BOARD THAT:

Section 1. The Board recommends that the City’s Hate Crimes Ordinance be amended as follows:

1 “§ 12-2-27 HATE CRIMES.

2 (A) *Short title.* This section may be cited as the “Hate Crime Ordinance.”

3 (B) *Finding.* The Council deems it necessary and proper to create a specific offense and
4 penalty for prohibited conduct involving actions that cause damage to persons or
5 properties and that are motivated by animus toward a certain person because of ~~his or~~
6 ~~her~~ THE actual or perceived AGE, ANCESTRY, COLOR, DISABILITY, GENDER,
7 GENDER IDENTITY, HOUSING STATUS, NATIONAL ORIGIN, race, religion,
8 SEX, ~~color, national origin, ancestry, gender,~~ sexual orientation, or VETERAN
9 STATUS ~~disability~~ OF THAT PERSON.

10 (C) ~~**Hate crime.** A hate crime consists of intentionally injuring a person or intentionally~~
11 ~~damaging his property because of the actual or perceived race, religion, color, national~~
12 ~~origin, ancestry, gender, sexual orientation, or disability of that person, whether or not the~~
13 ~~offender's belief or perception was correct. As used in this section, “disability” means a~~
14 ~~physical, developmental, or mental impairment that substantially limits one or more of a~~
15 ~~person's functions, including caring for oneself, performing manual tasks, walking,~~
16 ~~seeing, hearing, speaking, breathing, or learning.~~ DEFINITIONS. FOR THE PURPOSE
17 OF THIS SECTION;

- 18 1. **AGE** MEANS THE CLASSIFICATION OF SOMEONE AS BEING A SENIOR,
19 OR ELDER, OVER THE AGE OF 60.
- 20 2. **DISABILITY** MEANS A PHYSICAL, OR MENTAL IMPAIRMENT THAT
21 SUBSTANTIALLY LIMITS ONE OR MORE OF A PERSON'S MAJOR LIFE
22 ACTIVITIES. A PERSON IS ALSO CONSIDERED TO HAVE A MENTAL,
23 DEVELOPMENTAL OR PHYSICAL DISABILITY IF THE PERSON HAS A
24 RECORD OF PHYSICAL OR MENTAL DISABILITY OR IS REGARDED AS
25 HAVING A PHYSICAL, DEVELOPMENTAL, OR MENTAL DISABILITY.
- 26 3. **GENDER** MEANS AN INDIVIDUAL OR SOCIETAL EXPECTATION OR
27 PERCEPTION OF A PERSON THAT AS MASCULINE OR FEMININE
28 BASED ON APPEARANCE, BEHAVIOR OR PHYSICAL
29 CHARACTERISTICS.
- 30 4. **GENDER IDENTITY** A PERSON’S SELF-PERCEPTION, BASED ON THE
31 PERSON'S APPEARANCE, BEHAVIOR, OR PHYSICAL
32 CHARACTERISTICS, THAT THE PERSON EXHIBITS MORE
33 MASCULINITY OR FEMININITY OR THE ABSENCE OF MASCULINITY
34 OR FEMININE WHETHER OR NOT IT MATCHES A PERSON'S GENDER
35 OR SEX.

- 1 5. **HATE CRIME** MEANS THE COMMISSION OF A CRIME WITH THE
- 2 INTENT TO COMMIT THE CRIME BECAUSE OF ANIMUS TOWARD THE
- 3 ACTUAL OR PERCEIVED AGE, ANCESTRY, COLOR, DISABILITY,
- 4 GENDER, GENDER IDENTITY, HOUSING STATUS, NATIONAL ORIGIN,
- 5 RACE, RELIGION, SEX, SEXUAL ORIENTATION, OR VETERAN STATUS
- 6 OF THAT PERSON.
- 7 6. **HOUSING STATUS** MEANS THE CONDITION OF A PERSON AS BEING
- 8 HOUSED, INSECURELY HOUSED, UNSHELTERED, OR UNHOUSED.
- 9 7. **RACE** INCLUDES, BUT IS NOT LIMITED TO, TRAITS HISTORICALLY
- 10 AND COMMONLY ASSOCIATED WITH RACE OR ETHNICITY,
- 11 INCLUDING HAIR TYPES, TEXTURE, VOLUME, LENGTH, STYLES, OR
- 12 CULTURAL HEADDRESSES.
- 13 8. **SEX** MEANS A PERSON'S CHARACTERIZATION IS MALE, FEMALE, OR
- 14 INTERSEX BASED ON BIOLOGICAL, PHYSIOLOGICAL, AND PHYSICAL
- 15 CHARACTERISTICS.
- 16 9. **SEXUAL ORIENTATION** MEANS A PERSON'S PHYSICAL, ROMANTIC,
- 17 OR EMOTIONAL ATTRACTION TO A PERSONS OF THE SAME OR A
- 18 DIFFERENT GENDER OR THE ABSENCE OF SUCH ATTRACTION; and
- 19 10. **VETERAN STATUS** APPLIES TO ALL CURRENT, ACTIVE DUTY,
- 20 RESERVE, AND FORMER MEMBERS OF ANY OF ANY SANCTIONED
- 21 ARMED FORCES IRRESPECTIVE OF THEIR TIME, DURATION, RANK,
- 22 BRANCH, OR TYPE OF DISCHARGE.

23 (D) *Violation.* It shall be unlawful to commit a hate crime as defined in this section.”

24 **Section 2.** In the ordinance making the amendments from Section 1 of this resolution, a section
 25 shall order the following additions or changes to trainings provided to Albuquerque’s Police
 26 Department as is deemed appropriate by the Office of Equity & Inclusion and the Police
 27 Department:

- 28 (A) Recognizing crimes motivated by anti-senior bias, anti-transgender bias, anti-
 29 homeless bias, and/or anti-veteran bias; and
- 30 (B) Cultural Fluency for serving LGBTQ+ populations; and
- 31 (C) Cultural Humility for interacting with people who are unhoused.

32 **Section 3.** In the ordinance making the amendments from Sections 1 and 2 of this resolution, a
 33 section shall order the appropriate and effective method for APD to report statistics relating to
 34 hate crimes with relevant state and federal law enforcement agencies.

35 **Section 4. Administrative Instructions.** This resolution is to be signed and published on the
 36 webpage for the Board under the section titled “Recent Resolutions” within 10 calendar days of

1 the resolution being adopted by the Board and moved into the online archive by request of the
2 chairperson of the board.

3 **Section 5. *Compilation.*** This resolution shall be included in the “Recommendations” section of
4 the Board’s Report & Recommendations on the Rights of People Experiencing Homelessness to
5 be published and distributed on or by July 22, 2024.

6 **Section 6. *Severability*** If any section, paragraph, sentence clause, word, or phrase of this
7 resolution is for any reason held to be invalid or unenforceable by any court of competent
8 jurisdiction, such a decision shall not affect the validity of the remaining provisions of this
9 resolution. The Board hereby declares that it would have passed this resolution and each section
10 paragraph sentence clause word or phrase of this resolution irrespective of any provision being
11 declared invalid or unenforceable.

12

13 APPROVED AND ADOPTED BY THE BOARD ON JULY 18, 2024 BY A VOTE OF 4 IN
14 FAVOR, 0 OPPOSED, AND 3 ABSENT.

15

16 MEMBERS IN FAVOR: Dass, Champagne, Hinojos, Boulton

17 MEMBERS OPPOSED: none

18 MEMBERS ABSENT: Assed, Andujo, Galvez-Trujillo

19

20

21

22

23

24

25

26

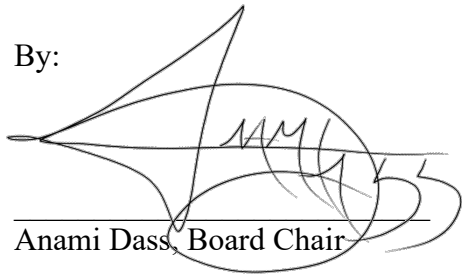
27

28

29

**CITY OF ALBUQUERQUE
HUMAN RIGHTS BOARD**

By:



Anami Dass, Board Chair