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District Attorney Speaks in Favor of Hate Crime Accountability

Before state senate, DA Lori Frugoli says SB 64 provides new investigative tool



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San Rafael, CA – [Marin County District Attorney](#) Lori Frugoli spoke before the California Senate Public Safety Committee on Tuesday, March 28, advocating for the passage of [Senate Bill 64](#) (SB 64), which would allow a court to issue a search warrant in the case of a suspected misdemeanor hate crime.

"The people of Marin and across the state have made it clear that the state's hate crime laws are inadequate and need to be reformed," Frugoli said. "SB 64 would allow us to apply for a search warrant – reviewed by a judge – so we can gather evidence from someone's phone, computer, or home that proves their crime was committed because of motivation based on hatred of a group. Collectively, we all need to do what we can to fight hate and racism, and this is a good first step."

The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. A hate crime is a crime against a person, group, or property motivated by the victim's real or perceived protected social group. A hate incident is an action or behavior motivated by hate but which, for one or more reasons, is not a crime. [The DA website](#) has more details about the differences.

With very few exceptions, law enforcement cannot request a search warrant for a misdemeanor crime. Often, investigators will find evidence that a hate crime was committed but are unable to gather evidence needed to prove beyond a reasonable doubt that the defendant was motivated to commit the crime because of a hatred of a particular group.

"SB 64 is a tool that would help law enforcement investigate and prosecutors hold people accountable for hate crimes which have become a destructive trend in our community and across the state," Frugoli said. "Hate knows no boundaries."

The legislation was initiated by Frugoli with the support of the California District Attorney Association and sponsored by Sen. Tom Umberg (D-Orange County). In a 5-0 vote, the Public Safety Committee passed SB 64

and Frugoli plans to continue to support the bill's progress through the legislative process.

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