

September 24, 2013 /**24-7PressRelease**/ -- Understanding New Jersey bias crime law

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Under New Jersey law, people can be convicted of a "bias crime" (also known as a "hate crime") if they commit a crime against another person on the basis of that person's minority status. Protected statuses include religion, race, ethnicity, national origin, color, gender, gender identity and expression, sexual orientation and disability.

It can sometimes be difficult to understand how the line is drawn between a crime motivated by bias and an offense based on any other type of criminal intent. A recent case involving two alleged white supremacists may help to shed some light on the issue.

The two men were sentenced in August after being convicted on hate crime charges stemming from a 2011 assault on several New Jersey residents of Egyptian descent. Prosecutors say that on the night of the attack, the two men attended a "meet and greet" event for white supremacists. They then drove to an apartment complex with the intent of finding non-white people to attack. The men allegedly used racist slurs while assaulting the victims.

Both men are believed to have ties to organized white supremacist groups, including the "Aryan Terror Brigade" and the "Atlantic City Skins."

Both men pleaded guilty to the charges. One was sentenced to 33 months in prison, and the other was sentenced to 15 months.

The role of intent

As this incident illustrates, hate crime charges generally depend on more than the victim's membership in a minority group. Instead, under New Jersey law, prosecutors must prove one of two things: that the intent of the crime was to intimidate the victim because of his or her minority status, or that the victim was selected as a target because of his or her minority status.

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Written by Australian Business

It is not necessary for the perpetrators to be members of an organized "hate group." Further, a bias crime charges hinges on the perpetrator's belief about the victim's minority status. For example, if a person attacks a man because he believes him to be gay, that person can be charged with a bias crime even if the victim was, in fact, heterosexual.

Being convicted of a bias crime enhances the penalty for the underlying offense. Both crimes of violence and property crimes can be charged as bias crimes. Some of the offenses most commonly charged as bias crimes include homicide, assault, arson, harassment, criminal mischief and terroristic threats.

Because of the complex intent elements involved, anyone charged with a New Jersey bias crime would be well advised to seek the assistance of an experienced criminal defense attorney before making any statements to the police.