

## GUNS & HATE CRIMES

### THE PROBLEM

There is no federal law prohibiting those convicted of misdemeanor hate crimes from purchasing or possessing a firearm. That means that in most U.S. states, some people convicted of hate crimes can still legally buy or possess guns.

### THE FACTS

- Reports indicate that hate groups and hate-related crimes in the U.S. are also on the rise. Hate crimes on the basis of religion, race or sexual orientation increased by 17 percent from 2016 to 2017 alone
- Between 2010 and 2014, approximately 43,000 reported hate crimes involved a firearm. This means that more than 8,500 hate crimes per year, or more than 23 per day, involve a firearm.
- Only a handful of states have passed laws preventing individuals convicted of misdemeanor hate crimes from purchasing a firearm. As a result, in most of the U.S. a person with a history of behavior motivated by hate can still have access to a gun.

### THE HUMAN RIGHTS FRAMEWORK

1. **RIGHT TO STAY ALIVE:** The state has a duty to prevent abuses of the right to stay alive by taking measures to address actual or foreseeable threats to this right, including in the context of gun violence.
2. **THE RIGHT TO SECURITY:** The right to live in safety is directly threatened by the ability of individuals convicted of hate crimes to have access to firearms.
3. **FREEDOM FROM DISCRIMINATION:** No one should be afraid to walk down the street, enter their place of worship or otherwise gather with members of their community out of fear that they will be targeted by a shooter. We all have the right to be treated equally and governments have a moral and legal obligation to **protect people from discrimination or violence based on who they are**—their real or perceived identity. The U.S. is obligated to take active steps to ensure—to the greatest extent possible—that people are able to live freely regardless of real or perceived race, country of origin, religion, sexual orientation or gender identity.

### AIUSA'S RECOMMENDATION

- Congress should pass legislation prohibiting the purchase, possession or shipment of a firearm by anyone convicted of a misdemeanor hate crime or anyone who received a hate crime sentence enhancement, including the Disarm Hate Act.
- In the wake of congressional inaction, states should also pass legislation prohibiting the purchase, possession or shipment of a firearm by anyone convicted of a misdemeanor hate crime or anyone who received a hate crime sentence enhancement.

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