



WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

Hate Crimes and Bias Incidents – Information for Victims

What is a Hate Crime?

In Washington, a person is guilty of a hate crime offense if they maliciously and intentionally commit one of the acts listed below based on the attacker's perception of a victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.



- Physical injury to the victim or anyone else.
- Damage or destruction of the property of the victim or another person.
- Threats to a person or group of people in such a way that causes the victims to have a “reasonable fear” that the attacker will cause physical injury or property damage.

Hate crimes are considered a class C felony in Washington State and carry a maximum sentence of five years of imprisonment and/or a \$100,000 fine. The victim of hate crimes can bring a civil lawsuit against the harasser for actual damages, punitive damages of up to \$100,000, and reasonable attorneys' fees and costs incurred in bringing the action.

RCW [9A.36.080](#), RCW [9A.36.083](#)

What is a Bias Incident?

The United States Department of Justice defines bias incidents as acts of prejudice that are not criminal in nature and do not involve violence, threats, or property damage. Threatening words do not constitute a hate crime offense if it is apparent to the victim that the person does not have the ability to carry out the threat. Just because these incidents cannot be criminally charged does not mean they are not important to report. These kinds of incidents have negative impacts on whole communities and deserve to be elevated and understood by the public. Some examples of bias incidents include:

- Yelling profanity and insults;
- Distributing racist flyers in public places; and
- Displaying hateful materials on private property.