



March 8, 2021

House Committee on the Judiciary
Vermont General Assembly
115 State Street
Montpelier, VT 05633-5301

Re: *21-0932 – an act relating to hate-motivated crimes and misconduct*

Dear House Committee on the Judiciary:

MadFreedom supports the intent of 21-0932 but is concerned that Sec. 1. 13 V.S.A. § 1455 does not adequately include within the protection of hate-motivated crimes those individuals who are regarded, treated and harmed because they are perceived as disabled but do not meet the statutory definition of disability.

Currently, 13 V.S.A. § 1455 defines “disability” by reference to 21 V.S.A. § 495d(5). That section provides

(5) "Individual with a disability" means any natural person who:

- (A) has a physical or mental impairment that substantially limits one or more major life activities;
- (B) has a history or record of such an impairment; or
- (C) is regarded as having such an impairment.

Under that same section, “is regarded as having such an impairment” means an individual:

- (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by an **employer** as constituting such a limitation;
- (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

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(C) has none of the impairments defined in subdivision (7)(A)¹ of this section but is treated by an **employer** as having such an impairment.

Because subsections (A) and (C) reference how an individual is treated by an employer, such individuals would not be covered under the hate-motivated crimes statute.

MadFreedom suggests that the hate-motivated crimes statute include its own definition of disability. MadFreedom suggests the following definition of disability.

"Individual with a disability" means any natural person who:

(A) has a physical or mental impairment that substantially limits one or more major life activities;

(B) has a history or record of such an impairment; or

(C) is regarded as having such an impairment. "Is regarded as having such an impairment" means that an individual is treated or considered as having such an impairment.

Thank you for your consideration.

Very truly yours,



Wilda L. White, JD, MBA
Founder

¹ Subdivision (7)(A) includes "any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine."