Does the Hate Crimes Bill Protect People With HIV/AIDS?

October 23, 2009 By Oriol R. Gutierrez Jr.

The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009 passed the Senate yesterday as an amendment to a defense spending bill. The House passed the legislation earlier in the month. President Obama is expected to sign it into law.

The legislation expands hate crimes to include attacks based on a person's gender, sexual orientation, gender identity or disability.

The bill is named after two men who were murdered in 1998: Shepard, a gay man in Wyoming who was brutally beaten, tied to a fence and left to die (he died days after the incident), and Byrd, a black man in Texas who was chained to a truck and dragged to his death.

This legislation is better late than never, as they say. When Obama signs it into law, it will be a major step forward for LGBT civil rights in the United States. All Americans should be proud of this achievement.

One detail struck me hard when I was reading the coverage this morning. I had never noticed before this morning that "disability" was included in the bill. I can only imagine that "disability" would be defined as per the Americans With Disabilities Act, which would mean that people with HIV/AIDS would be protected by this legislation.

I don't know that to be true just yet, but it seems to me to be true. I hope to be getting clarification soon. Increased criminalization related to HIV/AIDS could fuel hate crimes against people living with the virus, so if I'm correct in my assumption this bill provides a welcome if unexpected benefit.

UPDATE: I spoke with Curt Decker, executive director of the National Disability Rights Network, who confirmed that "disability" in the hate crimes bill does indeed include anyone protected under the Americans With Disabilities Act, which includes people with HIV/AIDS.

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