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By: **Delegates Jones, Lee, Barkley, Dumais, Goldwater, Gutierrez, Hixson,  
Howard, Kaiser, Kelley, Kirk, Madaleno, Mandel, Marriott, McIntosh,  
Menes, Montgomery, Murray, Nathan-Pulliam, Patterson, Proctor,  
Quinter, Rosenberg, Ross, F. Turner, and V. Turner**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                           **Hate Crimes Penalties Act - Expanding Prohibitions and Protected Classes**  
3                           **of People**

4 FOR the purpose of expanding the scope of the prohibition against damaging property  
5 of certain places of worship to include any place of worship; expanding the scope  
6 of the prohibition against harassment, destruction of property, and damage to  
7 certain buildings to include certain beliefs or perceptions of the violator  
8 regarding sexual orientation or gender identity or expression of a person or  
9 group of people; requiring a person to perform a certain amount of hours of  
10 public or community service for an order of probation or conditional release  
11 entered following a conviction under this Act; defining certain terms; making  
12 technical changes; and generally relating to hate crimes and penalties.

13 BY adding to  
14 Article - Criminal Law  
15 Section 10-301  
16 Annotated Code of Maryland  
17 (2002 Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Criminal Law  
20 Section 10-301 through 10-306  
21 Annotated Code of Maryland  
22 (2002 Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Criminal Law**

2 10-301.

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.5 (B) "SEXUAL ORIENTATION" MEANS THE IDENTIFICATION OF AN INDIVIDUAL  
6 AS TO MALE OR FEMALE HOMOSEXUALITY, HETEROSEXUALITY, OR BISEXUALITY.7 (C) "GENDER IDENTITY OR EXPRESSION" MEANS HAVING OR BEING  
8 PERCEIVED AS HAVING A GENDER-RELATED IDENTITY, APPEARANCE, EXPRESSION,  
9 OR BEHAVIOR, WHETHER OR NOT THAT IDENTITY, APPEARANCE, EXPRESSION, OR  
10 BEHAVIOR IS DIFFERENT FROM THAT STEREOTYPICALLY ASSOCIATED WITH THE  
11 PERSON'S ASSIGNED SEX AT BIRTH.

12 [10-301.] 10-302.

13 A person may not deface, damage, or destroy, or attempt to deface, damage, or  
14 destroy, personal or real property that is owned, leased, or used by a religious entity  
15 or for any religious purpose including:

- 16 (1) [a church, synagogue, or other] ANY place of worship;
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- 17 (2) a cemetery;
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- 18 (3) a religious school, educational facility, or community center; and
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- 19 (4) the grounds adjacent to them.

20 [10-302.] 10-303.

21 A person may not, by force or threat of force, obstruct or attempt to obstruct  
22 another in the free exercise of that person's religious beliefs.

23 [10-303.] 10-304.

24 Because of another's race, color, religious beliefs, SEXUAL ORIENTATION,  
25 GENDER IDENTITY OR EXPRESSION, or national origin, WHETHER OR NOT THE  
26 PERSON'S BELIEF OR PERCEPTION WAS CORRECT, a person may not:

- 27 (1) harass or commit a crime against that person;
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- 28 (2) damage the real or personal property of that person;
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- 29 (3) deface, damage, or destroy, attempt to deface, damage, or destroy the
- 
- 30 real or personal property of that person; or
- 
- 31 (4) burn or attempt to burn an object on the real or personal property of
- 
- 32 that person.

1 [10-304.] 10-305.

2 A person may not deface, damage, or destroy, attempt to deface, damage, or  
3 destroy, burn or attempt to burn an object on, or damage the real or personal property  
4 connected to a building that is publicly or privately owned, leased, or used, including  
5 a cemetery, library, meeting hall, recreation center, or school:

6 (1) because a person or group of a particular race, color, religious belief,  
7 SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, or national origin has  
8 contacts or is associated with the building; or

9 (2) if there is evidence that exhibits animosity against a person or group,  
10 because of the race, color, religious beliefs, SEXUAL ORIENTATION, GENDER IDENTITY  
11 OR EXPRESSION, or national origin of that person or group.

12 [10-305.] 10-306.

13 (A) A person who violates this subtitle is subject to the following penalties:

14 (1) if the violation involves a separate crime that is a felony, the person is  
15 guilty of a felony and on conviction is subject:

16 (i) to imprisonment not exceeding 10 years or a fine not exceeding  
17 \$10,000 or both; or

18 (ii) if the violation also results in death to a victim, to  
19 imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both; and

20 (2) in all other cases, the person is guilty of a misdemeanor and on  
21 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
22 \$5,000 or both.

23 (B) AN ORDER OF PROBATION OR CONDITIONAL RELEASE ENTERED  
24 FOLLOWING A CONVICTION FOR A CRIME UNDER §§ 10-302 THROUGH 10-305 OF THIS  
25 SUBTITLE SHALL INCLUDE A CONDITION THAT THE OFFENDER PERFORM PUBLIC OR  
26 COMMUNITY SERVICE OF NOT LESS THAN 200 HOURS.

27 [10-306.] 10-307.

28 Prosecution of a person under this subtitle does not preclude prosecution and  
29 imposition of penalties for another crime in addition to the penalties imposed under  
30 this subtitle.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2004.