
By: **Senator Grosfeld**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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:

25 **Article - Criminal Law**

26 10-301.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

1 (B) "SEXUAL ORIENTATION" MEANS THE IDENTIFICATION OF AN INDIVIDUAL
2 AS TO MALE OR FEMALE HOMOSEXUALITY, HETEROSEXUALITY, OR BISEXUALITY.

3 (C) "GENDER IDENTITY OR EXPRESSION" MEANS HAVING OR BEING
4 PERCEIVED AS HAVING A GENDER-RELATED IDENTITY, APPEARANCE, EXPRESSION,
5 OR BEHAVIOR, WHETHER OR NOT THAT IDENTITY, APPEARANCE, EXPRESSION, OR
6 BEHAVIOR IS DIFFERENT FROM THAT STEREOTYPICALLY ASSOCIATED WITH THE
7 PERSON'S ASSIGNED SEX AT BIRTH.

8 [10-301.] 10-302.

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

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

16 [10-302.] 10-303.

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

19 [10-303.] 10-304.

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

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

29 [10-304.] 10-305.

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

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

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

7 [10-305.] 10-306.

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

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

11 (i) to imprisonment not exceeding 10 years or a fine not exceeding
12 \$10,000 or both; or

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

15 (2) in all other cases, the person is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
17 \$5,000 or both.

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

22 [10-306.] 10-307.

23 Prosecution of a person under this subtitle does not preclude prosecution and
24 imposition of penalties for another crime in addition to the penalties imposed under
25 this subtitle.

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