

HOUSE BILL 41

E1

8lr0884

(PRE-FILED)

By: ~~Delegate Ramirez~~ Delegates Ramirez, Ali, Taylor, and Vaughn

Requested: October 15, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Hate Crimes - ~~Hanging or Placing of a Noose~~ Use of a Noose or**
3 **Swastika to Threaten or Intimidate**

4 FOR the purpose of ~~expanding the scope of the prohibition against defacement of~~
5 ~~certain property and damage to certain buildings to include the hanging or~~
6 ~~placing of a noose on the real or personal property of a person or group or on the~~
7 ~~real or personal property connected to a certain building because of the race,~~
8 ~~color, religious beliefs, sexual orientation, or national origin of a certain person~~
9 ~~or group~~ prohibiting a person from affixing, erecting, or placing a noose or
10 swastika on a certain building or real property, without the express permission
11 of the owner of the building or property or the owner's agent, with the intent to
12 threaten or intimidate any person or group of persons; establishing that a
13 certain penalty applies to a violation of this Act; and generally relating to ~~hate~~
14 crimes the use of a noose or swastika to threaten or intimidate a person or
15 group of persons.

16 ~~BY repealing and reenacting, with amendments,~~

17 ~~Article - Criminal Law~~

18 ~~Section 10-304 and 10-305~~

19 ~~Annotated Code of Maryland~~

20 ~~(2002 Volume and 2007 Supplement)~~

21 BY adding to

22 Article - Criminal Law

23 Section 10-305.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2002 Volume and 2007 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Criminal Law
5 Section 10–306
6 Annotated Code of Maryland
7 (2002 Volume and 2007 Supplement)

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

10 **Article – Criminal Law**

11 ~~10–304.~~

12 ~~Because of another's race, color, religious beliefs, sexual orientation, or national~~
13 ~~origin, a person may not:~~

14 ~~(1) (i) commit a crime against that person;~~

15 ~~(ii) damage the real or personal property of that person;~~

16 ~~(iii) deface, damage, or destroy, or attempt to deface, damage, or~~
17 ~~destroy the real or personal property of that person; [or]~~

18 ~~(iv) burn or attempt to burn an object on the real or personal~~
19 ~~property of that person; or~~

20 ~~(v) HANG OR PLACE A NOOSE ON THE REAL OR PERSONAL~~
21 ~~PROPERTY OF THAT PERSON; OR~~

22 ~~(2) commit a violation of item (1) of this section that:~~

23 ~~(i) except as provided in item (ii) of this item, involves a~~
24 ~~separate crime that is a felony; or~~

25 ~~(ii) results in the death of the victim.~~

26 ~~10–305.~~

27 ~~A person may not deface, damage, or destroy, attempt to deface, damage, or~~
28 ~~destroy, burn or attempt to burn an object on, HANG OR PLACE A NOOSE ON, or~~
29 ~~damage the real or personal property connected to a building that is publicly or~~
30 ~~privately owned, leased, or used, including a cemetery, library, meeting hall,~~
31 ~~recreation center, or school.~~

1 ~~(1) because a person or group of a particular race, color, religious~~
2 ~~belief, sexual orientation, or national origin has contacts or is associated with the~~
3 ~~building; or~~

4 ~~(2) if there is evidence that exhibits animosity against a person or~~
5 ~~group, because of the race, color, religious beliefs, sexual orientation, or national origin~~
6 ~~of that person or group.~~

7 **10-305.1.**

8 **A PERSON MAY NOT AFFIX, ERECT, OR PLACE A NOOSE OR SWASTIKA ON A**
9 **BUILDING OR REAL PROPERTY, PUBLIC OR PRIVATE, WITHOUT THE EXPRESS**
10 **PERMISSION OF THE OWNER, OWNER’S AGENT, OR LAWFUL OCCUPANT OF THE**
11 **BUILDING OR REAL PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE**
12 **ANY PERSON OR GROUP OF PERSONS.**

13 **10-306.**

14 (a) Except as provided in subsection (b) of this section, a person who violates
15 this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment
16 not exceeding 3 years or a fine not exceeding \$5,000 or both.

17 (b) (1) A person who violates § 10-304(2)(i) of this subtitle is guilty of a
18 felony and on conviction is subject to imprisonment not exceeding 10 years or a fine
19 not exceeding \$10,000 or both.

20 (2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a
21 felony and on conviction is subject to imprisonment not exceeding 20 years or a fine
22 not exceeding \$20,000 or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.