

SENATE BILL 151

E1
SB 111/08 – JPR

9lr1584

By: **Senators Mooney, Haines, Jacobs, Kittleman, Munson, Simonaire, and Stone**

Introduced and read first time: January 19, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and**
3 **Groups**

4 FOR the purpose of including homeless persons within the scope of certain
5 prohibitions against committing certain crimes against certain persons,
6 damaging certain property of certain persons, burning certain objects, and
7 damaging certain buildings with which certain persons or groups have contacts
8 or associations or under circumstances exhibiting animosity against a certain
9 person or group; defining a certain term; and generally relating to hate crimes
10 against homeless persons.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 10–301, 10–304, and 10–305
14 Annotated Code of Maryland
15 (2002 Volume and 2008 Supplement)

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

18 **Article – Criminal Law**

19 10–301.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) **“HOMELESS” MEANS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) **LACKING A FIXED, REGULAR, AND ADEQUATE NIGHTTIME**
2 **RESIDENCE; OR**

3 (2) **HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:**

4 (I) **A SUPERVISED PUBLICLY OR PRIVATELY OPERATED**
5 **SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR**

6 (II) **A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR**
7 **ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN**
8 **BEINGS.**

9 (C) [In this subtitle, “sexual] **“SEXUAL** orientation” means the identification
10 of an individual as to male or female homosexuality, heterosexuality, bisexuality, or
11 gender-related identity.

12 10-304.

13 Because of another’s race, color, religious beliefs, sexual orientation, or national
14 origin, **OR BECAUSE ANOTHER IS HOMELESS**, a person may not:

15 (1) (i) commit a crime against that person;

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

17 (iii) deface, damage, or destroy, or attempt to deface, damage, or
18 destroy the real or personal property of that person; or

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

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

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

24 (ii) results in the death of the victim.

25 10-305.

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

1 (1) because a person or group of a particular race, color, religious
2 belief, sexual orientation, or national origin, **OR BECAUSE A PERSON OR GROUP**
3 **THAT IS HOMELESS**, has contacts or is associated with the 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 **OR BECAUSE THAT PERSON OR GROUP IS HOMELESS**.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2009.