

# HOUSE BILL 1218

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HB 1201/09 – JUD

0lr1041

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By: **Delegates Ramirez, Ali, Barnes, Kaiser, Levy, Robinson, and Valderrama**  
Introduced and read first time: February 18, 2010  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning  
2 **Crimes – Hate Crimes – Use of a Noose or Swastika to Threaten or Intimidate**  
3 FOR the purpose of prohibiting a person from affixing, erecting, or placing a noose or  
4 swastika on a certain building or real property, without the express permission  
5 of the owner, owner’s agent, or lawful occupant of the building or property, with  
6 the intent to threaten or intimidate any person or group of persons; establishing  
7 that a certain penalty applies to a violation of this Act; and generally relating to  
8 the use of a noose or swastika to threaten or intimidate a person or group of  
9 persons.

10 BY adding to  
11 Article – Criminal Law  
12 Section 10–305.1  
13 Annotated Code of Maryland  
14 (2002 Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Law  
17 Section 10–306  
18 Annotated Code of Maryland  
19 (2002 Volume and 2009 Supplement)

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

22 **Article – Criminal Law**

23 **10–305.1.**

24 **A PERSON MAY NOT AFFIX, ERECT, OR PLACE A NOOSE OR SWASTIKA ON A**  
25 **BUILDING OR REAL PROPERTY, PUBLIC OR PRIVATE, WITHOUT THE EXPRESS**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 **PERMISSION OF THE OWNER, OWNER'S AGENT, OR LAWFUL OCCUPANT OF THE**  
2 **BUILDING OR REAL PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE**  
3 **ANY PERSON OR GROUP OF PERSONS.**

4 10-306.

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2010.