

HOUSE BILL 1695

E1
HB 41/08 – JUD

8lr3689

By: **Delegate Chang**

Introduced and read first time: February 15, 2018

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 26, 2018

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Hate Crimes – ~~Use of a Noose or Swastika to Threaten or Intimidate~~**
3 **Defacement**

4 FOR the purpose of ~~prohibiting a person from affixing, erecting, or placing a noose or~~
5 ~~swastika on any building or real property, without the express permission of the~~
6 ~~owner of the building or property, the owner's agent, or a lawful occupant, with the~~
7 ~~intent to threaten or intimidate any person or group of persons; establishing that a~~
8 ~~certain penalty applies to a violation of this Act~~ defining the term “deface” for
9 purposes of the hate crimes laws to include affixing, erecting, or placing a noose or
10 swastika on; and generally relating to the use of a noose or swastika to threaten or
11 intimidate a person or group of persons hate crimes.

12 ~~BY adding to~~
13 ~~Article – Criminal Law~~
14 ~~Section ~~10-305.1~~~~
15 ~~Annotated Code of Maryland~~
16 ~~(2012 Replacement Volume and 2017 Supplement)~~

17 BY repealing and reenacting, ~~without~~ with amendments,
18 Article – Criminal Law
19 Section ~~10-306~~ 10-301
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2017 Supplement)

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

3 **Article – Criminal Law**

4 ~~10-305.1.~~

5 ~~A PERSON MAY NOT AFFIX, ERECT, OR PLACE A NOOSE OR SWASTIKA ON A~~
6 ~~BUILDING OR REAL PROPERTY, PUBLIC OR PRIVATE, WITHOUT THE EXPRESS~~
7 ~~PERMISSION OF THE OWNER, OWNER'S AGENT, OR LAWFUL OCCUPANT OF THE~~
8 ~~BUILDING OR REAL PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE~~
9 ~~ANY PERSON OR GROUP OF PERSONS.~~

10 ~~10-306.~~

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

14 ~~(b) (1) A person who violates § 10-304(2)(i) of this subtitle is guilty of a felony~~
15 ~~and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding~~
16 ~~\$10,000 or both.~~

17 ~~(2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony~~
18 ~~and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding~~
19 ~~\$20,000 or both.~~

20 10-301.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “DEFACE” INCLUDES TO AFFIX, ERECT, OR PLACE A NOOSE OR
23 SWASTIKA ON.

24 (c) “Homeless” means:

25 (1) lacking a fixed, regular, and adequate nighttime residence; or

26 (2) having a primary nighttime residence that is:

27 (i) a supervised publicly or privately operated shelter designed to
28 provide temporary living accommodations; or

29 (ii) a public or private place not designed for or ordinarily used as a
30 regular sleeping accommodation for human beings.

1 **[(c)] (D)** “Sexual orientation” means the identification of an individual as to
2 male or female homosexuality, heterosexuality, bisexuality, or gender-related identity.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.