

HOUSE BILL 4

E1
HB 1695/18 – JUD

(PRE-FILED)

9lr0687

By: **Delegate Chang**

Requested: November 8, 2018

Introduced and read first time: January 9, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2019

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of prohibiting a person from ~~affixing, erecting, or placing a noose or~~
5 ~~swastika on any building or real~~ placing or inscribing a certain item or symbol on
6 certain property, without the express permission of the owner of the ~~building or~~
7 property, the owner's agent, or a lawful occupant, with the intent to threaten or
8 intimidate any person or group of persons; establishing that a certain penalty applies
9 to a violation of this Act; and generally relating to the use of ~~a noose or swastika~~ an
10 item or a symbol to threaten or intimidate a person or group of persons.

11 BY adding to

12 Article – Criminal Law

13 Section 10–305.1

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Criminal Law

18 Section 10–306

19 Annotated Code of Maryland

20 (2012 Replacement Volume and 2018 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~~ PLACE OR INSCRIBE AN ITEM OR A SYMBOL, INCLUDING AN**
7 **ACTUAL OR DEPICTED NOOSE OR SWASTIKA, WHETHER TEMPORARY OR**
8 **PERMANENT, ON ANY REAL OR PERSONAL PROPERTY, PUBLIC OR PRIVATE,**
9 **WITHOUT THE EXPRESS PERMISSION OF THE OWNER, OWNER’S AGENT, OR LAWFUL**
10 **OCCUPANT OF THE ~~BUILDING OR REAL~~ PROPERTY, WITH THE INTENT TO THREATEN**
11 **OR INTIMIDATE ANY PERSON OR GROUP OF PERSONS.**

12 10–306.

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.