

HOUSE BILL 240

E1, D5
HB 246/18 – JUD

9lr0666
CF 9lr2123

By: **Delegates Rosenberg, Attar, Bridges, Cardin, Chang, Guyton, Hettleman,
Lierman, Moon, Solomon, Stein, and Sydnor**

Introduced and read first time: January 24, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Threats and Penalties**

3 FOR the purpose of prohibiting a person from threatening to commit certain hate crimes;
4 applying and altering certain penalties; authorizing a court to require a certain
5 person to attend certain educational classes and perform certain community service
6 as a condition of supervised release; making stylistic changes; and generally relating
7 to hate crimes.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 10–302 through 10–306
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2018 Supplement)

13 BY adding to
14 Article – Criminal Law
15 Section 10–302.1, 10–303.1, 10–304.1, and 10–305.1
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Criminal Law
20 Section 10–308
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2018 Supplement)

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

25 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-302.

2 A person may not deface, damage, or destroy[, or attempt to deface, damage, or
3 destroy,] personal or real property that is owned, leased, or used by a religious entity or for
4 any religious purpose including:

5 (1) a place of worship;

6 (2) a cemetery;

7 (3) a religious school, educational facility, or community center; and

8 (4) the grounds adjacent to them.

9 **10-302.1.**

10 (A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-302 OF
11 THIS SUBTITLE.

12 (B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-302 OF
13 THIS SUBTITLE.

14 10-303.

15 A person may not, by force [or threat of force], obstruct [or attempt to obstruct]
16 another in the free exercise of that person's religious beliefs.

17 **10-303.1.**

18 (A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-303 OF
19 THIS SUBTITLE.

20 (B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-303 OF
21 THIS SUBTITLE.

22 10-304.

23 Because of another person's or group's race, color, religious beliefs, sexual
24 orientation, gender, disability, or national origin, or because another person or group is
25 homeless, a person may not:

26 (1) (i) commit a crime [or attempt to commit a crime] against that
27 person or group;

- 1 (ii) [damage the real or personal property of that person or group;
- 2 (iii)] deface, damage, or destroy[, or attempt to deface, damage, or
- 3 destroy] the real or personal property of that person or group; or
- 4 [(iv)] (III) burn [or attempt to burn] an object on the real or personal
- 5 property of that person or group; or
- 6 (2) commit a violation of item (1) of this section that:
- 7 (i) except as provided in item (ii) of this item, involves a separate
- 8 crime that is a felony; or
- 9 (ii) results in the death of a victim.

10 **10-304.1.**

11 (A) **A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-304 OF**

12 **THIS SUBTITLE.**

13 (B) **A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-304 OF**

14 **THIS SUBTITLE.**

15 **10-305.**

16 A person may not deface, damage, or destroy, [attempt to deface, damage, or

17 destroy,] burn [or attempt to burn] an object on, or damage the real or personal property

18 connected to a building that is publicly or privately owned, leased, or used, including a

19 cemetery, library, meeting hall, recreation center, or school:

20 (1) because a person or group of a particular race, color, religious belief,

21 sexual orientation, gender, disability, or national origin, or because a person or group that

22 is homeless, has contacts or is associated with the building; or

23 (2) if there is evidence that exhibits animosity against a person or group,

24 because of the race, color, religious beliefs, sexual orientation, gender, disability, or national

25 origin of that person or group or because that person or group is homeless.

26 **10-305.1.**

27 (A) **A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-305 OF**

28 **THIS SUBTITLE.**

29 (B) **A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-305 OF**

30 **THIS SUBTITLE.**

1 10-306.

2 (a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this
3 section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is
4 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

5 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON**
6 **WHO VIOLATES § 10-302, § 10-303, § 10-304, OR § 10-305 OF THIS SUBTITLE IS**
7 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
8 **NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

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

12 (2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony
13 and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding
14 \$20,000 or both.

15 **(D) AS A CONDITION OF SUPERVISED RELEASE, A COURT MAY REQUIRE A**
16 **PERSON CONVICTED UNDER THIS SUBTITLE TO ATTEND EDUCATIONAL CLASSES**
17 **AND PERFORM COMMUNITY SERVICE RELATED TO THE PERSON OR GROUP OF A**
18 **PARTICULAR RACE, COLOR, RELIGIOUS BELIEF, SEXUAL ORIENTATION, GENDER,**
19 **DISABILITY, NATIONAL ORIGIN, OR STATUS AS HOMELESS THAT WAS THE SUBJECT**
20 **OF THE PERSON'S VIOLATION.**

21 10-308.

22 Nothing in this subtitle may be construed to infringe on the speech of a religious
23 leader or other individual during peaceable activity intended to express the leader's or
24 individual's religious beliefs or convictions.

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