

# SENATE BILL 232

E1, D5  
SB 671/18 – JPR

9lr2123  
CF HB 240

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By: ~~Senator Zirkin~~ Senators Kramer, Zirkin, Smith, Carter, Hester, Lee, Ready, Waldstreicher, Washington, and West

Introduced and read first time: January 25, 2019

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2019

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## CHAPTER \_\_\_\_\_

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~~ repealing a certain  
7 uplicative prohibition; and generally relating to hate crimes.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section ~~10–302 through 10–306~~, 10–304, and 10–305

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 10–303, 10–306, and 10–308

21 Annotated Code of Maryland

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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.



(2012 Replacement Volume and 2018 Supplement)

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

**Article – Criminal Law**

10–302.

A person may not deface, damage, or destroy~~],~~ or attempt **OR THREATEN** to deface, damage, or destroy,~~]~~ personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including:

- (1) a place of worship;
- (2) a cemetery;
- (3) a religious school, educational facility, or community center; and
- (4) the grounds adjacent to them.

~~10–302.1.~~

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

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10–302 OF THIS SUBTITLE.~~

10–303.

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

~~10–303.1.~~

~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10–303 OF THIS SUBTITLE.~~

~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10–303 OF THIS SUBTITLE.~~

10–304.

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

4 (1) (i) commit a crime ~~for attempt~~ OR THREATEN to commit a crime~~]~~  
5 against that person or group;

6 (ii) [damage the real or personal property of that person or group;

7 (iii)] deface, damage, or destroy~~]~~, or attempt OR THREATEN to deface,  
8 damage, or destroy~~]~~ the real or personal property of that person or group; or

9 [(iv)] (III) burn ~~for attempt~~ OR THREATEN to burn~~]~~ an object on the  
10 real or personal property of that person or group; or

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

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

14 (ii) results in the death of a victim.

15 ~~10-304.1.~~

16 ~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-304 OF~~  
17 ~~THIS SUBTITLE.~~

18 ~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-304 OF~~  
19 ~~THIS SUBTITLE.~~

20 10-305.

21 A person may not deface, damage, or destroy, ~~attempt~~ OR THREATEN to deface,  
22 damage, or destroy,~~]~~ burn ~~for attempt~~ OR THREATEN to burn~~]~~ an object on, or damage the  
23 real or personal property connected to a building that is publicly or privately owned, leased,  
24 or used, including a cemetery, library, meeting hall, recreation center, or school:

25 (1) because a person or group of a particular race, color, religious belief,  
26 sexual orientation, gender, disability, or national origin, or because a person or group that  
27 is homeless, has contacts or is associated with the building; or

28 (2) if there is evidence that exhibits animosity against a person or group,  
29 because of the race, color, religious beliefs, sexual orientation, gender, disability, or national  
30 origin of that person or group or because that person or group is homeless.

31 ~~10-305.1.~~

1 ~~(A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-305 OF~~  
 2 ~~THIS SUBTITLE.~~

3 ~~(B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-305 OF~~  
 4 ~~THIS SUBTITLE.~~

5 10-306.

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

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

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

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

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

25 10-308.

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

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