

HOUSE BILL 5

E1
HB 4/19 – JUD

(PRE-FILED)

01r0892
CF SB 161

By: ~~Delegate Chang~~ Delegates Chang, Bartlett, Clippinger, Atterbeary, J. Lewis, Moon, Cardin, Crutchfield, Lopez, Williams, McComas, Pippy, Griffith, R. Watson, Shetty, W. Fisher, Cox, D.M. Davis, Anderson, Conaway, and Malone

Requested: October 11, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: January 28, 2020

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Hate Crimes – Use of an Item or a Symbol to Threaten or Intimidate**

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

9 BY adding to

10 Article – Criminal Law

11 Section 10–305.1

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Criminal Law

16 Section 10–306

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2019 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 PLACE OR INSCRIBE AN ITEM OR A SYMBOL, INCLUDING**
6 **AN ACTUAL OR DEPICTED NOOSE OR SWASTIKA, WHETHER TEMPORARY OR**
7 **PERMANENT, ON ANY REAL OR PERSONAL PROPERTY, PUBLIC OR PRIVATE,**
8 **WITHOUT THE EXPRESS PERMISSION OF THE OWNER, OWNER’S AGENT, OR LAWFUL**
9 **OCCUPANT OF THE PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE ANY**
10 **PERSON OR GROUP OF PERSONS.**

11 10–306.

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.