

SENATE BILL 443

E1

1lr0751
CF HB 438

By: **Senator West**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Malicious Destruction of Historically Significant Monument**
3 **(Monument Protection Act of 2021)**

4 FOR the purpose of prohibiting a person from willfully and maliciously destroying,
5 damaging, vandalizing, or desecrating a certain historically significant monument;
6 providing penalties for a violation of this Act; authorizing a court to consider a
7 certain matter in making a certain determination; providing that certain counts may
8 not be merged for sentencing; providing for the application and determination of the
9 value of certain damage; defining a certain term; and generally relating to the
10 malicious destruction of historically significant monuments.

11 BY adding to
12 Article – Criminal Law
13 Section 6–301.1
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2020 Supplement)

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

18 **Article – Criminal Law**

19 **6–301.1.**

20 **(A) IN THIS SECTION, “HISTORICALLY SIGNIFICANT MONUMENT” MEANS A**
21 **MONUMENT, MEMORIAL, OR STATUE THAT IS NOT OWNED BY THE DEFENDANT AND**
22 **THAT HAS BEEN DEDICATED OR IS MAINTAINED BY A STATE OR LOCAL**
23 **GOVERNMENT.**

24 **(B) A PERSON MAY NOT WILLFULLY AND MALICIOUSLY DESTROY, DAMAGE,**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 VANDALIZE, OR DESECRATE A HISTORICALLY SIGNIFICANT MONUMENT.

2 (C) (1) A PERSON WHO, IN VIOLATION OF THIS SECTION, CAUSES DAMAGE
3 OF AT LEAST \$1,000 TO PROPERTY IS GUILTY OF A MISDEMEANOR AND ON
4 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT
5 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

6 (2) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
7 MINIMUM SENTENCE OF 1 YEAR.

8 (3) THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE
9 MANDATORY MINIMUM SENTENCE.

10 (D) (1) A PERSON WHO, IN VIOLATION OF THIS SECTION, CAUSES DAMAGE
11 OF LESS THAN \$1,000 TO PROPERTY IS GUILTY OF A MISDEMEANOR AND ON
12 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 6 MONTHS AND
13 NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$500 OR BOTH.

14 (2) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
15 MINIMUM SENTENCE OF 6 MONTHS.

16 (3) THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE
17 MANDATORY MINIMUM SENTENCE.

18 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
19 IN DETERMINING A PENALTY, THE COURT MAY CONSIDER AS ONE CRIME THE
20 AGGREGATE VALUE OF DAMAGE TO EACH PROPERTY RESULTING FROM ONE SCHEME
21 OR CONTINUING COURSE OF CONDUCT.

22 (2) IF SEPARATE ACTS RESULTING IN DAMAGE TO THE PROPERTIES
23 OF ONE OR MORE OWNERS ARE SET FORTH BY SEPARATE COUNTS IN ONE OR MORE
24 CHARGING DOCUMENTS, THE SEPARATE COUNTS MAY NOT BE MERGED FOR
25 SENTENCING.

26 (F) (1) THE VALUE OF DAMAGE IS NOT A SUBSTANTIVE ELEMENT OF A
27 CRIME UNDER THIS SECTION AND NEED NOT BE STATED IN THE CHARGING
28 DOCUMENT.

29 (2) THE VALUE OF DAMAGE SHALL BE BASED ON THE EVIDENCE AND
30 THAT VALUE SHALL BE APPLIED FOR THE PURPOSE OF IMPOSING THE PENALTIES
31 ESTABLISHED IN THIS SECTION.

32 (3) IF IT CANNOT BE DETERMINED FROM THE EVIDENCE WHETHER

1 THE VALUE OF THE DAMAGE TO THE PROPERTY IS MORE OR LESS THAN \$1,000, THE
2 VALUE IS DEEMED TO BE LESS THAN \$1,000.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2021.