

SENATE BILL 867

E1, E2

1lr1994

By: **Senators Corderman, Gallion, Edwards, West, Eckardt, and Carozza**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Hate Crimes – First Responders**

3 FOR the purpose of prohibiting a person, with a certain motivation, from willfully
4 intimidating, harassing, or terrorizing another person, causing certain damage to
5 certain property of another person without permission, or causing death or serious
6 bodily harm to another person based on that person’s actual or perceived
7 employment as a first responder; establishing a certain penalty; defining a certain
8 term; making a certain conforming change; and generally relating to hate crimes.

9 BY adding to

10 Article – Criminal Law

11 Section 10–306

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Criminal Law

16 Section 10–306 through 10–308

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2020 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 **10–306.**

23 **(A) IN THIS SECTION, “FIRST RESPONDER” HAS THE MEANING STATED IN §**
24 **18–213.2 OF THE HEALTH – GENERAL ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) MOTIVATED EITHER IN WHOLE OR IN SUBSTANTIAL PART BY ANOTHER'S**
2 **ACTUAL OR PERCEIVED EMPLOYMENT AS A FIRST RESPONDER, A PERSON MAY NOT**
3 **WILLFULLY:**

4 **(1) INTIMIDATE, HARASS, OR TERRORIZE THAT PERSON;**

5 **(2) CAUSE DAMAGE OF AT LEAST \$500 TO ANY REAL OR PERSONAL**
6 **PROPERTY OF THAT PERSON WITHOUT PERMISSION; OR**

7 **(3) CAUSE DEATH OR SERIOUS BODILY HARM TO THAT PERSON.**

8 **(C) EACH VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE**
9 **OFFENSE AND MAY NOT MERGE WITH ANY OTHER CRIME.**

10 **[10-306.] 10-307.**

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

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

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

20 **(3) (I) A PERSON WHO VIOLATES § 10-306 OF THIS SUBTITLE IS**
21 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT**
22 **LESS THAN 1 YEAR AND NOT EXCEEDING 5 YEARS AND A FINE NOT EXCEEDING**
23 **\$5,000.**

24 **(II) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW**
25 **ARTICLE, THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM**
26 **SENTENCE OF 1 YEAR.**

27 **(III) THE COURT MAY NOT SUSPEND ANY PART OF THE**
28 **MANDATORY MINIMUM SENTENCE OF 1 YEAR.**

29 **(IV) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE**
30 **CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED**

1 FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS
2 SECTION.

3 [10-307.] **10-308.**

4 [A] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A sentence imposed
5 under this subtitle may be separate from and consecutive to or concurrent with a sentence
6 for any crime based on the act establishing the violation of this subtitle.

7 [10-308.] **10-309.**

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

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