
By: **Delegate Dembrow**
Introduced and read first time: January 22, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sexual Orientation and Gender - Prohibitions**

3 FOR the purpose of prohibiting a person from committing certain crimes against
4 another person or institution, or damaging the property of another person or
5 institution because of that person's gender or sexual orientation, or because of
6 the institution's contacts or associations with a person or group of a particular
7 gender or sexual orientation; defining a certain term; making stylistic changes;
8 and generally relating to the prohibition of crimes against persons based on
9 gender or sexual orientation.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 470A
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1998 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 470A.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Institution" means a publicly or privately owned, leased, or used
21 [building] PROPERTY, including:

22 (i) A school;

23 (ii) A library;

24 (iii) A recreation center;

25 (iv) A meeting hall; or

1 (v) A cemetery.

2 (3) "Religious real property" includes:

3 (i) A church, synagogue, or other place of worship;

4 (ii) A cemetery;

5 (iii) A religious school, educational facility, community center,
6 structure, or other real property used for any religious purpose; and

7 (iv) The grounds adjacent to the property described in items (i)
8 through (iii) of this paragraph.

9 (4) "SEXUAL ORIENTATION" MEANS:

10 (I) THE IDENTIFICATION OF AN INDIVIDUAL AS TO MALE OR
11 FEMALE HOMOSEXUALITY, HETEROSEXUALITY, OR BISEXUALITY; OR

12 (II) HAVING OR BEING PERCEIVED AS HAVING AN IDENTITY,
13 EXPRESSION, OR PHYSICAL CHARACTERISTIC NOT TRADITIONALLY ASSOCIATED
14 WITH AN INDIVIDUAL'S BIOLOGICAL SEX OR SEX AT BIRTH.

15 (b) A person may not:

16 (1) Deface, damage, or destroy or attempt to deface, damage, or destroy
17 religious real or personal property that is owned, leased, or used by a religious entity;

18 (2) Obstruct, or attempt to obstruct by force or threat of force, a person in
19 the free exercise of that person's religious beliefs;

20 (3) Harass or commit a crime upon a person or damage the real or
21 personal property of:

22 (i) A person because of that person's race, color, religious beliefs,
23 GENDER, SEXUAL ORIENTATION, or national origin; or

24 (ii) An institution:

25 1. Because of the institution's contacts or association with a
26 person or group of a particular race, color, religious belief, GENDER, SEXUAL
27 ORIENTATION, or national origin; or

28 2. Where there is evidence that exhibits animosity on the
29 part of the person committing the act against a person or group because of that
30 person's or group's race, color, religious beliefs, GENDER, SEXUAL ORIENTATION, or
31 national origin; or

32 (4) Deface, damage, or destroy, attempt to deface, damage, or destroy, or
33 burn or attempt to burn any object on[,] the real or personal property of:

1 (i) A person because of that person's race, color, religious beliefs,
2 GENDER, SEXUAL ORIENTATION, or national origin; or

3 (ii) An institution:

4 1. Because of the institution's contacts or association with a
5 person or group of a particular race, color, religious belief, GENDER, SEXUAL
6 ORIENTATION, or national origin; or

7 2. Where there is evidence that exhibits animosity on the
8 part of the person committing the act against a person or group because of that
9 person's or group's race, color, religious beliefs, GENDER, SEXUAL ORIENTATION, or
10 national origin.

11 (c) A person who violates the provisions of this section is subject to the
12 following penalties:

13 (1) If the violation involves a separate crime that is a felony, the person
14 is guilty of a felony and upon conviction is subject to imprisonment for not more than
15 10 years, or a fine of not more than \$10,000, or both.

16 (2) If the violation involves a separate crime that is a felony and results
17 in death to a victim, the person is guilty of a felony and upon conviction is subject to
18 imprisonment for not more than 20 years, or a fine of not more than \$20,000, or both.

19 (3) In all other cases, the person is guilty of a misdemeanor and upon
20 conviction is subject to imprisonment for not more than 3 years, or a fine of not more
21 than \$5,000, or both.

22 (d) Prosecution of a person under this section does not preclude prosecution
23 and imposition of penalties for any other crime in addition to any penalties imposed
24 under this section.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1999.