

HOUSE BILL 969

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1999 Regular Session
9lr0394
CF 9lr0200

By: **Delegates Rosenberg, The Speaker (Administration), Hixson, Barve, Barkley, Bronrott, Brown, Cane, Cadden, Carlson, Cryor, Doory, Franchot, Frush, Goldwater, Grosfeld, Hammen, Heller, Howard, Hubbard, Hurson, A. Jones, V. Jones, Kagan, Kopp, Mandel, Menes, McIntosh, Moe, Nathan-Pulliam, Pendergrass, Pitkin, Petzold, Proctor, Rawlings, Shriver, Stern, Turner, Hecht, Marriott, and Swain Swain, and Dembrow**

Introduced and read first time: February 12, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Crimes - ~~Gender and~~ Sexual Orientation Crimes - 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 ~~certain terms~~ a certain term; and
8 generally relating to the prohibition of crimes against persons based on ~~gender~~
9 ~~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 **Preamble**

16 ~~WHEREAS, Chief Justice Rehnquist wrote for a unanimous Supreme Court in~~
17 ~~Wisconsin v. Mitchell that a defendant's motive for committing a crime has~~
18 ~~traditionally been an important factor in sentencing; and~~

- 1 (ii) A cemetery;
- 2 (iii) A religious school, educational facility, community center,
3 structure, or other real property used for any religious purpose; and
- 4 (iv) The grounds adjacent to the property described in items (i)
5 through (iii) of this paragraph.

6 ~~(5)~~ (4) "SEXUAL ORIENTATION" MEANS:

7 ~~(4)~~ THE IDENTIFICATION OF AN INDIVIDUAL AS TO MALE OR
8 FEMALE HOMOSEXUALITY, HETEROSEXUALITY, OR BISEXUALITY;~~OR~~

9 ~~(H)~~ ~~HAVING OR BEING PERCEIVED AS HAVING AN IDENTITY,~~
10 ~~EXPRESSION, OR PHYSICAL CHARACTERISTIC NOT TRADITIONALLY ASSOCIATED~~
11 ~~WITH AN INDIVIDUAL'S BIOLOGICAL SEX OR SEX AT BIRTH.~~

12 (b) A person may not:

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

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

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

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

21 (ii) An institution:

22 1. Because of the institution's contacts or association with a
23 person or group of a particular race, color, religious belief, ~~GENDER, SEXUAL~~
24 ~~ORIENTATION~~, or national origin; or

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

29 (4) Deface, damage, or destroy, attempt to deface, damage, or destroy, or
30 burn or attempt to burn any object on, the real or personal property of:

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

33 (ii) An institution:

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

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

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

10 (1) If the violation involves a separate crime that is a felony, the person
11 is guilty of a felony and upon conviction is subject to imprisonment for not more than
12 10 years, or a fine of not more than \$10,000, or both.

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

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

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

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