By: **Senators Forehand, Kelley, Frosh, Teitelbaum, Conway, and Ruben** Introduced and read first time: January 29, 1999 Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning

## 2

## **Gender and Sexual Orientation - Hate Crimes**

3 FOR the purpose of prohibiting a person from harassing or committing a crime upon

4 a person or damaging the real or personal property of a person because of the

5 person's gender or sexual orientation; prohibiting a person from harassing or

6 committing a crime or damaging the real or personal property of an institution

7 because of the institution's contacts or association with a person or group of a

8 particular gender or sexual orientation or where there is evidence that exhibits 9 animosity against a person or group because of the person's or group's gender or

9 animosity against a person or group because of the person's or group's gender or 10 sexual orientation; prohibiting a person from defacing, damaging, or destroying

11 or attempting to deface, damage, or destroy or burning or attempting to burn

12 any object on the real or personal property of a person because of the person's

13 gender or sexual orientation; prohibiting a person from defacing, damaging, or

14 destroying or attempting to deface, damage, or destroy or burning or attempting

15 to burn any object on the real or personal property of an institution because of

16 the institution's contacts or association with a person or group of a particular

17 gender or sexual orientation or where there is evidence that exhibits animosity

against a person or group because of the person's or group's gender or sexual

19 orientation; and generally relating to prohibiting the commission of certain

20 offenses against certain persons or property because of gender or sexual

21 orientation.

22 BY repealing and reenacting, with amendments,

- 23 Article 27 Crimes and Punishments
- 24 Section 470A
- 25 Annotated Code of Maryland
- 26 (1996 Replacement Volume and 1998 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

28 MARYLAND, That the Laws of Maryland read as follows:

2	2			SENATE BILL 184	
1		Article 27 - Crimes and Punishments			
2	470A.				
3	(a)	(1)	In this se	ection the following words have the meanings indicated.	
4 5	(2) "Instituti building, including:			ion" means a publicly or privately owned, leased, or used	
6			(i)	A school;	
7			(ii)	A library;	
8			(iii)	A recreation center;	
9			(iv)	A meeting hall; or	
10			(v)	A cemetery.	
11		(3)	"Religio	us real property" includes:	
12			(i)	A church, synagogue, or other place of worship;	
13			(ii)	A cemetery;	
14 15		other rea	(iii) Il propert	A religious school, educational facility, community center, y used for any religious purpose; and	
	16(iv)The grounds adjacent to the property described in items (i)17through (iii) of this paragraph.				
18	(b) A person may not:				
	19 (1) Deface, damage, or destroy or attempt to deface, damage, or destroy 20 religious real or personal property that is owned, leased, or used by a religious entity;				
21 (2) Obstruct, or attempt to obstruct by force or threat of force, a person in 22 the free exercise of that person's religious beliefs;					
<ul> <li>23 (3) Harass or commit a crime upon a person or damage the real or</li> <li>24 personal property of:</li> </ul>					
25 26		SEXUAL	(i) ORIENT	A person because of that person's race, color, religious beliefs, TATION, or national origin; or	
27			(ii)	An institution:	
<ol> <li>Because of the institution's contacts or association with a</li> <li>person or group of a particular race, color, religious belief, GENDER, SEXUAL</li> <li>ORIENTATION, or national origin; or</li> </ol>					

## SENATE BILL 184

<ol> <li>2. Where there is evidence that exhibits animosity on the</li> <li>part of the person committing the act against a person or group because of that</li> <li>person's or group's race, color, religious beliefs, GENDER, SEXUAL ORIENTATION, or</li> <li>national origin; or</li> </ol>				
5 (4) Deface, damage, or destroy, attempt to deface, damage, or destroy, or 6 burn or attempt to burn any object on, the real or personal property of:				
<ul> <li>7 (i) A person because of that person's race, color, religious beliefs,</li> <li>8 GENDER, SEXUAL ORIENTATION, or national origin; or</li> </ul>				
9 (ii) An institution:				
101.Because of the institution's contacts or association with a11person or group of a particular race, color, religious belief, GENDER, SEXUAL12ORIENTATION, or national origin; or				
2. Where there is evidence that exhibits animosity on the part of the person committing the act against a person or group because of that person's or group's race, color, religious beliefs, GENDER, SEXUAL ORIENTATION, or national origin.				
17 (c) A person who violates the provisions of this section is subject to the 18 following penalties:				
19 (1) If the violation involves a separate crime that is a felony, the person 20 is guilty of a felony and upon conviction is subject to imprisonment for not more than 21 10 years, or a fine of not more than \$10,000, or both.				
2 (2) If the violation involves a separate crime that is a felony and results 3 in death to a victim, the person is guilty of a felony and upon conviction is subject to 4 imprisonment for not more than 20 years, or a fine of not more than \$20,000, or both.				
<ul> <li>(3) In all other cases, the person is guilty of a misdemeanor and upon</li> <li>conviction is subject to imprisonment for not more than 3 years, or a fine of not more</li> <li>than \$5,000, or both.</li> </ul>				
<ul> <li>28 (d) Prosecution of a person under this section does not preclude prosecution</li> <li>29 and imposition of penalties for any other crime in addition to any penalties imposed</li> <li>30 under this section.</li> </ul>				

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 32 October 1, 1999.

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