
By: **Delegates Sophocleus, D'Amato, Clagett, Benson, Boschert, Bozman, Burns, Cadden, Cane, Conway, C. Davis, D. Davis, Dobson, Dypski, Eckardt, Edwards, Fulton, Goldwater, Harrison, Hill, Hubers, Kagan, Kopp, Leopold, Love, Malone, Marriott, McHale, McIntosh, Mohorovic, Montague, Morhaim, Oaks, Paige, Phillips, Pitkin, Riley, Rosenberg, Rosso, Snodgrass, Swain, Turner, Walkup, Weir, Wood, and Zirkin**

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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2001

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Religious and Ethnic Animosity - Defacing Statues and Monuments**

3 FOR the purpose of prohibiting a person from committing certain acts against certain
4 ~~statues or monuments located on State or local government property,~~
5 monuments, or memorials under certain circumstances; altering a certain
6 definition; and generally relating to religious and ethnic crimes.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 470A
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2000 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 470A.

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

1 (2) "Institution" means a publicly or privately owned, leased, or used
2 building, MONUMENT, OR MEMORIAL, including:

3 (i) A school;

4 (ii) A library;

5 (iii) A recreation center;

6 (iv) A meeting hall; ~~or~~

7 (v) A cemetery; OR

8 (VI) A STATUE, MONUMENT, OR MEMORIAL.

9 (3) "Religious real property" includes:

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

11 (ii) A cemetery;

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

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

16 (b) A person may not:

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

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

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

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

25 (ii) An institution:

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

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

3 (i) A person because of that person's race, color, religious beliefs, or
4 national origin; or

5 (ii) An institution:

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

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

11 ~~(5) DEFACE, DAMAGE, OR DESTROY, ATTEMPT TO DEFACE, DAMAGE, OR~~
12 ~~DESTROY, OR BURN OR ATTEMPT TO BURN A STATUE OR MONUMENT WHERE:~~

13 ~~(I) THERE IS EVIDENCE THAT EXHIBITS ANIMOSITY ON THE PART~~
14 ~~OF THE PERSON COMMITTING THE ACT AGAINST A PERSON'S OR GROUP'S RACE,~~
15 ~~COLOR, RELIGIOUS BELIEFS, OR NATIONAL ORIGIN; AND~~

16 ~~(II) THE STATUE OR MONUMENT IS LOCATED ON PROPERTY~~
17 ~~OWNED BY THE STATE OR A LOCAL GOVERNMENT.~~

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

20 (1) If the violation involves a separate crime that is a felony, the person
21 is guilty of a felony and upon conviction is subject to imprisonment for not more than
22 10 years, or a fine of not more than \$10,000, or both.

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2001.

