
By: **Delegates A. Jones, R. Baker, Branch, Burns, Dobson, Finifter, Fulton,
Grosfeld, Hecht, Kirk, McIntosh, Montague, Nathan-Pulliam, Paige,
Patterson, Pitkin, Rosenberg, and Turner**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Harassment and Obstructing Exercise of Religious Belief -**
3 **Penalties**

4 FOR the purpose of expanding the scope of the prohibition against obstructing
5 another in the free exercise of certain religious beliefs to include certain
6 prohibited acts; expanding the scope of the prohibition against harassment and
7 destruction of property to include certain classes of people and certain beliefs or
8 perceptions of the violator; providing a certain term of imprisonment or
9 restitution for certain prohibited acts; requiring public or community service for
10 certain orders of probation or conditional discharge; providing for certain civil
11 action, injunction, or other appropriate relief independent of criminal
12 prosecution against certain offenders; requiring certain parents or guardians to
13 pay actual damages rendered in judgment against certain minors; providing for
14 certain aggravating factors when imposing a certain term of imprisonment;
15 defining certain terms; making technical changes; and generally relating to hate
16 crimes.

17 BY adding to
18 Article - Criminal Law
19 Section 10-301 and 10-308
20 Annotated Code of Maryland
21 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
22 2002)

23 BY repealing and reenacting, with amendments,
24 Article - Criminal Law
25 Section 10-301 through 10-306
26 Annotated Code of Maryland
27 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
28 2002)

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

3 **Article - Criminal Law**

4 10-301.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (B) "SEXUAL ORIENTATION" MEANS THE IDENTIFICATION OF AN INDIVIDUAL
8 AS TO MALE OR FEMALE HOMOSEXUALITY, HETEROSEXUALITY, OR BISEXUALITY.

9 (C) (1) "DISABILITY" MEANS PHYSICAL DISABILITY, INFIRMITY,
10 MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH
11 DEFECT, OR ILLNESS.

12 (2) "DISABILITY" INCLUDES:

13 (I) EPILEPSY;

14 (II) ANY DEGREE OF PARALYSIS, AMPUTATION, LACK OF PHYSICAL
15 COORDINATION, BLINDNESS OR VISUAL IMPAIRMENT, DEAFNESS OR HEARING
16 IMPAIRMENT, MUTENESS OR SPEECH IMPEDIMENT, OR PHYSICAL RELIANCE ON A
17 SEEING EYE DOG, WHEELCHAIR, OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

18 (III) MENTAL IMPAIRMENT OR DEFICIENCY THAT CONSTITUTES
19 RETARDATION OR ANOTHER CONDITION THAT MAY HAVE REQUIRED REMEDIAL OR
20 SPECIAL EDUCATION AND RELATED SERVICES.

21 [10-301.] 10-302.

22 A person may not deface, damage, or destroy, or attempt to deface, damage, or
23 destroy, personal or real property that is owned, leased, or used by a religious entity
24 or for any religious purpose including:

25 (1) a church, synagogue, or other place of worship;

26 (2) a cemetery;

27 (3) a religious school, educational facility, or community center; and

28 (4) the grounds adjacent to them.

29 [10-302.] 10-303.

30 A person may not, by force or threat of force, WILLFULLY obstruct, INJURE,
31 INTIMIDATE, INTERFERE WITH, OPPRESS, or attempt to obstruct, INJURE,
32 INTIMIDATE, INTERFERE WITH, OR OPPRESS another in the free exercise of that
33 person's religious beliefs.

1 [10-303.] 10-304.

2 [Because of] WHOLLY OR PARTLY BECAUSE of THE PERSON'S BELIEF OR
3 PERCEPTION REGARDING another's race, color, religious beliefs, DISABILITY, SEXUAL
4 ORIENTATION, ANCESTRY, GENDER, or national origin, WHETHER OR NOT THE
5 PERSON'S BELIEF OR PERCEPTION WAS CORRECT, a person may not:

6 (1) harass or commit a crime against that person;

7 (2) damage the real or personal property of that person;

8 (3) deface, damage, or destroy, attempt to deface, damage, or destroy the
9 real or personal property of that person; or

10 (4) burn or attempt to burn an object on the real or personal property of
11 that person.

12 [10-304.] 10-305.

13 A person may not deface, damage, or destroy, attempt to deface, damage, or
14 destroy, burn or attempt to burn an object on, or damage the real or personal property
15 connected to a building that is publicly or privately owned, leased, or used, including
16 a cemetery, library, meeting hall, recreation center, or school:

17 (1) because a person or group of a particular race, color, religious belief,
18 or national origin has contacts or is associated with the building; or

19 (2) if there is evidence that exhibits animosity against a person or group,
20 because of the race, color, religious beliefs, or national origin of that person or group.

21 [10-305.] 10-306.

22 (A) A person who violates this subtitle is subject to the following penalties:

23 (1) if the violation involves a separate crime that is a felony, the person is
24 guilty of a felony and on conviction is subject:

25 (i) to imprisonment not exceeding 10 years or a fine not exceeding
26 \$10,000 or both; or

27 (ii) if the violation also results in death to a victim, to
28 imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both; [and]

29 (2) IF THE VIOLATION INVOLVES PROPERTY DAMAGE UNDER § 10-302, §
30 10-304, OR § 10-305 OF THIS SUBTITLE, THE PERSON IS GUILTY OF A MISDEMEANOR
31 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 MONTHS
32 OR A FINE NOT EXCEEDING 3 TIMES THE VALUE OF THE PROPERTY DAMAGE OR
33 BOTH; AND

1 [(2)] (3) in all other cases, the person is guilty of a misdemeanor and on
2 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
3 \$5,000 or both.

4 (B) THE COURT SHALL CONSIDER THE FOLLOWING AGGRAVATING FACTORS
5 IN DETERMINING WHETHER TO IMPOSE A TERM OF IMPRISONMENT OR TO IMPOSE A
6 MORE SEVERE SENTENCE UNDER THIS SECTION:

7 (1) THE SENTENCE IS NECESSARY TO DETER OTHERS FROM
8 COMMITTING THE SAME CRIME;

9 (2) THE DEFENDANT COMMITTED THE CRIME AGAINST A PERSON WHO
10 HAS A DISABILITY OR AGAINST THAT PERSON'S PROPERTY;

11 (3) WHOLLY OR PARTLY BECAUSE OF THE DEFENDANT'S BELIEF OR
12 PERCEPTION REGARDING ANOTHER'S RACE, COLOR, RELIGIOUS BELIEFS,
13 DISABILITY, SEXUAL ORIENTATION, ANCESTRY, GENDER, OR NATIONAL ORIGIN, THE
14 DEFENDANT COMMITTED THE CRIME AGAINST:

15 (I) THE PERSON OR PROPERTY OF THAT PERSON;

16 (II) THE PERSON OR PROPERTY OF A PERSON WHO HAS AN
17 ASSOCIATION WITH, IS MARRIED TO, OR HAS A FRIENDSHIP WITH THE OTHER
18 PERSON; OR

19 (III) THE PERSON OR PROPERTY OF A RELATIVE BY BLOOD OR
20 MARRIAGE OF A PERSON DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS
21 PARAGRAPH; OR

22 (4) THE CRIME TOOK PLACE IN A CHURCH, SYNAGOGUE, OR OTHER
23 PLACE OF WORSHIP OR ON THE GROUNDS OF A CHURCH, SYNAGOGUE, OR OTHER
24 PLACE OF WORSHIP IMMEDIATELY BEFORE, DURING, OR IMMEDIATELY FOLLOWING
25 SERVICES.

26 (C) ANY ORDER OF PROBATION OR CONDITIONAL DISCHARGE ENTERED
27 FOLLOWING A CONVICTION FOR A CRIME UNDER §§ 10-302 THROUGH 10-305 OF THIS
28 SUBTITLE SHALL INCLUDE:

29 (1) A CONDITION THAT THE OFFENDER PERFORM PUBLIC OR
30 COMMUNITY SERVICE OF NOT LESS THAN 200 HOURS IF THAT SERVICE EXISTS IN
31 THE COUNTY WHERE THE OFFENDER WAS CONVICTED OF HATE CRIME; AND

32 (2) ANY OTHER CONDITION THAT THE COURT CONSIDERS NECESSARY
33 UNDER §§ 10-302 THROUGH 10-305 OF THIS SUBTITLE.

34 [10-306.] 10-307.

35 Prosecution of a person under this subtitle does not preclude prosecution and
36 imposition of penalties for another crime in addition to the penalties imposed under
37 this subtitle.

1 10-308.

2 (A) WITHOUT REGARD TO ANY CRIMINAL PROSECUTION OR THE RESULT OF
3 ANY CRIMINAL PROSECUTION, A PERSON WHOSE PERSON OR PROPERTY IS INJURED
4 AS A RESULT OF A VIOLATION OF THIS SUBTITLE MAY BRING A CIVIL ACTION FOR
5 DAMAGES, INJUNCTION, OR OTHER APPROPRIATE RELIEF AGAINST THE VIOLATOR.

6 (B) IN A CIVIL ACTION UNDER THIS SECTION, THE COURT MAY AWARD
7 ACTUAL DAMAGES, INCLUDING DAMAGES FOR EMOTIONAL DISTRESS, OR PUNITIVE
8 DAMAGES, ATTORNEY'S FEES, AND COSTS.

9 (C) THE PARENT OR LEGAL GUARDIAN, OTHER THAN A GUARDIAN APPOINTED
10 UNDER MARYLAND RULE 11-117, OF AN UNEMANCIPATED MINOR SHALL BE LIABLE
11 FOR THE AMOUNT OF ANY JUDGMENT FOR ACTUAL DAMAGES RENDERED AGAINST
12 THE MINOR UNDER THIS SECTION IN AN AMOUNT NOT EXCEEDING THE
13 RESTITUTION PROVIDED UNDER § 11-604 OF THE CRIMINAL PROCEDURE ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.