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By: **Delegates Jones, Lee, Madaleno, McIntosh, Menes, Nathan-Pulliam,  
Rosenberg, and F. Turner**

Introduced and read first time: January 31, 2003

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes Penalties Act - Expanding Prohibitions and Protected Classes**  
3 **of People**

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 acts of  
6 injury, intimidation, and interference; expanding the scope of the prohibition  
7 against harassment, destruction of property, and damage to certain buildings to  
8 include certain beliefs or perceptions of the violator regarding certain  
9 disabilities, sexual orientation, ancestry, and gender; requiring a certain term of  
10 imprisonment or amount of restitution for certain prohibited acts of property  
11 damage; requiring public or community service for certain orders of probation or  
12 conditional discharge; allowing certain people to bring a civil action independent  
13 of criminal prosecution against certain offenders; requiring certain parents or  
14 guardians to pay actual damages rendered in judgment against certain minors;  
15 defining certain terms; making technical changes; and generally relating to hate  
16 crimes and penalties.

17 BY adding to  
18 Article - Criminal Law  
19 Section 10-301 and 10-308  
20 Annotated Code of Maryland  
21 (2002 Volume)

22 BY repealing and reenacting, with amendments,  
23 Article - Criminal Law  
24 Section 10-301 through 10-306  
25 Annotated Code of Maryland  
26 (2002 Volume)

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

1 **Article - Criminal Law**

2 10-301.

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.5 (B) "SEXUAL ORIENTATION" MEANS THE IDENTIFICATION OF AN INDIVIDUAL  
6 AS TO MALE OR FEMALE HOMOSEXUALITY, HETEROSEXUALITY, OR BISEXUALITY.7 (C) (1) "DISABILITY" MEANS PHYSICAL DISABILITY, INFIRMITY,  
8 MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH  
9 DEFECT, OR ILLNESS.

10 (2) "DISABILITY" INCLUDES:

11 (I) EPILEPSY;

12 (II) ANY DEGREE OF PARALYSIS, AMPUTATION, BLINDNESS OR  
13 VISUAL IMPAIRMENT, DEAFNESS OR HEARING IMPAIRMENT, MUTENESS OR SPEECH  
14 IMPEDIMENT, OR PHYSICAL RELIANCE ON A SEEING EYE DOG, WHEELCHAIR, OR  
15 OTHER REMEDIAL APPLIANCE OR DEVICE; AND16 (III) MENTAL IMPAIRMENT OR DEFICIENCY THAT CONSTITUTES  
17 RETARDATION.

18 [10-301.] 10-302.

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

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

23 (2) a cemetery;

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

25 (4) the grounds adjacent to them.

26 [10-302.] 10-303.

27 A person may not, by force or threat of force, WILLFULLY obstruct, INJURE,  
28 INTIMIDATE, INTERFERE WITH, or attempt to obstruct, INJURE, INTIMIDATE, OR  
29 INTERFERE WITH another in the free exercise of that person's religious beliefs.

30 [10-303.] 10-304.

31 [Because of] WHOLLY OR PARTLY BECAUSE OF THE PERSON'S BELIEF OR  
32 PERCEPTION REGARDING another's race, color, religious beliefs, DISABILITY, SEXUAL

1 ORIENTATION, ANCESTRY, GENDER, or national origin, WHETHER OR NOT THE  
2 PERSON'S BELIEF OR PERCEPTION WAS CORRECT, a person may not:

- 3 (1) harass or commit a crime against that person;
- 4 (2) damage the real or personal property of that person;
- 5 (3) deface, damage, or destroy, attempt to deface, damage, or destroy the  
6 real or personal property of that person; or
- 7 (4) burn or attempt to burn an object on the real or personal property of  
8 that person.

9 [10-304.] 10-305.

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

- 14 (1) because a person or group of a particular race, color, religious belief,  
15 DISABILITY, SEXUAL ORIENTATION, ANCESTRY, GENDER, or national origin has  
16 contacts or is associated with the building; or
- 17 (2) if there is evidence that exhibits animosity against a person or group,  
18 because of the race, color, religious beliefs, DISABILITY, SEXUAL ORIENTATION,  
19 ANCESTRY, GENDER, or national origin of that person or group.

20 [10-305.] 10-306.

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

- 22 (1) if the violation involves a separate crime that is a felony, the person is  
23 guilty of a felony and on conviction is subject:
  - 24 (i) to imprisonment not exceeding 10 years or a fine not exceeding  
25 \$10,000 or both; or
  - 26 (ii) if the violation also results in death to a victim, to  
27 imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both; [and]

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

33 [(2)] (3) in all other cases, the person is guilty of a misdemeanor and on  
34 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
35 \$5,000 or both.

1 (B) ANY ORDER OF PROBATION OR CONDITIONAL DISCHARGE ENTERED  
2 FOLLOWING A CONVICTION FOR A CRIME UNDER §§ 10-302 THROUGH 10-305 OF THIS  
3 SUBTITLE SHALL INCLUDE:

4 (1) A CONDITION THAT THE OFFENDER PERFORM PUBLIC OR  
5 COMMUNITY SERVICE OF NOT LESS THAN 200 HOURS; AND

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

8 [10-306.] 10-307.

9 Prosecution of a person under this subtitle does not preclude prosecution and  
10 imposition of penalties for another crime in addition to the penalties imposed under  
11 this subtitle.

12 10-308.

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2003.