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

Introduced and read first time: January 31, 2003

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2003

CHAPTER _____

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 a certain ~~terms~~ term; making technical changes; and generally relating
16 to hate 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

1 Annotated Code of Maryland
2 (2002 Volume)

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

5 **Article - Criminal Law**

6 10-301.

7 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
8 ~~INDICATED.~~

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

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

14 ~~(2) "DISABILITY" INCLUDES:~~

15 ~~(I) EPILEPSY;~~

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

20 ~~(III) MENTAL IMPAIRMENT OR DEFICIENCY THAT CONSTITUTES~~
21 ~~RETARDATION.~~

22 [10-301.] 10-302.

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

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

27 (2) a cemetery;

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

29 (4) the grounds adjacent to them.

30 [10-302.] 10-303.

31 A person may not, by force or threat of force, ~~WILLFULLY~~ obstruct, ~~INJURE,~~
32 ~~INTIMIDATE, INTERFERE WITH,~~ or attempt to obstruct, ~~INJURE, INTIMIDATE, OR~~
33 ~~INTERFERE WITH~~ another in the free exercise of that 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 ~~DISABILITY, SEXUAL ORIENTATION, ANCESTRY, GENDER,~~ or national origin has
 19 contacts or is associated with the building; or

20 (2) if there is evidence that exhibits animosity against a person or group,
 21 because of the race, color, religious beliefs, ~~DISABILITY, SEXUAL ORIENTATION,~~
 22 ~~ANCESTRY, GENDER,~~ or national origin of that person or group.

23 [10-305.] 10-306.

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

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

27 (i) to imprisonment not exceeding 10 years or a fine not exceeding
 28 \$10,000 or both; or

29 (ii) if the violation also results in death to a victim, to
 30 imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both; ~~and}~~

31 ~~(2) IF THE VIOLATION INVOLVES PROPERTY DAMAGE UNDER § 10-302, §~~
 32 ~~10-304, OR § 10-305 OF THIS SUBTITLE, THE PERSON IS GUILTY OF A MISDEMEANOR~~
 33 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A~~
 34 ~~FINE NOT EXCEEDING THREE TIMES THE VALUE OF THE PROPERTY DAMAGE OR~~
 35 ~~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) ANY ORDER OF PROBATION OR CONDITIONAL DISCHARGE ENTERED~~
5 ~~FOLLOWING A CONVICTION FOR A CRIME UNDER §§ 10-302 THROUGH 10-305 OF THIS~~
6 ~~SUBTITLE SHALL INCLUDE:~~

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

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

11 [10-306.] 10-307.

12 Prosecution of a person under this subtitle does not preclude prosecution and
13 imposition of penalties for another crime in addition to the penalties imposed under
14 this subtitle.

15 ~~10-308.~~

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

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

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

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