

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 322  
Judiciary

(Delegate Jones, *et al.*)

Judicial Proceedings

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

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This bill expands the basis for which an individual is prohibited from committing a hate crime to include hate crimes against people based on their sexual orientation.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues due to the bill's monetary penalty provisions from cases heard in the District Court. Any increase in operating expenditures for the District Court and the Division of Correction due to an increase in hate crime convictions is expected to be minimal.

**Local Effect:** Potential minimal increase in revenues as a result of the bill's monetary penalty provisions from cases heard in the circuit courts. Any increase in operating expenditures for circuit courts and local jails due to an increase in hate crime convictions is expected to be minimal.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A person may not, by force or threat of force, obstruct another in the free exercise of that person's religious beliefs, or attempt to commit such an act.

Because of a person's sexual orientation, a person may not: (1) harass or commit a crime against that person; (2) damage the real or personal property of that person; (3) deface,

damage, or destroy or attempt to deface, damage, or destroy the real or personal property of that person; or (4) burn or attempt to burn an object or the real or personal property of that person.

A person may not deface, damage, or destroy, burn an object on, or attempt to commit such an act as to the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school: (1) because a person or group of a particular sexual orientation has contacts or is associated with the building; or (2) if there is evidence that exhibits animosity against a person or group because of the sexual orientation of that person or group.

Sexual orientation means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

A person who violates these provisions is guilty of a felony if the violation involves a separate crime that is a felony, and is subject to maximum penalties of ten years' imprisonment and/or a \$10,000 fine. If a violation also results in death to a victim, the violator is subject to maximum penalties of imprisonment for 20 years and/or a \$20,000 fine. In all other cases, the person is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding three years and/or a fine not exceeding \$5,000.

**Current Law:** A person may not by force or threat of force obstruct, or attempt to obstruct, another in the free exercise of that person's religious beliefs.

A person may not deface, damage, or destroy, or attempt to deface, damage, or destroy personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including: (1) a church, synagogue, or other place of worship; (2) a cemetery; (3) a religious school, educational facility, or community center; and (4) the grounds adjacent to them.

A person may not deface, damage, or destroy, attempt to deface, damage, or destroy, burn or attempt to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school: (1) because a person or group of a particular race, color, religious belief, or national origin has contacts or is associated with the building; or (2) if there is evidence that exhibits animosity against a person or group because of the race, color, religious beliefs, or national origin of that person or group.

If the violation involves a separate crime that is a felony, the person is guilty of a felony and on conviction is subject to a prison term of up to ten years or a fine of up to \$10,000,

or both. If the violation also results in the death of a victim, the violator on conviction is subject to a prison term of up to 20 years or a fine of up to \$20,000, or both. In all other cases, the violator is guilty of a misdemeanor and upon conviction is subject to a prison term of up to three years or a fine of up to \$5,000, or both.

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### **Additional Information**

**Prior Introductions:** HB 1029 (2002 session), a similar bill, was unfavorably reported from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** State's Attorneys' Association, Department of Human Resources, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2003  
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