
By: **Delegates Jones, Lee, Barkley, Dumais, Goldwater, Gutierrez, Hixson,
Howard, Kaiser, Kelley, Kirk, Madaleno, Mandel, Marriott, McIntosh,
Menes, Montgomery, Murray, Nathan-Pulliam, Patterson, Proctor,
Quinter, Rosenberg, Ross, F. Turner, and V. Turner**

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Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 2004

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 damaging property
5 of certain places of worship to include any place of worship; expanding the scope
6 of the prohibition against harassment, destruction of property, and damage to
7 certain buildings to include ~~certain beliefs or perceptions of the violator~~
8 ~~regarding sexual orientation or gender identity or expression~~ of a person or
9 group of people; ~~requiring a person to perform a certain amount of hours of~~
10 ~~public or community service for an order of probation or conditional release~~
11 ~~entered following a conviction under this Act; defining certain terms a certain~~
12 ~~term~~; making technical changes; and generally relating to hate crimes and
13 penalties.

14 BY adding to
15 Article - Criminal Law
16 Section 10-301
17 Annotated Code of Maryland
18 (2002 Volume and 2003 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Criminal Law
21 Section 10-301 through 10-306
22 Annotated Code of Maryland

1 (2002 Volume and 2003 Supplement)

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

4 **Article - Criminal Law**

5 10-301.

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

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

10 ~~(C) "GENDER IDENTITY OR EXPRESSION" MEANS HAVING OR BEING~~
11 ~~PERCEIVED AS HAVING A GENDER RELATED IDENTITY, APPEARANCE, EXPRESSION,~~
12 ~~OR BEHAVIOR, WHETHER OR NOT THAT IDENTITY, APPEARANCE, EXPRESSION, OR~~
13 ~~BEHAVIOR IS DIFFERENT FROM THAT STEREOTYPICALLY ASSOCIATED WITH THE~~
14 ~~PERSON'S ASSIGNED SEX AT BIRTH.~~

15 [10-301.] 10-302.

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

- 19 (1) [a church, synagogue, or other] ~~ANY~~ A place of worship;
- 20 (2) a cemetery;
- 21 (3) a religious school, educational facility, or community center; and
- 22 (4) the grounds adjacent to them.

23 [10-302.] 10-303.

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

26 [10-303.] 10-304.

27 Because of another's race, color, religious beliefs, SEXUAL ORIENTATION,
28 ~~GENDER IDENTITY OR EXPRESSION~~, or national origin, ~~WHETHER OR NOT THE~~
29 ~~PERSON'S BELIEF OR PERCEPTION WAS CORRECT~~, a person may not:

- 30 (1) harass or commit a crime against that person;
- 31 (2) damage the real or personal property of that person;

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

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

5 [10-304.] 10-305.

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

10 (1) because a person or group of a particular race, color, religious belief,
11 SEXUAL ORIENTATION, ~~GENDER IDENTITY OR EXPRESSION~~, or national origin has
12 contacts or is associated with the building; or

13 (2) if there is evidence that exhibits animosity against a person or group,
14 because of the race, color, religious beliefs, SEXUAL ORIENTATION, ~~GENDER IDENTITY~~
15 ~~OR EXPRESSION~~, or national origin of that person or group.

16 [10-305.] 10-306.

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

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

20 (i) to imprisonment not exceeding 10 years or a fine not exceeding
21 \$10,000 or both; or

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

24 (2) in all other cases, the person is guilty of a misdemeanor and on
25 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
26 \$5,000 or both.

27 ~~(B) AN ORDER OF PROBATION OR CONDITIONAL RELEASE ENTERED~~
28 ~~FOLLOWING A CONVICTION FOR A CRIME UNDER §§ 10-302 THROUGH 10-305 OF THIS~~
29 ~~SUBTITLE SHALL INCLUDE A CONDITION THAT THE OFFENDER PERFORM PUBLIC OR~~
30 ~~COMMUNITY SERVICE OF NOT LESS THAN 200 HOURS.~~

31 [10-306.] 10-307.

32 Prosecution of a person under this subtitle does not preclude prosecution and
33 imposition of penalties for another crime in addition to the penalties imposed under
34 this subtitle.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2004.

