

ENROLLED BILL

-- *Judiciary/Judicial Proceedings* --

Introduced by Delegates Jones, Lee, Barkley, Benson, Bobo, Bronrott, Busch, D. Davis, Dumais, Frush, Goldwater, Gutierrez, Haynes, Hixson, Howard, Hubbard, Kaiser, Kelley, Kirk, Madaleno, Mandel, Marriott, McIntosh, Menes, Moe, Montgomery, Murray, Nathan-Pulliam, Patterson, Proctor, Quinter, Rosenberg, Ross, Taylor, F. Turner, V. Turner, and Vaughn

Read and Examined by Proofreaders:

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

Hate Crimes Penalties Act - Expanding Prohibitions and Protected Classes 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 certain property, and
7 damage to certain buildings to include sexual orientation of a person or group of
8 people; *providing for the construction of certain provisions of law*; defining a
9 certain term; making technical changes; and generally relating to hate crimes
10 and penalties.

11 BY adding to

1 Article - Criminal Law
2 Section 10-301 *and 10-308*
3 Annotated Code of Maryland
4 (2002 Volume and 2004 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Criminal Law
7 Section 10-301 through 10-306
8 Annotated Code of Maryland
9 (2002 Volume and 2004 Supplement)

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

12 **Article - Criminal Law**

13 10-301.

14 IN THIS SUBTITLE, "SEXUAL ORIENTATION" MEANS THE IDENTIFICATION OF AN
15 INDIVIDUAL AS TO MALE OR FEMALE HOMOSEXUALITY, HETEROSEXUALITY,
16 BISEXUALITY, OR GENDER-RELATED IDENTITY.

17 [10-301.] 10-302.

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

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

25 [10-302.] 10-303.

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

28 [10-303.] 10-304.

29 Because of another's race, color, religious beliefs, SEXUAL ORIENTATION, or
30 national origin, a person may not:

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

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:

16 [10-305.] 10-306.

17 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 [10-306.] 10-307.

28 Prosecution of a person under this subtitle does not preclude prosecution and
29 imposition of penalties for another crime in addition to the penalties imposed under
30 this subtitle.

31 10-308.

32 NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO INFRINGE ON THE
33 SPEECH OF A RELIGIOUS LEADER OR OTHER INDIVIDUAL DURING PEACEABLE
34 ACTIVITY INTENDED TO EXPRESS THE LEADER'S OR INDIVIDUAL'S RELIGIOUS
35 BELIEFS OR CONVICTIONS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.