

*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.

\_\_\_\_\_  
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

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 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;

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, or national origin has contacts or is associated with the  
12 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, or national origin  
15 of that person or group.

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.