
By: **Senators Giannetti, Forehand, Garagiola, Grosfeld, Kelley, Lawlah, and Pinsky**

Introduced and read first time: February 4, 2005
Assigned to: Judicial Proceedings

A BILL ENTITLED

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; defining a certain term; making technical changes; and generally
9 relating to hate crimes and penalties.

10 BY adding to

11 Article - Criminal Law
12 Section 10-301
13 Annotated Code of Maryland
14 (2002 Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Criminal Law
17 Section 10-301 through 10-306
18 Annotated Code of Maryland
19 (2002 Volume and 2004 Supplement)

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

22 **Article - Criminal Law**

23 10-301.

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

1 [10-301.] 10-302.

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

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

9 [10-302.] 10-303.

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

12 [10-303.] 10-304.

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

- 15 (1) harass or commit a crime against that person;
- 16 (2) damage the real or personal property of that person;
- 17 (3) deface, damage, or destroy, attempt to deface, damage, or destroy the
18 real or personal property of that person; or
- 19 (4) burn or attempt to burn an object on the real or personal property of
20 that person.

21 [10-304.] 10-305.

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

- 26 (1) because a person or group of a particular race, color, religious belief,
27 SEXUAL ORIENTATION, or national origin has contacts or is associated with the
28 building; or
- 29 (2) if there is evidence that exhibits animosity against a person or group,
30 because of the race, color, religious beliefs, SEXUAL ORIENTATION, or national origin
31 of that person or group.

1 [10-305.] 10-306.

2 A person who violates this subtitle is subject to the following penalties:

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

5 (i) to imprisonment not exceeding 10 years or a fine not exceeding
6 \$10,000 or both; or

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

9 (2) in all other cases, the person is guilty of a misdemeanor and on
10 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
11 \$5,000 or both.

12 [10-306.] 10-307.

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

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