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E1
HB 365/04 - JUD

51r1904
CF 51r0307

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

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Senate action: Adopted with floor amendments
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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
12 Article - Criminal Law
13 Section 10-301 and 10-308
14 Annotated Code of Maryland
15 (2002 Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Law
18 Section 10-301 through 10-306
19 Annotated Code of Maryland
20 (2002 Volume and 2004 Supplement)

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

3 **Article - Criminal Law**

4 10-301.

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

8 [10-301.] 10-302.

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

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

16 [10-302.] 10-303.

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

19 [10-303.] 10-304.

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

- 22 (1) harass or commit a crime against that person;
- 23 (2) damage the real or personal property of that person;
- 24 (3) deface, damage, or destroy, attempt to deface, damage, or destroy the
25 real or personal property of that person; or
- 26 (4) burn or attempt to burn an object on the real or personal property of
27 that person.

28 [10-304.] 10-305.

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

1 (1) because a person or group of a particular race, color, religious belief,
2 SEXUAL ORIENTATION, or national origin has contacts or is associated with the
3 building; or

4 (2) if there is evidence that exhibits animosity against a person or group,
5 because of the race, color, religious beliefs, SEXUAL ORIENTATION, or national origin
6 of that person or group.

7 [10-305.] 10-306.

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

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

11 (i) to imprisonment not exceeding 10 years or a fine not exceeding
12 \$10,000 or both; or

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

15 (2) in all other cases, the person is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
17 \$5,000 or both.

18 [10-306.] 10-307.

19 Prosecution of a person under this subtitle does not preclude prosecution and
20 imposition of penalties for another crime in addition to the penalties imposed under
21 this subtitle.

22 10-308.

23 NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO INFRINGE ON THE
24 SPEECH OF A RELIGIOUS LEADER OR OTHER INDIVIDUAL DURING PEACEABLE
25 ACTIVITY INTENDED TO EXPRESS THE LEADER'S OR INDIVIDUAL'S RELIGIOUS
26 BELIEFS OR CONVICTIONS.

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