
By: **Senators Mooney, Colburn, Hafer, Hooper, and Jacobs**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 23, 2006

CHAPTER _____

1 AN ACT concerning

2 **Hate Crimes - Expanding Prohibitions and Protected Classes of People -**
 3 **Task Force to Identify Hate Crime Victims**

4 FOR the purpose of expanding the scope of ~~the prohibition~~ certain prohibitions
 5 against harassment, destruction of property, and damage to certain buildings
 6 committing certain crimes against certain persons, damaging certain property of
 7 certain persons, burning certain objects, and damaging certain buildings
 8 connected to certain persons or groups to include certain persons who are
 9 homeless; establishing a Task Force to Identify Hate Crime Victims; providing
 10 for the membership of the Task Force; requiring the Joint Committee on
 11 Children, Youth, and Families to staff the Task Force; providing that the
 12 members of the Task Force may not receive compensation but are entitled to a
 13 certain reimbursement; establishing the duties of the Task Force; requiring the
 14 Task Force to submit a certain report to the Governor and the General Assembly
 15 by a certain date; providing for the termination of certain provisions of this Act;
 16 defining a certain term; and generally relating to hate crimes against homeless
 17 persons and the Task Force to Identify Hate Crime Victims.

18 BY repealing and reenacting, with amendments,
 19 Article - Criminal Law
 20 Section 10-304 and 10-305
 21 Annotated Code of Maryland
 22 (2002 Volume and 2005 Supplement)

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

1

Article - Criminal Law

2 10-304.

3 (A) IN THIS SECTION, "HOMELESS" MEANS:4 (1) LACKING A FIXED, REGULAR, AND ADEQUATE NIGHTTIME
5 RESIDENCE; OR6 (2) HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:7 (I) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER
8 DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR9 (II) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR
10 ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.11 (B) Because of another's race, color, religious beliefs, sexual orientation, or
12 national origin, ~~OR ON THE BASIS OF THE INDIVIDUAL BEING~~ BECAUSE ANOTHER IS
13 HOMELESS, a person may not:

14 (1) (i) commit a crime against that person;

15 (ii) damage the real or personal property of that person;

16 (iii) deface, damage, or destroy, attempt to deface, damage, or
17 destroy the real or personal property of that person; or18 (iv) burn or attempt to burn an object on the real or personal
19 property of that person.

20 (2) commit a violation of item (1) of this section that:

21 (i) except as provided in item (ii) of this item, involves a separate
22 crime that is a felony; or

23 (ii) results in the death of the victim.

24 10-305.

25 (A) IN THIS SECTION, "HOMELESS" HAS THE MEANING STATED IN § 10-304 OF
26 THIS SUBTITLE.27 (B) A person may not deface, damage, or destroy, attempt to deface, damage, or
28 destroy, burn or attempt to burn an object on, or damage the real or personal property
29 connected to a building that is publicly or privately owned, leased, or used, including
30 a cemetery, library, meeting hall, recreation center, or school:31 (1) because a person or group of a particular race, color, religious belief,
32 sexual orientation, ~~NEED FOR HOUSING~~, or national origin, OR BECAUSE A PERSON
33 OR GROUP THAT IS HOMELESS, has contacts or is associated with the building; or

1 (2) if there is evidence that exhibits animosity against a person or group,
2 because of the race, color, religious beliefs, sexual orientation, or national origin of
3 that person or group OR ~~NEED FOR~~ LACK OF HOUSING OF THAT PERSON OR GROUP.

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) There is a Task Force to Identify Hate Crime Victims.

6 (b) The Task Force consists of the following members:

7 (1) one member of the Senate of Maryland serving on the Joint
8 Committee on Children, Youth, and Families, appointed by the President of the
9 Senate;

10 (2) one member of the House of Delegates serving on the Joint
11 Committee on Children, Youth, and Families, appointed by the Speaker of the House;

12 (3) the Secretary of Juvenile Services, or the Secretary's designee;

13 (4) the Special Secretary for Children, Youth, and Families, or the
14 Special Secretary's designee;

15 (5) the Executive Director of the Governor's Office of Crime Control and
16 Prevention, or the Executive Director's Designee;

17 (6) the Attorney General or the Attorney General's designee;

18 (7) the Secretary of the Department of Public Safety and Correctional
19 Services, or the Secretary's designee;

20 (8) the Secretary of Maryland State Police, or the Secretary's designee;
21 and

22 (9) a domestic violence advocate, appointed by the Governor.

23 (c) The Governor shall designate the chair of the Task Force.

24 (d) The Joint Committee on Children, Youth, and Families shall provide staff
25 for the Task Force.

26 (e) A member of the Task Force:

27 (1) may not receive compensation; but

28 (2) is entitled to reimbursement for expenses under the Standard State
29 Travel Regulations, as provided in the State budget.

30 (f) The Task Force shall:

31 (1) convene regional public forums to gather information and feedback
32 from individuals and groups who allege to be victims of hate crimes; and

1 (2) develop recommendations for the Governor and General Assembly on
2 how to amend or add to current law that seeks to protect citizens of the State from
3 hate crimes.

4 (g) The Task Force shall report its findings and recommendations to the
5 Governor and, in accordance with § 2-1246 of the State Government Article, the
6 General Assembly, on or before July 1, 2007.

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
8 remain effective for 1 year and at the end of September 30, 2007, with no further
9 action required by the General Assembly, Section 2 of this Act shall be abrogated and
10 of no further force and effect.

11 ~~SECTION 4.~~ SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 2006.