

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 537

(Senator Mooney, *et al.*)

Judicial Proceedings

Hate Crimes - Application of Law to Members of the Armed Forces of the United States

This bill expands the scope of existing hate crimes laws to include crimes based on a person's past or current membership in the armed forces of the United States.

Fiscal Summary

State Effect: Potential minimal increase general fund revenues and expenditures if additional people are prosecuted for committing hate crimes under this bill's provisions.

Local Effect: Potential minimal increase in revenues and expenditures if additional people are prosecuted for committing hate crimes under the provisions of this bill.

Small Business Effect: None.

Analysis

Bill Summary: The bill provides that because of another's past or present membership in a branch of the armed forces of the United States, a person may not:

- commit a crime against another;
- deface, damage, or destroy the real or personal property of another;
- attempt to deface, damage, or destroy real or personal property; or
- burn or attempt to burn an object on real or personal property of another; or
- commit a hate crime that involves a separate crime that is a felony, or that results in the death of the victim.

The prohibition against property defacement, damage, or destruction is expanded to include damage to real or personal property connected to public or private buildings because a person who was or is currently a member of the U.S. armed forces is associated with the building or if there is evidence that exhibits animosity against a person or group due to the armed forces membership of that person or group.

Current Law: A person may not deface, damage, destroy, or attempt to deface, damage, or destroy real or personal property that is owned, leased, or used by a religious entity or for any religious purpose. A person may not, by force or the threat of force, obstruct or attempt to obstruct the free exercise of religious beliefs.

Because of another's race, color, religious beliefs, sexual orientation, or national origin, a person may not:

- commit a crime against another person;
- damage the real or personal property of another person;
- deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of another person; or
- burn or attempt to burn an object on the real or personal property of another person; or
- commit a hate crime that involves a separate crime that is a felony, or that results in the death of the victim.

The prohibition against property defacement, damage, or destruction includes real or personal property connected to public or private buildings because a person of a particular race, color, religious belief, sexual orientation, or national origin is associated with the building or if there is evidence that exhibits animosity against a person or group due to the race, color, religious beliefs, sexual orientation, or national origin of that person or group.

If a violation of these provisions involves a separate felony, the violator is guilty of a felony and is subject to imprisonment for up to 10 years and/or a fine of up to \$10,000. If a violation results in the death of a victim, the violator is subject to imprisonment for up to 20 years, and/or a fine of up to \$20,000. For violations not involving a separate felony, the person is guilty of a misdemeanor and is subject to imprisonment for up to three years, and/or a maximum fine of \$5,000.

Background: According to the *Uniform Crime Reports* for calendar 2004, (the latest year for which statistics are available) the Federal Bureau of Investigation (FBI) reports that 9,035 hate-based offenses occurred nationwide, and 9,021 resulted from a single

bias. Of the 9,021 single bias offenses, 53.9% or 4,863 were motivated by racial bias, 16.4% or 1,480 were motivated by religious bias, 15.6% or 1,406 were motivated by sexual orientation bias, and 13.3% or 1,201 were motivated by ethnic or nationality bias. Of the 9,035 offenses nationally, 36.0% or 3,333 were property crimes, the vast majority of which involved destruction, damage, or vandalism of real or personal property.

Maryland law enforcement agencies reported 245 incidents to the FBI in 2004. For calendar 2003, the last year for which a detailed breakdown is available, Maryland law enforcement agencies reported 248 incidents comprising 260 hate crime offenses to the FBI in 2004 (an incident may involve multiple offenses and multiple victims). During 2003, Maryland law enforcement agencies reported 65 hate-based crimes against persons. Of these, 29 were aggravated assaults, and 36 were simple assaults. The FBI does not track the occurrences of crimes against members of the armed forces that are motivated by animus because of the person's armed forces status.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, Department of Legislative Services

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nas/jr

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