

SENATE BILL 160

E1
SB 539/06 – JPR

71r0839

By: **Senators Mooney, Colburn, Greenip, Haines, Harris, Hooper, Jacobs, Kittleman, Munson, Muse, Peters, Raskin, Simonaire, and Stone**

Introduced and read first time: January 25, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2007

CHAPTER _____

1 AN ACT concerning

2 **Hate Crimes – Expanding Prohibitions and Protected Classes of People**

3 FOR the purpose of expanding the scope of ~~the prohibition against harassment,~~
4 ~~destruction of property, and damage to certain buildings~~ certain prohibitions
5 against committing certain crimes against certain persons, damaging certain
6 property of certain persons, burning certain objects, and damaging certain
7 buildings connected to certain persons or groups to include certain persons or
8 groups who are homeless; defining a certain term; and generally relating to hate
9 crimes against homeless persons.

10 BY repealing and reenacting, with amendments,

11 Article – Criminal Law

12 Section ~~10–301~~, ~~10–304~~, and ~~10–305~~

13 Annotated Code of Maryland

14 (2002 Volume and 2006 Supplement)

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

17 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-301.

2 (A) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS
 3 INDICATED.

4 (B) “HOMELESS” MEANS:

5 (1) LACKING A FIXED, REGULAR, AND ADEQUATE NIGHTTIME
 6 RESIDENCE; OR

7 (2) HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:

8 (I) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED
 9 SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

10 (II) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR
 11 ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN
 12 BEINGS.

13 (C) “[sexual] SEXUAL orientation” means the identification of an individual
 14 as to male or female homosexuality, heterosexuality, bisexuality, or gender-related
 15 identity.

16 10-304.

17 Because of another’s race, color, religious beliefs, sexual orientation, or national
 18 origin, ~~OR ON THE BASIS OF THE INDIVIDUAL BEING~~ BECAUSE ANOTHER IS
 19 HOMELESS, a person may not:

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

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

22 (iii) deface, damage, or destroy, or attempt to deface, damage, or
 23 destroy the real or personal property of that person; or

24 (iv) burn or attempt to burn an object on the real or personal
 25 property of that person.

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

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

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

4 10-305.

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

9 (1) because a person or group of a particular race, color, religious
10 belief, sexual orientation, ~~NEED FOR HOUSING,~~ or national origin, **OR BECAUSE A**
11 **PERSON OR GROUP THAT IS HOMELESS,** has contacts or is associated with the
12 building; or

13 (2) if there is evidence that exhibits animosity against a person or
14 group, because of the race, color, religious beliefs, sexual orientation, or national origin
15 of that person or group ~~OR NEED FOR HOUSING OF~~ **BECAUSE THAT PERSON OR**
16 **GROUP IS HOMELESS.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.