

# HOUSE BILL 80

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8lr0948

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By: **Delegates Ali and Taylor**

Introduced and read first time: January 10, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **No Nooses Act**

3 FOR the purpose of prohibiting a person from placing or displaying a noose on the  
4 property of another person because of the person's race, color, religious beliefs,  
5 sexual orientation, or national origin; prohibiting a person from placing or  
6 displaying a noose on property connected to certain buildings because the  
7 building is associated with persons or groups of a certain race, color, religious  
8 belief, sexual orientation, or national origin or because there is evidence that  
9 exhibits animosity against a person or group because of the race, color, religious  
10 belief, sexual orientation, or national origin of the person or group; establishing  
11 that a certain penalty applies to certain offenses; defining a certain term; and  
12 generally relating to a prohibition on placing or displaying nooses.

13 BY repealing and reenacting, with amendments,

14 Article – Criminal Law

15 Section 10–301, 10–304, and 10–305

16 Annotated Code of Maryland

17 (2002 Volume and 2007 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Law

20 Section 10–306

21 Annotated Code of Maryland

22 (2002 Volume and 2007 Supplement)

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

25 **Article – Criminal Law**

26 10–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) In this [subtitle, “sexual] **SUBTITLE THE FOLLOWING WORDS HAVE**  
2 **THE MEANINGS INDICATED.**

3           (B) **“NOOSE” INCLUDES AN ETCHING, PAINTING, DRAWING, OR OTHER**  
4 **VISUAL REPRESENTATION OF A NOOSE.**

5           (C) **“SEXUAL orientation”** means the identification of an individual as to  
6 male or female homosexuality, heterosexuality, bisexuality, or gender-related identity.

7 10-304.

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

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

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

12                           (iii)   deface, damage, or destroy, or attempt to deface, damage, or  
13 destroy the real or personal property of that person; [or]

14                           (iv)   burn or attempt to burn an object on the real or personal  
15 property of that person; or

16                                   (V) **PLACE OR DISPLAY A NOOSE ON THE REAL OR**  
17 **PERSONAL PROPERTY OF THAT PERSON; OR**

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

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

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

22 10-305.

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

28                   (1)   because a person or group of a particular race, color, religious  
29 belief, sexual orientation, or national origin has contacts or is associated with the  
30 building; or

1           (2) if there is evidence that exhibits animosity against a person or  
2 group, because of the race, color, religious beliefs, sexual orientation, or national origin  
3 of that person or group.

4 10–306.

5           (a) Except as provided in subsection (b) of this section, a person who violates  
6 this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment  
7 not exceeding 3 years or a fine not exceeding \$5,000 or both.

8           (b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a  
9 felony and on conviction is subject to imprisonment not exceeding 10 years or a fine  
10 not exceeding \$10,000 or both.

11           (2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a  
12 felony and on conviction is subject to imprisonment not exceeding 20 years or a fine  
13 not exceeding \$20,000 or both.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2008.