

# SENATE BILL 111

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SB 160/07 – JPR

8lr0439  
CF 8lr0440

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By: **Senators Mooney, Haines, Jacobs, Kittleman, McFadden, Munson, Simonaire, and Stone**

Introduced and read first time: January 17, 2008

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and**  
3 **Groups**

4 FOR the purpose of including homeless persons within the scope of certain  
5 prohibitions against committing certain crimes against certain persons,  
6 damaging certain property of certain persons, burning certain objects, and  
7 damaging certain buildings with which certain persons or groups have contacts  
8 or associations or under circumstances exhibiting animosity against a certain  
9 person or group; defining a certain term; and generally relating to hate crimes  
10 against homeless persons.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 10–301, 10–304, and 10–305  
14 Annotated Code of Maryland  
15 (2002 Volume and 2007 Supplement)

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

18 **Article – Criminal Law**

19 10–301.

20 (A) In this subtitle[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**  
21 **INDICATED.**

22 (B) **“HOMELESS” MEANS:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1)   **LACKING A FIXED, REGULAR, AND ADEQUATE NIGHTTIME**  
2 **RESIDENCE; OR**

3           (2)   **HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:**

4                   (1)   **A SUPERVISED PUBLICLY OR PRIVATELY OPERATED**  
5 **SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR**

6                   (II)   **A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR**  
7 **ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN**  
8 **BEINGS.**

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

12   10–304.

13           Because of another’s race, color, religious beliefs, sexual orientation, or national  
14 origin, **OR BECAUSE ANOTHER IS HOMELESS**, a person may not:

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

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

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

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

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

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

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

25   10–305.

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

1           (1) because a person or group of a particular race, color, religious  
2 belief, sexual orientation, or national origin, **OR BECAUSE A PERSON OR GROUP**  
3 **THAT IS HOMELESS**, has contacts or is associated with the building; or

4           (2) if there is evidence that exhibits animosity against a person or  
5 group, because of the race, color, religious beliefs, sexual orientation, or national origin  
6 of that person or group **OR BECAUSE THAT PERSON OR GROUP IS HOMELESS**.

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