

HOUSE BILL 560

E1

9lr0514

By: **Delegates Kramer, Manno, Ramirez, Reznik, Simmons, and Valderrama**
Introduced and read first time: February 6, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Prohibitions and Protected Classes – Age, Gender, and**
3 **Disability**

4 FOR the purpose of including age, gender, and disability 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; prohibiting the attempt to commit a crime against a certain
10 person because of the race, color, religious beliefs, sexual orientation, age,
11 gender, disability, or national origin of that person; establishing that a certain
12 penalty applies to certain offenses; and generally relating to hate crimes.

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 10–304 and 10–305
16 Annotated Code of Maryland
17 (2002 Volume and 2008 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 2008 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 10–304.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Because of another's race, color, religious beliefs, sexual orientation, **AGE**,
2 **GENDER, DISABILITY**, or national origin, a person may not:

3 (1) (i) commit a crime **OR ATTEMPT TO COMMIT A CRIME** against
4 that person;

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

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

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

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

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

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

14 10-305.

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

19 (1) because a person or group of a particular race, color, religious
20 belief, sexual orientation, **AGE, GENDER, DISABILITY**, or national origin has contacts
21 or is associated with the building; or

22 (2) if there is evidence that exhibits animosity against a person or
23 group, because of the race, color, religious beliefs, sexual orientation, **AGE, GENDER,**
24 **DISABILITY**, or national origin of that person or group.

25 10-306.

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.