

HOUSE BILL 1201

E1

9lr0729

By: **Delegates Ramirez, Ali, Barnes, Kaiser, Lafferty, Levy, Manno, Robinson, Rosenberg, Stein, Taylor, Valderrama, and Vaughn**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2009

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Hate Crimes - Use of a Noose or Swastika to Threaten or Intimidate**

3 FOR the purpose of prohibiting a person from affixing, erecting, or placing a noose or
4 swastika on a certain building or real property, without the express permission
5 of the owner of the building or property or the owner's agent, with the intent to
6 threaten or intimidate any person or group of persons; establishing that a
7 certain penalty applies to a violation of this Act; and generally relating to the
8 use of a noose or swastika to threaten or intimidate a person or group of
9 persons.

10 BY adding to

11 Article - Criminal Law

12 Section 10-305.1

13 Annotated Code of Maryland

14 (2002 Volume and 2008 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article - Criminal Law

17 Section 10-306

18 Annotated Code of Maryland

19 (2002 Volume and 2008 Supplement)

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

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

Article – Criminal Law

2 **10-305.1.**

3 **A PERSON MAY NOT AFFIX, ERECT, OR PLACE A NOOSE OR SWASTIKA ON A**
4 **BUILDING OR REAL PROPERTY, PUBLIC OR PRIVATE, WITHOUT THE EXPRESS**
5 **PERMISSION OF THE OWNER, OWNER’S AGENT, OR LAWFUL OCCUPANT OF THE**
6 **BUILDING OR REAL PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE**
7 **ANY PERSON OR GROUP OF PERSONS.**

8 10-306.

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.