

# SENATE BILL 151

E1

(9lr1584)

## ENROLLED BILL

—Judicial Proceedings/Judiciary—

Introduced by **Senators Mooney, Haines, Jacobs, Kittleman, Munson, Simonaire, and Stone**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Hate Crimes - Prohibitions and Protected Classes - *Expansion to Homeless***  
3 **Persons and Groups *and Gender***

4 FOR the purpose of including homeless persons *and a person's gender* within the scope  
5 of certain prohibitions against committing certain crimes against certain  
6 persons, damaging certain property of certain persons, burning certain objects,  
7 and damaging certain buildings with which certain persons or groups have  
8 contacts or associations or under circumstances exhibiting animosity against a  
9 certain person or group; *prohibiting the attempt to commit a crime against a*  
10 *certain person because of the race, color, religious beliefs, sexual orientation,*  
11 *gender, or national origin of that person, or because the person is homeless;*  
12 *establishing that a certain penalty applies to certain offenses;* defining a certain  
13 term; and generally relating to hate crimes ~~against homeless persons.~~

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**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.

*Italics* indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, with amendments,  
 2 Article – Criminal Law  
 3 Section 10–301, 10–304, and 10–305  
 4 Annotated Code of Maryland  
 5 (2002 Volume and 2008 Supplement)

6 BY repealing and reenacting, without amendments,  
 7 Article – Criminal Law  
 8 Section 10–306  
 9 Annotated Code of Maryland  
 10 (2002 Volume and 2008 Supplement)

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

13 **Article – Criminal Law**

14 10–301.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 16 INDICATED.

17 (B) “HOMELESS” MEANS:

18 (1) LACKING A FIXED, REGULAR, AND ADEQUATE NIGHTTIME  
 19 RESIDENCE; OR

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

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

23 (II) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR  
 24 ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN  
 25 BEINGS.

26 (C) [In this subtitle, “sexual] “SEXUAL orientation” means the identification  
 27 of an individual as to male or female homosexuality, heterosexuality, bisexuality, or  
 28 gender-related identity.

29 10–304.

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

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

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

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

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

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

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

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

12 10-305.

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

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

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

24 10-306.

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.