

CHAPTER 201

(Senate Bill 151)

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Expansion to Homeless Persons and Groups and Gender

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

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

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

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

Article – Criminal Law

10–301.

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

(B) “HOMELESS” MEANS:

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

(2) HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:

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

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

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

10-304.

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

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

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

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

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

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

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

(ii) results in the death of the victim.

10-305.

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

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

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

10-306.

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

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

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

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

Approved by the Governor, May 7, 2009.