

# CHAPTER 402

## (House Bill 560)

AN ACT concerning

### **Hate Crimes – Prohibitions and Protected Classes – ~~Age, Gender, and Disability~~**

FOR the purpose of including ~~age, gender, and~~ disability 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, ~~age, gender,~~ disability, or national origin of that person; establishing that a certain penalty applies to certain offenses; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,

Article – Criminal Law  
Section 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**

10–304.

Because of another's race, color, religious beliefs, sexual orientation, ~~AGE, GENDER, DISABILITY~~, or national origin, 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, ~~AGE, GENDER, DISABILITY~~, or national origin 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, ~~AGE, GENDER, DISABILITY~~, or national origin of that person or group.

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.**