

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 560
Judiciary

(Delegate Kramer, *et al.*)

Judicial Proceedings

Hate Crimes - Prohibitions and Protected Classes - Disability

This bill adds disability to the protected classes under State hate crime statutes. The bill also adds the attempt to commit a crime motivated by bias as a prohibited offense under the statute.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures if additional prosecutions and convictions occur. Any increase in District Court proceedings as a result of this bill can be handled with existing resources.

Local Effect: Potential minimal increase in revenues and expenditures if additional prosecutions and convictions occur. Any increase in circuit court proceedings as a result of this bill can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person may not deface, damage, destroy, or attempt to deface, damage, or destroy real or personal property that is owned, leased, or used by a religious entity or for any religious purpose. A person may not, by force or the threat of force, obstruct or attempt to obstruct the free exercise of religious beliefs.

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 public or private building because a person of a particular race, color, religious belief,

sexual orientation, or national origin is associated with the building or if there is evidence that exhibits animosity against a person or group due to the race, color, religious beliefs, sexual orientation, or national origin of that person or group.

Because of another's race, color, religious beliefs, sexual orientation, or national origin, a person may not:

- commit a crime against another person;
- damage the real or personal property of another person;
- deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of another person;
- burn or attempt to burn an object on the real or personal property of another person; or
- commit a hate crime that involves a separate crime that is a felony or that results in the death of the victim.

If a violation of these provisions involves a separate felony, the violator is guilty of a felony and is subject to maximum penalties of 10 years imprisonment and/or a fine of \$10,000. If a violation results in the death of a victim, the violator is subject to maximum penalties of 20 years imprisonment and/or a fine of \$20,000. For violations not involving a separate felony, the person is guilty of a misdemeanor and is subject to a maximum penalty of three years imprisonment and/or a fine of \$5,000.

Background: According to the Anti-Defamation League, as of August 2008, 30 states and the District of Columbia had hate crime statutes protecting individuals with disabilities. The states with the relevant legislation are listed below.

According to the Federal Bureau of Investigation's *Uniform Crime Reports* for calendar 2007 (the latest year for which statistics are available), 150 hate-based incidents were reported in Maryland. None of the reported incidents were motivated by an individual's disability.

States with Hate Crimes Provisions Pertaining to Individual with Disabilities

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Washington, Wisconsin

Source: Anti-Defamation League, August 2008

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2009
mlm/kdm Revised - Enrolled Bill - May 18, 2009

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