

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1201

(Delegate Ramirez, *et al.*)

Judiciary

Judicial Proceedings

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

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This bill prohibits a person from affixing, erecting, or placing a noose or swastika on a building or real property of another without authorization, with the intent to threaten or intimidate any person or group of persons. A person who violates this provision is guilty of a misdemeanor and is subject to applicable maximum penalties of three years imprisonment and/or a \$5,000 fine.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures if the bill results in additional prosecutions.

**Local Effect:** Potential increase in revenues and expenditures if additional people are prosecuted under the provisions of this bill.

**Small Business Effect:** None.

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**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 maximum penalties of three years imprisonment and/or a fine of \$5,000.

**Background:** According to the Southern Poverty Law Center, which tracks the incidences of hate crimes, as of fall 2007, the number of noose hangings increased markedly from fewer than a dozen cases annually to close to 50 incidents since September 2006 in the aftermath of what has become known as the "Jena 6" incident.

Since the Jena 6 incident, nooses have been found in front of schools, colleges and universities, a Coast Guard office, hospitals, retail establishments, construction sites, and police stations. Historically, the noose has been the archetypal symbol of lynching and racial intimidation in the United States. From the 1880s to the 1960s, nearly 5,000 men and women were lynched in this country. More than 70% of the lynching victims were African American. As recently as September 2007, a noose was found hanging from a tree near the black student center at the University of Maryland, College Park. In December 2007, two employees of the Town of Riverdale Park in Prince George's County were suspended for hanging a noose in a town building. The noose was found dangling from a television in an employee lounge at the town's department of public works.

According to the Federal Bureau of Investigation, of the 9,006 hate crime offenses reported nationally in 2007, 4,724 were racially motivated and 1,477 were motivated by religious hatred. Of the racially motivated crimes, 69.3% or 3,275 were motivated by animus against African Americans and 18.4% or 871 were motivated by animus against whites. Of the 1,477 religious offenses, 68.4% or 1,010 were motivated by anti-Jewish bias. Crimes against property comprised 39.7% or 3,579 of the reported crimes and 2,915 of those crimes involved property destruction, damage, and vandalism. A total of 2,565 intimidation crimes were reported nationwide during the same period. In Maryland, 150 hate crime incidents were reported for 2007.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles County, Frederick County, Somerset County, Anne Arundel County, Baltimore County, Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Montgomery County, Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2009  
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