

HOUSE BILL 246

E1, D5

8lr0302

By: **Delegates Rosenberg, Ali, Anderson, Conaway, Dumais, Gibson, Glenn, Kelly,
Moon, Morhaim, Sanchez, and Sydnor**

Introduced and read first time: January 19, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Threats and Penalties**

3 FOR the purpose of prohibiting a person from threatening to commit certain hate crimes;
4 applying and altering certain penalties; authorizing a court to require a certain
5 person to attend certain educational classes and perform certain community service
6 as a condition of supervised release; making certain stylistic changes; and generally
7 relating to hate crimes.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Law

10 Section 10–302 through 10–306

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2017 Supplement)

13 BY adding to

14 Article – Criminal Law

15 Section 10–302.1, 10–303.1, 10–304.1, and 10–305.1

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Law

20 Section 10–308

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2017 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-302.

2 A person may not deface, damage, or destroy[, or attempt to deface, damage, or
3 destroy,] personal or real property that is owned, leased, or used by a religious entity or for
4 any religious purpose including:

5 (1) a place of worship;

6 (2) a cemetery;

7 (3) a religious school, educational facility, or community center; and

8 (4) the grounds adjacent to them.

9 **10-302.1.**

10 (A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-302 OF
11 THIS SUBTITLE.

12 (B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-302 OF
13 THIS SUBTITLE.

14 10-303.

15 A person may not, by force [or threat of force], obstruct [or attempt to obstruct]
16 another in the free exercise of that person's religious beliefs.

17 **10-303.1.**

18 (A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-303 OF
19 THIS SUBTITLE.

20 (B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-303 OF
21 THIS SUBTITLE.

22 10-304.

23 Because of another's race, color, religious beliefs, sexual orientation, gender,
24 disability, or national origin, or because another is homeless, a person may not:

25 (1) (i) commit a crime [or attempt to commit a crime] against that
26 person;

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

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

3 [(iv)] (III) burn [or attempt to burn] an object on the real or personal
4 property of that person; or

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

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

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

9 **10-304.1.**

10 (A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-304 OF
11 THIS SUBTITLE.

12 (B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-304 OF
13 THIS SUBTITLE.

14 **10-305.**

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

19 (1) because a person or group of a particular race, color, religious belief,
20 sexual orientation, gender, disability, or national origin, or because a person or group that
21 is homeless, has contacts or is associated with the building; or

22 (2) if there is evidence that exhibits animosity against a person or group,
23 because of the race, color, religious beliefs, sexual orientation, gender, disability, or national
24 origin of that person or group or because that person or group is homeless.

25 **10-305.1.**

26 (A) A PERSON MAY NOT THREATEN TO COMMIT A VIOLATION OF § 10-305 OF
27 THIS SUBTITLE.

28 (B) A PERSON MAY NOT ATTEMPT TO COMMIT A VIOLATION OF § 10-305 OF
29 THIS SUBTITLE.

1 10-306.

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

5 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON**
6 **WHO VIOLATES § 10-302, § 10-303, § 10-304, OR § 10-305 OF THIS SUBTITLE IS**
7 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
8 **NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

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

12 (2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony
13 and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding
14 \$20,000 or both.

15 **(D) AS A CONDITION OF SUPERVISED RELEASE, A COURT MAY REQUIRE A**
16 **PERSON CONVICTED UNDER THIS SUBTITLE TO ATTEND EDUCATIONAL CLASSES**
17 **AND PERFORM COMMUNITY SERVICE RELATED TO THE PERSON OR GROUP OF A**
18 **PARTICULAR RACE, COLOR, RELIGIOUS BELIEF, SEXUAL ORIENTATION, GENDER,**
19 **DISABILITY, NATIONAL ORIGIN, OR STATUS AS HOMELESS THAT WAS THE SUBJECT**
20 **OF THE PERSON'S VIOLATION.**

21 10-308.

22 Nothing in this subtitle may be construed to infringe on the speech of a religious
23 leader or other individual during peaceable activity intended to express the leader's or
24 individual's religious beliefs or convictions.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2018.