

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 168

(Chair, Judiciary Committee)(By Request - Departmental
- State Police)

Judiciary

Judicial Proceedings

Public Safety - Reporting of Hate Crimes

This departmental bill alters and expands the categories of incidents for which each local law enforcement agency and the State Fire Marshal must report to the Department of State Police (DSP) and for which DSP must collect, analyze, and report to the Maryland Commission on Civil Rights. The altered/expanded categories include incidents apparently directed against an individual or group because of color, religious beliefs, gender, disability, national origin, and homelessness.

Fiscal Summary

State Effect: None. The change is technical in nature and does not directly affect governmental finances. DSP advises that it already collects, analyzes, and reports the information covered by the bill.

Local Effect: None. The change is technical in nature and does not directly affect local governmental finances.

Small Business Effect: DSP has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: DSP must collect, analyze, and disseminate information about the incidence of crime in Maryland. DSP must also collect and analyze information about incidents apparently directed against an individual or group because of race, religion,

ethnicity, or sexual orientation. Each local law enforcement agency and the State Fire Marshal must provide DSP with information relating to such hate crimes. DSP must adopt procedures for the collection and analysis of the information and must make monthly reports to the Maryland Commission on Civil Rights about the information.

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

- commit a crime or attempt to commit a crime against another person or group;
- damage the real or personal property of that person or group;
- deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person or group;
- burn or attempt to burn an object on the real or personal property of that person or group; 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 imprisonment for up to 10 years and/or a fine of up to \$10,000. If a violation results in the death of the victim, the violator is subject to imprisonment for up to 20 years and/or a fine of up to \$20,000. For violations that do not involve a separate felony or do not result in the death of the victim, the person is guilty of a misdemeanor and is subject to imprisonment for up to 3 years and/or a maximum fine of \$5,000.

Background: In 1975, Maryland instituted a program to require all local law enforcement agencies to submit standardized crime reports based on the federal reporting system to ensure consistency. The methodology for these reports follows guidelines and definitions of crimes as provided by the Federal Bureau of Investigation and its national *Uniform Crime Report* (UCR). Data for the reports are gathered from each agency's record of complaints, investigations, and arrests. DSP's Central Records Division compiles the State's UCR information by calendar year, which is published annually as *Crime in Maryland*.

According to DSP, the bill is intended to align DSP reporting requirements in the Public Safety Article with the elements of hate crimes in the Criminal Law Article.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police; Maryland Commission on Civil Rights; cities of Bowie and Takoma Park; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2019
sb/lgc Third Reader - March 26, 2019

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety – Reporting of Hate Crimes

BILL NUMBER: HB 168

PREPARED BY: Thomas Williams

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

XX WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON
MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS