SENATE BILL 161


Introduced and read first time: January 13, 2020
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: February 11, 2020

CHAPTER _____

1 AN ACT concerning

2 Crimes – Hate Crimes – Use of an Item or a Symbol to Threaten or Intimidate

3 FOR the purpose of prohibiting a person from placing or inscribing a certain item or symbol
4 on certain property, without the express permission of the owner of the property, the
5 owner's agent, or a lawful occupant, with the intent to threaten or intimidate any
6 person or group of persons; establishing that a certain penalty applies to a violation
7 of this Act; and generally relating to the use of an item or a symbol to threaten or
8 intimidate a person or group of persons.

9 BY adding to
10 Article – Criminal Law
11 Section 10–305.1
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Law
16 Section 10–306
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2019 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates amendments to bill. Strike-out indicates matter stricken from the bill by amendment or deleted from the law by amendment.
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Article – Criminal Law

10–305.1. A PERSON MAY NOT PLACE OR INSCRIBE AN ITEM OR A SYMBOL, INCLUDING AN ACTUAL OR DEPICTED NOOSE OR SWASTIKA, WHETHER TEMPORARY OR PERMANENT, ON ANY REAL OR PERSONAL PROPERTY, PUBLIC OR PRIVATE, WITHOUT THE EXPRESS PERMISSION OF THE OWNER, OWNER’S AGENT, OR LAWFUL OCCUPANT OF THE PROPERTY, WITH THE INTENT TO THREATEN OR INTimidATE ANY PERSON OR GROUP OF PERSONS.

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, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.