

# SENATE BILL 161

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CF HB 5

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By: **Senators Elfreth, Augustine, Beidle, Benson, Carter, Ellis, Feldman, Griffith, Hayes, Kagan, Lam, Lee, McCray, Patterson, Reilly, Rosapepe, Sydnor, Waldstreicher, Washington, West, and Zucker**

Introduced and read first time: January 13, 2020

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2020

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## 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:

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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.



1 Article – Criminal Law

2 10–305.1.

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

9 10–306.

10 (a) Except as provided in subsection (b) of this section, a person who violates this  
11 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not  
12 exceeding 3 years or a fine not exceeding \$5,000 or both.

13 (b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony  
14 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding  
15 \$10,000 or both.

16 (2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony  
17 and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding  
18 \$20,000 or both.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.