

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 741 (Delegate Luedtke)
 Judiciary

Public Safety - Empowering Communities to Counter Racially Motivated Violent Extremism Program Fund - Establishment

This bill establishes the Empowering Communities to Counter Racially Motivated Violent Extremism Program Fund as a special fund to provide grant assistance to local governments to administer programs that train individuals on the identification of warning signs of racially motivated violent extremism and best practices for reporting and preventing racially motivated violent extremism. The Executive Director of the Governor’s Office of Crime Control and Prevention (GOCCP) must administer the fund. The Governor is authorized to appropriate money to the fund. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$1.03 million in FY 2021 to capitalize and administer the fund. Future years reflect continued capitalization and ongoing, annualized costs. Special fund revenues increase by at least \$1.0 million annually beginning in FY 2021; special fund expenditures increase correspondingly.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
SF Revenue	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
GF Expenditure	\$1,037,100	\$1,041,800	\$1,042,600	\$1,044,100	\$1,045,700
SF Expenditure	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Net Effect	(\$1,037,100)	(\$1,041,800)	(\$1,042,600)	(\$1,044,100)	(\$1,045,700)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local grant revenues and expenditures increase, in total, by at least \$1.0 million annually beginning in FY 2021.

Small Business Effect: Minimal or no direct effect.

Analysis

Bill Summary: The fund consists of (1) money appropriated in the State budget to the fund; (2) investment earnings of the fund; and (3) money from any other source accepted for the benefit of the fund. The fund may be used only to provide grants to local governments for the bill's purposes. Expenditures from the fund may be made only in accordance with the State budget. The accounts and transactions of the fund must be subject to audit by the Legislative Auditor.

The executive director must establish procedures for local governments to apply for grants from the fund and make grants from the fund based on the perceived effectiveness of the training plan described in the application. The bill establishes requirements for the training plan established by a local government using grant funds awarded pursuant to the bill.

By December 31 each year, a local government that receives a grant from the fund must, in a format approved by the executive director, provide the executive director with specified information relating to the training conducted.

“Racially motivated violent extremism” means a situation in which a person threatens the use of force or uses force or violence in violation of a State or federal law in furtherance of political or social agendas motivated by a hate bias related to race, color, or national origin against another individual or group.

Current Law: The State's hate crimes statutes are contained in Title 10, Subtitle 3 of the Criminal Law Article, specifically §§ 10-302 (damaging property of a religious entity), 10-303 (obstructing exercise of religious beliefs), 10-304 (harassment or destruction of property), and 10-305 (damage to an associated building).

Section 10-302 (Damaging Property of a Religious Entity)

A person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose.

Section 10-303 (Obstructing Exercise of Religious Beliefs)

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

Section 10-304 (Harassment or Destruction of Property)

A person may not engage in the following acts because another person or group is homeless or because of another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin:

- commit a crime or attempt or threaten to commit a crime against another person or group;
- deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of another person or group;
- burn or attempt or threaten to burn an object on the real or personal property of another person or group; or
- commit any of these acts when the act involves a separate crime that is a felony or that results in the death of a victim.

Section 10-305 (Damage to an Associated Building)

A person may not deface, damage, or destroy; attempt or threaten to deface, damage, or destroy; burn or attempt or threaten to burn an object on; or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used (1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, or national origin, or because a person or group that is homeless, has contacts or is associated with the building or (2) if there is evidence that exhibits animosity against a person or group due to the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that group or because that person or group is homeless.

Penalties

In general, a person who violates these provisions is guilty of a misdemeanor, punishable by imprisonment for up to 3 years and/or a maximum fine of \$5,000. However, if a violation of § 10-304 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 of § 10-304 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.

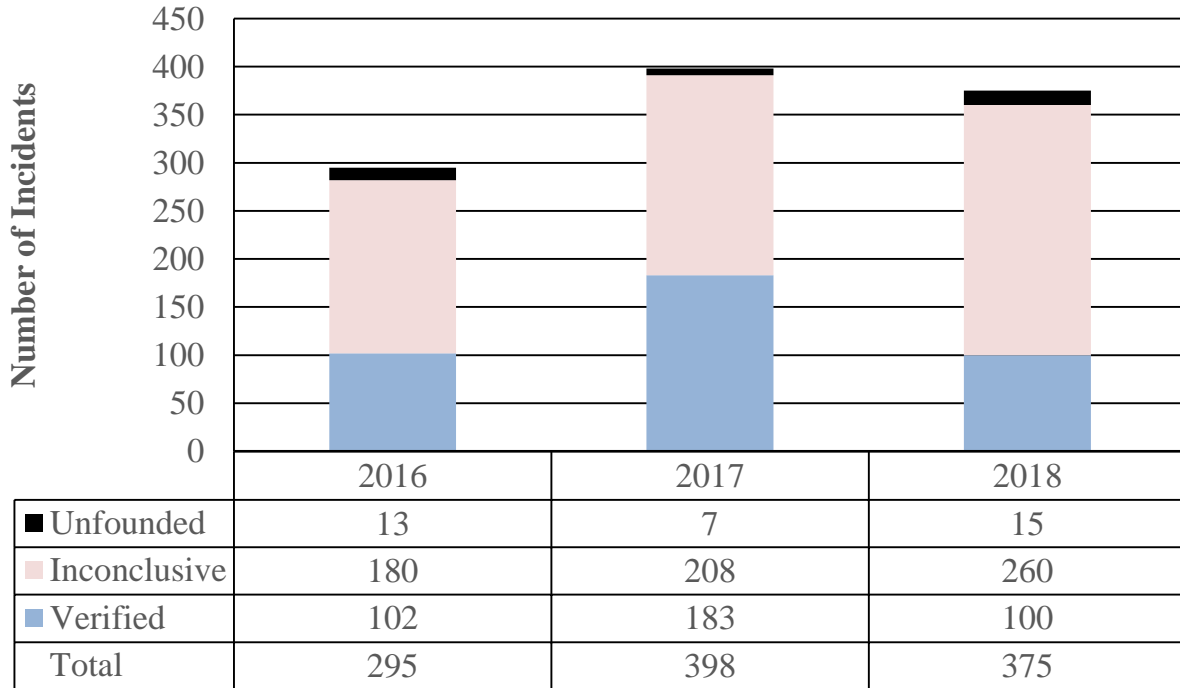
First Amendment Rights

Nothing in the hate crimes statutes may be construed to infringe on the speech of a religious leader or other individual during peaceable activity intended to express the leader's or individual's religious beliefs or convictions.

Background: According to a fall 2019 publication by the FBI, law enforcement agencies reported 7,120 bias-motivated criminal incidents nationwide, an approximate 1% decrease compared to the 7,175 incidents reported in 2018. The FBI received information on 49 criminal incidents from 20 participating agencies (cities, counties, colleges, police departments, *etc.*) in Maryland. The remaining 135 participating agencies indicated no incidents of hate crime for the quarters for which they submitted reports during 2018.

In September 2019, the Department of State Police (DSP) published the *State of Maryland 2018 Hate/Bias Report*. According to the report, 375 hate/bias incidents were reported by law enforcement agencies in the State to DSP during calendar 2018, representing a 6% decrease from the 398 incidents reported in calendar 2017. Of the 375 incidents reported in 2018, 100 were verified to be motivated by bias, 260 were inconclusive regarding motivation, and 15 were determined to be unfounded. The data in DSP's report includes incidents that may or may not be considered criminal activity; the FBI data is limited to hate/bias-based crimes. **Exhibit 1** contains DSP hate/bias incident data for 2016 through 2018.

Exhibit 1
Hate/Bias Incidents Reported by Law Enforcement Agencies to DSP
2016-2018



DSP: Department of State Police

Source: *State of Maryland 2018 Hate/Bias Report*

State Fiscal Effect:

Capitalization of the New Special Fund and Grant Awards

General fund expenditures increase by at least \$1.0 million annually beginning in fiscal 2021 to capitalize the new special fund. At least \$1.0 million in general funds is needed each year to ensure viability of the fund and to provide meaningful grant awards. To the extent that funds are received from another source, the need for general funds is reduced.

Beginning in fiscal 2021, special fund revenues increase by at least \$1.0 million annually, reflecting the general funds received, and special fund expenditures increase correspondingly to provide grants to local governments.

Administrative Expenses

General fund administrative expenditures for GOCCP increase by \$37,087 in fiscal 2021, which accounts for a 90-day start-up delay from the bill's July 1, 2020 effective date. This estimate reflects the cost of hiring one part-time grant manager to establish procedures for the distribution of grant money, evaluate grant applications, and generally oversee the operation of the fund. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. This estimate assumes general funds are needed since the special fund is not authorized to be used for administrative expenses.

Position	0.5
Salary and Fringe Benefits	\$31,958
Operating Expenses	<u>5,129</u>
FY 2021 GOCCP Admin. Expenditures	\$37,087

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses.

The Office of Legislative Audits can audit the fund with existing budgeted resources.

Local Fiscal Effect: Local grant revenues and expenditures increase for any local government that successfully applies for and receives grant funding for a qualifying program under the bill. Overall, based on the anticipated funds deposited into the new special fund, at least \$1.0 million annually is available for grant awards to local governments.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 580 (Senator Sydnor) - Judicial Proceedings.

Information Source(s): Baltimore City; Harford and Montgomery counties; Maryland Association of Counties; Maryland Municipal League; Department of State Police; Governor's Office of Crime Control and Prevention; Federal Bureau of Investigation; Department of Legislative Services

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af/lgc

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