

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1243
Judiciary

(Delegate Cox)

Criminal Law - Hate Crimes (John Weed Dignity Act)

This bill expands prohibitions under § 10-304 of the Criminal Law Article (hate crimes – harassment or destruction of property) to prohibit specified acts committed against a person or group because of the person’s or group’s age, speech, or refusal to donate money or a thing of value on demand. The bill also expands the list of prohibited acts under § 10-304 to include intentionally or attempting to throw, spit, place, smear, or eject bodily fluids or excrement on a person or group.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s alteration of the application of existing penalty provisions.

Local Effect: Potential minimal increase in local government revenues and expenditures due to the bill’s alteration of the application of existing penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary/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 10-304 (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.

Violators are 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:

John Weed Case

In September 2019, John Weed, a 59-year-old Frederick man, died after allegedly being struck in the head during an altercation with two teenagers (ages 15 and 16) at The Great Frederick Fair. According to the State's Attorney's Office for Frederick County, the altercation began after the 15-year-old asked John Weed for a dollar and Mr. Weed refused. According to prosecutors, Mr. Weed walked away, was punched in the head, and fell to the ground. While Mr. Weed was on the ground, the 16-year-old allegedly spat on him. As of February 2020, the two teenagers have been charged as juveniles with manslaughter and assault in the first and second degrees.

Fiscal 2019 Statistics

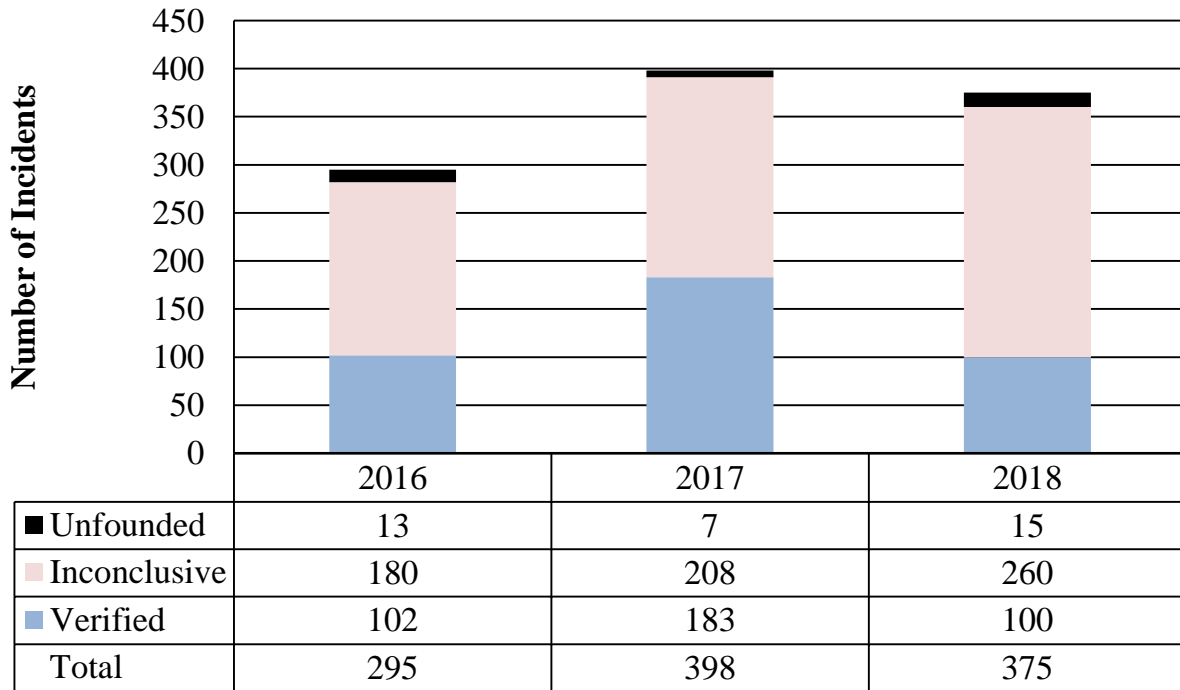
The Judiciary advises that during fiscal 2019, there were 21 violations of § 10-304 filed in the District Court and 18 violations filed in the circuit courts, resulting in two convictions in the District Court and zero convictions in the circuit courts. The Division of Correction conducted one intake on an individual sentenced under § 10-304 during fiscal 2019.

FBI Statistics and State of Maryland 2018 Hate/Bias Report

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; 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*

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland State’s Attorneys’ Association; Department of Public Safety and

Correctional Services; Department of State Police; Federal Bureau of Investigation;
Baltimore Sun; *Carroll County Times*; Department of Legislative Services

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