

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 400 (Senator Carter)  
Judicial Proceedings

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Hate Crimes - False Statement to a Law Enforcement Officer

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This bill clarifies that it is a hate crime for a person to make or cause a false statement to be made to a law enforcement officer, in violation of § 9-501 of the Criminal Law Article, about a group or person when the person's actions were motivated in whole or in substantial part by the subject of the statement's race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homeless status. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a \$5,000 maximum fine.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill is not expected to materially affect local government finances or operations.

**Small Business Effect:** None.

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Analysis

**Current Law:**

*Section 9-501 (False Statement – To Law Enforcement Officer)*

Generally, a person is prohibited from making, or causing to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer with the intent to deceive and to cause an investigation or other action

to be taken as a result of the statement, report, or complaint. Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$500 maximum fine.

*Section 10-304 (Hate Crime – Harassment or Destruction of Property)*

Under current law, a person may not engage in the following acts motivated either in whole or in substantial part 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.

In general, a person who violates this provision 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 guilty of a felony and 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.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 306 (Delegate C. Jackson) - Judiciary.

**Information Source(s):** Maryland Commission on Civil Rights; Baltimore City; Montgomery, Washington, and Worcester counties; towns of Bel Air and Leonardtown;

Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2021  
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Analysis by: Donovan A. Ham

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