

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 498
Judiciary

(Delegate Rosenberg)

First Amendment Activities and Associations - Use of Vehicle to Interfere or
Damage Property

This bill prohibits a driver of a vehicle from using the vehicle to (1) intentionally interfere or attempt to interfere with another person’s ability to engage in First Amendment activities, or (2) destroy, damage, or attempt to destroy or damage real or personal property connected to a building because of the building’s religious association, as specified. A violation is punishable by imprisonment for up to one year and/or a maximum fine of \$1,000. Each violation constitutes a separate offense and may not merge with any other crime set forth in the Transportation or Criminal Law articles.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill’s penalty provisions. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: “First Amendment activities,” as defined under § 3-701 of the Public Safety Article, means (1) activities involving constitutionally protected speech or association or (2) conduct related to freedom of speech, free exercise of religion, freedom of the press, the right to assemble, or the right to petition the government.

Unless otherwise specified, a violation of the Maryland Vehicle Law is a misdemeanor punishable by a maximum fine of \$500.

Reckless Driving

A person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a maximum fine of \$1,000. The Motor Vehicle Administration is also required to assess six points against the driver's license upon conviction for this offense. The District Court prepayment penalty, including court costs, is \$510 for this offense.

Hate Crimes

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), 10-305 (damage to an associated building), and 10-305.1 (prohibition on use of item or symbol to threaten or intimidate).

Section 10-302 (Damaging Property of a Religious Entity): A person may not deface, damage, destroy, or attempt or threaten to deface, damage, or destroy real or personal 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 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.

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, disability, 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 person or group or because that person or group is homeless.

Penalties: In general, an individual who violates the above 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 maximum fine of \$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 maximum fine of \$20,000.

A sentence imposed for a violation of the hate crimes statutes may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation.

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.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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rh/aad

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