

HOUSE BILL 286

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(PRE-FILED)

By: **Delegates Hartman and Long**

Requested: September 22, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Hate Crimes – Law Enforcement Officers and First Responders

FOR the purpose of prohibiting a person, with a certain motivation, from committing a crime or attempting or threatening to commit a crime against a certain first responder or law enforcement officer or group of first responders or law enforcement officers, defacing, damaging, or destroying, or attempting or threatening to deface, damage, or destroy the real or personal property of a certain first responder or law enforcement officer or group of first responders or law enforcement officers, or burning or attempting or threatening to burn an object on the real or personal property of a certain first responder or law enforcement officer or group of first responders or law enforcement officers, or committing another certain crime that involves a separate crime that is a felony or results in the death of a victim; prohibiting a person from defacing, damaging, or destroying, attempting or threatening 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 certain building because a certain person is a first responder or law enforcement officer or group of first responders or law enforcement officers; defining certain terms; establishing that certain penalties apply to a violation of this Act; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–301, 10–304, and 10–305

Annotated Code of Maryland

(2012 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 10–306

Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Law

10–301.

(a) In this subtitle the following words have the meanings indicated.

(B) “FIRST RESPONDER” MEANS A PERSON ENGAGED IN PROVIDING EMERGENCY MEDICAL CARE OR RESCUE SERVICES, INCLUDING A FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, OR A RESCUE SQUAD MEMBER.

[(b)] (C) “Homeless” means:

(1) lacking a fixed, regular, and adequate nighttime residence; or

(2) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(D) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3–201 OF THIS ARTICLE.

[(c)] (E) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender–related identity.

10–304.

Motivated either in whole or in substantial part by another person’s or group’s race, color, religious beliefs, sexual orientation, gender, disability, or national origin, **BECAUSE ANOTHER PERSON IS A LAW ENFORCEMENT OFFICER OR A MEMBER OF A GROUP OF LAW ENFORCEMENT OFFICERS, OR A FIRST RESPONDER OR MEMBER OF A GROUP OF FIRST RESPONDERS**, or because another person or group is homeless, a person may not:

(1) (i) commit a crime or attempt or threaten to commit a crime against that person or group;

(ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group; or

(iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of a victim.

10-305.

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, including a cemetery, library, meeting hall, recreation center, or school:

(1) **(I)** because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin[, or] **HAS CONTACTS OR IS ASSOCIATED WITH THE BUILDING;**

(II) BECAUSE A LAW ENFORCEMENT OFFICER OR FIRST RESPONDER OR GROUP OF LAW ENFORCEMENT OFFICERS OR FIRST RESPONDERS HAS CONTACTS OR IS ASSOCIATED WITH THE BUILDING; OR

(III) 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[,];

(I) because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group;

(II) BECAUSE THAT PERSON IS A LAW ENFORCEMENT OFFICER OR A FIRST RESPONDER OR THAT GROUP CONSISTS OF LAW ENFORCEMENT OFFICERS OR FIRST RESPONDERS; or

(III) because that person or group is homeless.

10-306.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.