A BILL ENTITLED

AN ACT concerning

Crimes – Public Monuments – Destruction of Property

FOR the purpose of prohibiting a person from willfully destroying, mutilating, defacing, injuring, or removing certain monuments under certain circumstances; requiring a court to order restitution for certain costs; authorizing prosecution of certain offenses by a certain State’s Attorney or the Attorney General; prohibiting payment of certain State money to a county or municipality under certain circumstances; and generally relating to public monuments and destruction of property.

BY adding to

Article – Criminal Law

Section 6–301.1

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Criminal Law

6–301.1.

(A) In this section, “PUBLIC MONUMENT” means a marker, plaque, column, statue, memorial structure, or work of art that commemorates a famous or notable person or event and is constructed or placed on property owned, leased, or controlled by the State, a county, or a municipality.

(B) Except as otherwise provided by law, a public monument

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.
CONSTRUCTED WITH State funds may not be permanently removed.

C A person may not willfully destroy, mutilate, deface, injure, or remove:

(1) A public monument; or

(2) A fence, railing, enclosure, or other item in place for the protection of a public monument.

D (1) A person convicted of a violation of subsection (C) of this section when damage to the property is:

(I) at least $200 but less than $2,000 is guilty of a misdemeanor and subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both; or

(II) more than $2,000 is guilty of a felony and subject to imprisonment not exceeding 5 years or a fine not exceeding $100,000 or both.

(2) In addition to any other penalty provided by law, a court shall order a person convicted of a violation of this section to pay restitution for actual costs incurred to clean, repair, or replace the public monument or the fence, railing, enclosure, or other item in place for the protection of the public monument.

E (1) When an offense under this section occurs on property owned by a municipality or county, the Attorney General and the State’s Attorney for the county in which the incident occurred shall have concurrent jurisdiction to prosecute the matter.

(2) When an offense under this section occurs on property owned by the State, the Attorney General shall have jurisdiction to prosecute the matter.

(3) If the State’s Attorney elects not to prosecute an offense under this section that occurred on municipal or county property or has not taken action within 60 days after the offense occurs, the Attorney General shall prosecute the case.

F (1) A county or municipality that prohibits enforcement of this section may not be entitled to any payment of money from the State
TREASURY, including any State grants awarded by a State agency.

(2) Each county and municipality that receives State funds shall verify annually, under penalty of perjury, that the county or municipality is in compliance with this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.