

HOUSE BILL 1354

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2lr2563

By: **Delegates Cox, Boteler, M. Fisher, Hornberger, Krebs, McComas, Rose, and Shoemaker**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Public Monuments – Destruction of Property**

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

9 BY adding to

10 Article – Criminal Law

11 Section 6–301.1

12 Annotated Code of Maryland

13 (2021 Replacement Volume and 2021 Supplement)

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

16 **Article – Criminal Law**

17 **6–301.1.**

18 **(A) IN THIS SECTION, “PUBLIC MONUMENT” MEANS A MARKER, PLAQUE,**
19 **COLUMN, STATUE, MEMORIAL STRUCTURE, OR WORK OF ART THAT COMMEMORATES**
20 **A FAMOUS OR NOTABLE PERSON OR EVENT AND IS CONSTRUCTED OR PLACED ON**
21 **PROPERTY OWNED, LEASED, OR CONTROLLED BY THE STATE, A COUNTY, OR A**
22 **MUNICIPALITY.**

23 **(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.



1 CONSTRUCTED WITH STATE FUNDS MAY NOT BE PERMANENTLY REMOVED.

2 (C) A PERSON MAY NOT WILLFULLY DESTROY, MUTILATE, DEFACE, INJURE,
3 OR REMOVE:

4 (1) A PUBLIC MONUMENT; OR

5 (2) A FENCE, RAILING, ENCLOSURE, OR OTHER ITEM IN PLACE FOR
6 THE PROTECTION OF A PUBLIC MONUMENT.

7 (D) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (C) OF
8 THIS SECTION WHEN DAMAGE TO THE PROPERTY IS:

9 (I) AT LEAST \$200 BUT LESS THAN \$2,000 IS GUILTY OF A
10 MISDEMEANOR AND SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE
11 NOT EXCEEDING \$5,000 OR BOTH; OR

12 (II) MORE THAN \$2,000 IS GUILTY OF A FELONY AND SUBJECT
13 TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$100,000
14 OR BOTH.

15 (2) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A
16 COURT SHALL ORDER A PERSON CONVICTED OF A VIOLATION OF THIS SECTION TO
17 PAY RESTITUTION FOR ACTUAL COSTS INCURRED TO CLEAN, REPAIR, OR REPLACE
18 THE PUBLIC MONUMENT OR THE FENCE, RAILING, ENCLOSURE, OR OTHER ITEM IN
19 PLACE FOR THE PROTECTION OF THE PUBLIC MONUMENT.

20 (E) (1) WHEN AN OFFENSE UNDER THIS SECTION OCCURS ON PROPERTY
21 OWNED BY A MUNICIPALITY OR COUNTY, THE ATTORNEY GENERAL AND THE
22 STATE'S ATTORNEY FOR THE COUNTY IN WHICH THE INCIDENT OCCURRED SHALL
23 HAVE CONCURRENT JURISDICTION TO PROSECUTE THE MATTER.

24 (2) WHEN AN OFFENSE UNDER THIS SECTION OCCURS ON PROPERTY
25 OWNED BY THE STATE, THE ATTORNEY GENERAL SHALL HAVE JURISDICTION TO
26 PROSECUTE THE MATTER.

27 (3) IF THE STATE'S ATTORNEY ELECTS NOT TO PROSECUTE AN
28 OFFENSE UNDER THIS SECTION THAT OCCURRED ON MUNICIPAL OR COUNTY
29 PROPERTY OR HAS NOT TAKEN ACTION WITHIN 60 DAYS AFTER THE OFFENSE
30 OCCURS, THE ATTORNEY GENERAL SHALL PROSECUTE THE CASE.

31 (F) (1) A COUNTY OR MUNICIPALITY THAT PROHIBITS ENFORCEMENT OF
32 THIS SECTION MAY NOT BE ENTITLED TO ANY PAYMENT OF MONEY FROM THE STATE

1 **TREASURY, INCLUDING ANY STATE GRANTS AWARDED BY A STATE AGENCY.**

2 **(2) EACH COUNTY AND MUNICIPALITY THAT RECEIVES STATE FUNDS**
3 **SHALL VERIFY ANNUALLY, UNDER PENALTY OF PERJURY, THAT THE COUNTY OR**
4 **MUNICIPALITY IS IN COMPLIANCE WITH THIS SECTION.**

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