

Chapter 166

(House Bill 645)

AN ACT concerning

Hate Crimes – False Statement to a Law Enforcement Officer

FOR the purpose of clarifying that the making of a certain false statement to a law enforcement officer may form the basis for a certain hate crime; and generally relating to hate crimes.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 9–501, 10–306, and 10–307
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–304
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

9–501.

(a) A person may not make, or cause 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 of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland–National Capital Park and Planning Police with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

10–304.

Motivated either in whole or in substantial part by another person’s or group’s race, color, religious beliefs, sexual orientation, gender, gender identity, disability, or national origin, 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

(IV) MAKE OR CAUSE TO BE MADE A FALSE STATEMENT, REPORT, OR COMPLAINT THAT THE PERSON KNOWS TO BE FALSE AS A WHOLE OR IN MATERIAL PART TO A LAW ENFORCEMENT OFFICER OF THE STATE, OF A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE, OR OF THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING POLICE ABOUT THAT PERSON OR GROUP 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 IN VIOLATION OF § 9–501 OF THIS ARTICLE; 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.

10–306.

(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.

(c) In addition to any other penalties imposed by this section, the court may require a person who violates this subtitle to complete an antibias education program.

10–307.

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

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

Approved by the Governor, April 21, 2022.