

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 151

(Senator Carter)

Judicial Proceedings

Judiciary

Hate Crimes - False Statement to a Law Enforcement Officer

This bill clarifies that it is a hate crime for a person to make or cause to be made a false statement, report, or complaint that the person knows to be false, either as a whole or in material part, to a specified law enforcement officer, in violation of § 9-501 of the Criminal Law Article, about a group or person 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 when the perpetrator's actions were motivated in whole or in substantial part by the subject's race, color, religious beliefs, sexual orientation, gender, gender identity, disability, national origin, or homeless status. Violators are subject to existing penalties for violations of § 10-304 of the Criminal Law Article (generally a misdemeanor punishable by imprisonment for up to three years and/or a \$5,000 maximum fine).

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The bill is not expected to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Section 9-501 (False Statement – To Law Enforcement Officer)

Generally, a person is prohibited from making, or causing 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 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. Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$500 maximum fine.

Section 10-304 (Hate Crime – Harassment or Destruction of Property)

Under current law, 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, gender identity, 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.

In general, a person who violates this provision 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 fine of up to \$10,000. If a violation of § 10-304 results in the death of the victim, the violator is guilty of a felony and is subject to imprisonment for up to 20 years and/or a fine of up to \$20,000.

In addition, the court may require a person who violates this provision to complete an antibias education program.

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: SB 400 of 2021, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 306, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: HB 645 (Delegate Jackson) - Judiciary.

Information Source(s): Maryland Commission on Civil Rights; Caroline, Howard, Montgomery, and Prince George's counties; Maryland-National Capital Park and Planning Commission; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; University System of Maryland; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2022
fnu2/aad Third Reader - March 23, 2022
Revised - Amendment(s) - March 23, 2022
Revised - Clarification - March 23, 2022

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