

HOUSE BILL 1041

E1

4lr1913

By: **Delegates Cardin, Attar, Rosenberg, and Stein**

Introduced and read first time: February 7, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Hate Crimes – Religion and Disability**

3 FOR the purpose of defining “disability” as it relates to laws prohibiting hate crimes;
4 prohibiting a person from committing or attempting to commit certain crimes
5 motivated either in whole or in substantial part by another person’s religion; and
6 generally relating to hate crimes.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 10–301 and 10–304
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2023 Supplement)

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

14 **Article – Criminal Law**

15 10–301.

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

17 (B) **“DISABILITY” HAS THE MEANING STATED IN THE FEDERAL AMERICANS**
18 **WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.**

19 [(b)] (C) “Gender identity” has the meaning stated in § 20–101 of the State
20 Government Article.

21 [(c)] (D) “Homeless” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (2) having a primary nighttime residence that is:

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

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

7 [(d)] (E) “Sexual orientation” means the identification of an individual as to
8 male or female homosexuality, heterosexuality, or bisexuality.

9 10–304.

10 Motivated either in whole or in substantial part by another person’s or group’s race,
11 color, **RELIGION**, religious beliefs, sexual orientation, gender, gender identity, disability,
12 or national origin, or because another person or group is homeless, a person may not:

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

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

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

19 (iv) make or cause to be made a false statement, report, or complaint
20 that the person knows to be false as a whole or in material part, to a law enforcement officer
21 of the State, of a county, municipal corporation, or other political subdivision of the State,
22 or of the Maryland–National Capital Park and Planning Police, about that person or group,
23 with the intent to deceive and to cause an investigation or other action to be taken as a
24 result of the statement, report, or complaint, in violation of § 9–501 of this article; or

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

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

28 (ii) results in the death of a victim.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2024.