

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 699 (Delegate Vogel)
Environment and Transportation

Criminal Law - Hate Crimes - Notice and Removal of Item or Symbol (Hate Crimes Graffiti Removal Act)

This bill requires that when a law enforcement agency receives a report of an alleged violation of §10-305.1 of the Criminal Law Article (hate crimes – prohibition on use of item or symbol to threaten or intimidate) that was filed by someone other than the owner of the real or personal property on which the violation occurred, the law enforcement agency must promptly notify the property owner. Within 24 hours after the violation was reported to a law enforcement agency, or within 24 hours after the property owner receives notice, the property owner must remove the item or symbol from the property. However, if a law enforcement investigation requires that the item or symbol not be removed within 24 hours, the item or symbol must be removed promptly after it is no longer needed for the investigation. A person who does not remove an item or symbol from *commercially owned* real or personal property in accordance with the bill is subject to a warning for a first violation and a civil fine of up to \$1,000 for a second or subsequent violation. These provisions do not apply if the property owner was the intended target of the alleged hate crimes violation.

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 finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: The State's hate crimes statutes are contained in Title 10, Subtitle 3 of the Criminal Law Article, specifically §§ 10-302 (damaging property of a religious entity), 10-303 (obstructing exercise of religious beliefs), 10-304 (hate crimes – commission of a crime or destruction of property), 10-305 (damage to an associated building), and 10-305.1 (prohibition on use of item or symbol to threaten or intimidate).

Section 10-305.1 (Prohibition on Use of Item or Symbol to Threaten or Intimidate)

A person may not place or inscribe an item or a symbol, including an actual or depicted noose or swastika, whether temporary or permanent, on any real or personal property, public or private, without the express permission of the owner, owner's agent, or lawful occupant of the property, with the intent to threaten or intimidate any person or group of persons. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a maximum fine of \$5,000.

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.

Small Business Effect: The bill has a minimal effect on small business property owners who are fined for failure to remove an item or symbol connected to an alleged violation of § 10-305.1 of the Criminal Law Article in accordance with the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 650 (Senator Kagan) - Judicial Proceedings.

Information Source(s): Harford, Montgomery, and Talbot counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of State Police; Department of Legislative Services

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