

HOUSE BILL 1452

E1, E4

5lr2862

By: **Delegate Vogel**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes and Hate Bias – Definitions of Sexual Orientation and Hate Bias**
3 **Incident**

4 FOR the purpose of altering the definition of “sexual orientation” applicable to certain hate
5 crime statutes; defining “hate bias incident” applicable to a certain requirement that
6 the Department of State Police collect, analyze, and report certain information
7 provided by certain law enforcement agencies; and generally relating to hate crimes
8 and hate bias incidents.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 10–301
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 2–307
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2024 Supplement)

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

21 **Article – Criminal Law**

22 10–301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Gender identity" has the meaning stated in § 20–101 of the State Government
2 Article.

3 (c) "Homeless" means:

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

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

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

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

10 (d) **(1) "Sexual orientation" means [the identification of an individual as to
11 male or female homosexuality, heterosexuality, or bisexuality] AN INDIVIDUAL'S
12 IDENTITY, OR ANOTHER'S PERCEPTION OF AN INDIVIDUAL'S IDENTITY, IN RELATION
13 TO THE GENDER OR GENDERS TO WHICH THE INDIVIDUAL IS SEXUALLY OR
14 EMOTIONALLY ATTRACTED.**

15 **(2) "SEXUAL ORIENTATION" DOES NOT MEAN GENDER IDENTITY.**

16 Article – Public Safety

17 2–307.

18 (a) **(1) IN THIS SECTION, "HATE BIAS INCIDENT" MEANS AN ACT OF
19 HOSTILITY OR AGGRESSION THAT:**

20 **(I) IS DIRECTED AT AN INDIVIDUAL OR A GROUP, PRIVATE
21 PROPERTY, OR PUBLIC PROPERTY;**

22 **(II) IS MOTIVATED, IN WHOLE OR SUBSTANTIALLY IN PART, BY
23 ANOTHER INDIVIDUAL'S OR GROUP'S ACTUAL OR PERCEIVED PROTECTED CLASS
24 STATUS AS SPECIFIED IN SUBSECTION (C)(1) OF THIS SECTION; AND**

25 **(III) DOES NOT CONSTITUTE A CRIME UNDER STATE OR FEDERAL
26 LAW.**

27 **(2) "HATE BIAS INCIDENT" INCLUDES:**

28 **(I) SLURS, NAME-CALLING, AND INSULTS;**

1 **(II) THE DISPLAY OF MATERIAL WITH OFFENSIVE LANGUAGE,**
2 **SYMBOLS, OR THREATS TARGETING A PROTECTED CLASS ON PRIVATE PROPERTY;**

3 **(III) THE POSTING OF MATERIAL WITH OFFENSIVE LANGUAGE,**
4 **SYMBOLS, OR THREATS TARGETING A PROTECTED CLASS THAT DOES NOT RESULT**
5 **IN PROPERTY DAMAGE;**

6 **(IV) ELECTRONIC AND ONLINE DISTRIBUTION OF MATERIAL**
7 **WITH OFFENSIVE LANGUAGE, SYMBOLS, OR THREATS TARGETING A PROTECTED**
8 **CLASS; AND**

9 **(V) DISTRIBUTION OF MATERIALS WITH MESSAGES USING**
10 **OFFENSIVE LANGUAGE, SYMBOLS, OR THREATS TARGETING A PROTECTED CLASS IN**
11 **A PUBLIC PLACE.**

12 **(B) (1)** The Department shall collect, analyze, and disseminate:

13 (i) information about the incidence of crime in the State; and

14 (ii) information, including race and sex, on the total number of law
15 enforcement employees, de-identified and disaggregated by:

16 1. position for civilian employees; and

17 2. rank for sworn employees.

18 (2) Each law enforcement agency shall provide the Department with the
19 information described in paragraph (1) of this subsection in the format that the Secretary
20 requires.

21 **[(b)] (C) (1)** The Department shall collect and analyze information about
22 **HATE CRIMES AND HATE BIAS** incidents apparently directed against an individual or
23 group because of race, color, religious beliefs, sexual orientation, gender, disability, national
24 origin, or homelessness.

25 (2) Each local law enforcement agency and the State Fire Marshal shall
26 provide the Department with the information described in paragraph (1) of this subsection.

27 (3) The Department shall adopt procedures for the collection and analysis
28 of the information described in paragraph (1) of this subsection.

29 (4) The Department shall make quarterly reports to the Commission on
30 Civil Rights about the information described in paragraph (1) of this subsection.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2025.