

SENATE BILL 709

E1

5lr1110
CF 5lr2192

By: **Senators Waldstreicher and Jackson**
Introduced and read first time: January 27, 2025
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Masked Intimidation – Prohibition**
3 **(Unmask Hate Act)**

4 FOR the purpose of prohibiting a person from intentionally harassing, intimidating, or
5 threatening another person while hiding or concealing their face; and generally
6 relating to masked intimidation.

7 BY adding to
8 Article – Criminal Law
9 Section 3–810
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2024 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 **3–810.**

16 **(A) A PERSON MAY NOT INTENTIONALLY HARASS, INTIMIDATE, OR**
17 **THREATEN A PERSON:**

18 **(1) WHILE HIDING OR CONCEALING THEIR FACE WITH A MASK OR ANY**
19 **OTHER ARTICLE OR DEVICE WITH THE PURPOSE OF CONCEALING THE PERSON’S**
20 **IDENTITY; AND**

21 **(2) WITH THE INTENT TO PLACE ANOTHER PERSON IN REASONABLE**
22 **FEAR OF THEIR PHYSICAL SAFETY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
2 **AND ON CONVICTION IS SUBJECT TO:**

3 **(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS**
4 **OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

5 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT**
6 **EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

7 **(C) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS**
8 **SECTION MAY NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME BASED ON**
9 **THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

10 **(D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM**
11 **AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED**
12 **ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

13 **(E) IT IS AN AFFIRMATIVE DEFENSE IN A PROCEEDING UNDER THIS**
14 **SECTION THAT THE PERSON WAS:**

15 **(1) WEARING A MASK OR FACE COVERING IN CELEBRATION OF A**
16 **HOLIDAY, CELEBRATION, OR OTHER EVENT WHERE MASKS OR FACE COVERINGS ARE**
17 **TRADITIONALLY WORN;**

18 **(2) WEARING A MASK, HOOD, ARTICLE, OR OTHER DEVICE AS**
19 **PERSONAL PROTECTIVE EQUIPMENT AS PART OF THE PERSON'S OCCUPATION,**
20 **TRADE, OR PROFESSION;**

21 **(3) WEARING A MASK, HOOD, ARTICLE, OR OTHER DEVICE FOR THE**
22 **PURPOSE OF PROTECTION FROM WEATHER ELEMENTS OR WHILE PARTICIPATING IN**
23 **A WINTER SPORT;**

24 **(4) WEARING A MASK, HOOD, ARTICLE, OR OTHER DEVICE IN AN**
25 **ARTISTIC OR THEATRICAL PRODUCTION OR CELEBRATION;**

26 **(5) WEARING A GAS MASK OR OTHER PROTECTIVE FACIAL COVERING**
27 **FOR THE PURPOSES OF PROTECTION DURING OR RELATING TO AN EMERGENCY**
28 **SITUATION OR DURING AN EMERGENCY MANAGEMENT DRILL;**

29 **(6) WEARING A MASK TO LIMIT THE SPREAD OF AIRBORNE ILLNESSES;**
30 **OR**

31 **(7) WEARING ANY GARMENT FOR RELIGIOUS PURPOSES.**

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