

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1452
Judiciary

(Delegate Vogel)

Hate Crimes and Hate Bias - Definitions of Sexual Orientation and Hate Bias
Incident

This bill (1) alters the definition of “sexual orientation” applicable to the protected classes under specified hate crime statutes and (2) alters hate crimes-related reporting requirements for the Department of State Police (DSP).

Fiscal Summary

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

Local Effect: As discussed below, some jurisdictions can likely handle the bill’s changes without a material effect on local finances; however, other jurisdictions may experience an increase in local expenditures. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Hate Crimes

The State’s hate crime statutes are contained in Title 10, Subtitle 3 of the Criminal Law Article. Statute identifies members of a protected class by prohibiting specified actions by a person if motivated in whole or in substantial part by another person’s or group’s race, color, religious beliefs, sexual orientation, sex, gender identity, disability, national origin, or homelessness.

Under current law, “sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality. *Under the bill*, “sexual orientation” is defined to mean an individual’s identity, or other’s perception of an individual’s identity, in relation to the gender or genders to which the individual is sexually or emotionally attracted. “Sexual orientation” does not mean gender identity.

Department of State Police Reporting

Under current law, DSP must collect and analyze information about incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness. Each local law enforcement agency and the State Fire Marshal must provide DSP with information relating to these incidents. DSP must adopt procedures for the collection and analysis of this information. DSP must also make quarterly reports to the Maryland Commission on Civil Rights with the required information.

Under the bill, DSP must collect and analyze information about *hate crimes and hate bias incidents* apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness. The bill does not alter the remaining reporting requirements.

The bill defines a “hate bias incident” as an act of hostility or aggression that (1) is directed at an individual or a group, private property, or public property; (2) is motivated, in whole or substantially in part, by another individual’s or group’s actual or perceived protected class status, as specified; and (3) does not constitute a crime under State or federal law.

The bill specifically includes the following acts as hate bias incidents: (1) slurs, name-calling, and insults; (2) the display of material with offensive language, symbols, or threats targeting a protected class on private property; (3) the posting of material with offensive language, symbols, or threats targeting a protected class that does not result in property damage; (4) electronic and online distribution of material with offensive language, symbols, or threats targeting a protected class; and (5) distribution of materials with messages using offensive language, symbols, or threats targeting a protected class in a public place.

Local Expenditures: A limited survey of county and municipal governments indicates that Kent County can handle the bill’s changes without a material effect on local finances; however, Baltimore City advises that in order to meet existing requirements with the updated definitions under the bill, the city needs to hire additional staff at an estimated annual cost of \$ 253,500.

Additional Comments: The definition of “sexual orientation” under the hate crimes statute was last amended in 2021. It is identical to the definition of “sexual orientation” under § 20-101 of the State Government Article, which applies to various provisions, including laws prohibiting discrimination in employment, housing, and public accommodations.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore City; Kent County; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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