

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 709

(Senators Waldstreicher and Jackson)

Judicial Proceedings

Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

This bill prohibits an individual from intentionally harassing, intimidating, or threatening a person (1) while hiding or concealing their face with a mask or any other article or device with the purpose of concealing the person's identity and (2) with the intent to place another person in reasonable fear of their physical safety. Violators are guilty of a misdemeanor and subject to imprisonment for up to 90 days and/or a fine of up to \$500 for a first offense; a second or subsequent offense is punishable by imprisonment for up to 180 days and/or a fine of up to \$1,000. A sentence may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation under the bill. The bill also contains certain affirmative defenses.

Fiscal Summary

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

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: It is an affirmative defense that the individual was:

- wearing a mark or face covering in celebration of a holiday, celebration, or other event where masks or face coverings are traditionally worn;

- wearing a mask, hood, article, or other device as personal protective equipment as part of the person’s occupation, trade, or profession;
- wearing a mask, hood, article, or other device for the purpose of protection from weather elements or while participating in a winter sport;
- wearing a mask, hood, article, or device in an artistic or theatrical production or celebration;
- wearing a gas mask or other protective facial covering for the purposes of protection during or relating to an emergency situation or during an emergency management drill;
- wearing a mask to limit the spread of airborne illnesses; or
- wearing any garment for religious purposes.

Current Law: Section 3-803 of the Criminal Law Article prohibits a person from following another in or about a public place or maliciously engaging in a course of conduct that alarms or seriously annoys the other (1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose. The prohibition does not apply to a peaceable activity intended to express a political view or provide information to others.

Violators are guilty of a misdemeanor and on conviction subject to imprisonment for up to 90 days and/or a \$500 maximum fine for a first offense or imprisonment for up to 180 days and/or a \$1,000 maximum fine for a second or subsequent offense.

Additional Information

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

Designated Cross File: HB 1081 (Delegate Bofo, *et al.*) - Judiciary.

Information Source(s): Prince George’s 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 Legislative Services

Fiscal Note History: First Reader - February 17, 2025
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