



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB1452

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

Bill Summary

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).

Racial Equity Impact Statement

State law requires DSP to report annually on hate bias incidents in Maryland. The bill’s provisions would expand reporting of hate crimes and noncriminal hate bias incidents in the State. The additional data reporting will provide a clearer picture of hate bias in the State to the benefit of law enforcement, policymakers, and individuals affected by hate crime or hate bias incidents.

Analysis

The bill alters the definition of “sexual orientation” as defined in Title 10, Subtitle 3 of the Criminal Law Article. Currently, “sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality. As proposed by 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.

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.

Under existing law, the hate crime statute identifies members of a protected class and prohibits 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.

Hate Crime and Hate Bias Incident Reporting

Title 2, Subtitle 3 of the Public Safety Article requires the collection of data on hate crimes as well as noncriminal hate bias incidents, so both criminal conduct and noncriminal incidents of hate bias are combined in the report. According to DSP, crime-based data in the report pertains to hate bias-related crimes, which are recorded as hate or bias incidents but, more specifically, involve offenses that can result in arrests. Hate crime definitions often encompass not only violence against individuals or groups, but also crimes against property, such as arson or vandalism, particularly those directed against community centers or houses of worship.

Commission on Hate Crime Response and Prevention

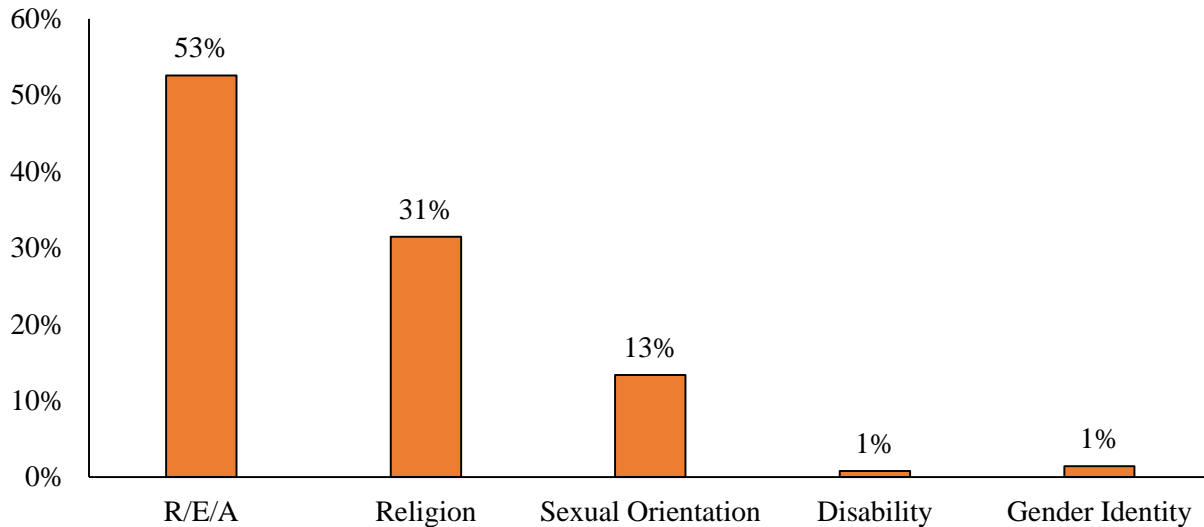
Chapter 773 of 2023 established the Commission on Hate Crime Response and Prevention to develop strategies to prevent and respond to hate crime activity and evaluate State laws and policies relating to hate crimes. The commission must report to the State Department of Education on policy recommendations to address hate crimes that occur in schools and to the General Assembly on legislative recommendations to address hate crimes in the State. The bill's provisions are adapted from the commission's recommendations in its 2024 annual report to address and more clearly define a hate bias incident and to incorporate the present-day understanding of how diversely people experience sexual orientation beyond the three identities described in the existing statute.

Hate Bias Incidents in Maryland

In Maryland, there were a total of 951 hate bias incidents reported by law enforcement during 2023; of those, 270 reports were verified. It should be noted that some incidents are not clearly identified as hate bias, but investigative efforts may reveal an incident is hate bias motivated. Depending on the outcome of this follow-up investigation, hate bias incidents are classified as verified, inconclusive, or unfounded. **Exhibit 1** shows the breakdown of reported incidents by bias motivation category. Of these reported incidents, race/ethnicity/ancestry (R/E/A) is the largest category, accounting for 52.6% of reported incidents. Specifically, anti-Black and anti-Jewish motivated incidents accounted for just over 64% of all incidents. Religion-based hate bias

motivations increased from 20.7% in 2022 to 31.5% in 2023. Vandalism and verbal intimidations were the largest categories of crime or incidents underlying individual reports.

Exhibit 1
Verified Hate Bias Incident Motivations
2023



R/E/A: race/ethnicity/ancestry

Note: Includes both criminal and noncriminal incidents.

Source: Department of State Police; Department of Legislative Services

Conclusion

Hate bias incident prevention and response has significant equity implications. There is not sufficient data to analyze the exact nature of the bill’s impacts, but it is probable that the expanded definitions and reporting of the hate bias incidents under the bill will assist stakeholders and members of the public in ascertaining a more complete picture of how certain groups/identities are affected by hate bias in Maryland.

Information Sources: Department of State Police; Commission on Hate Crime Response and Prevention; Department of Legislative Services

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HB 1452/ Page 3

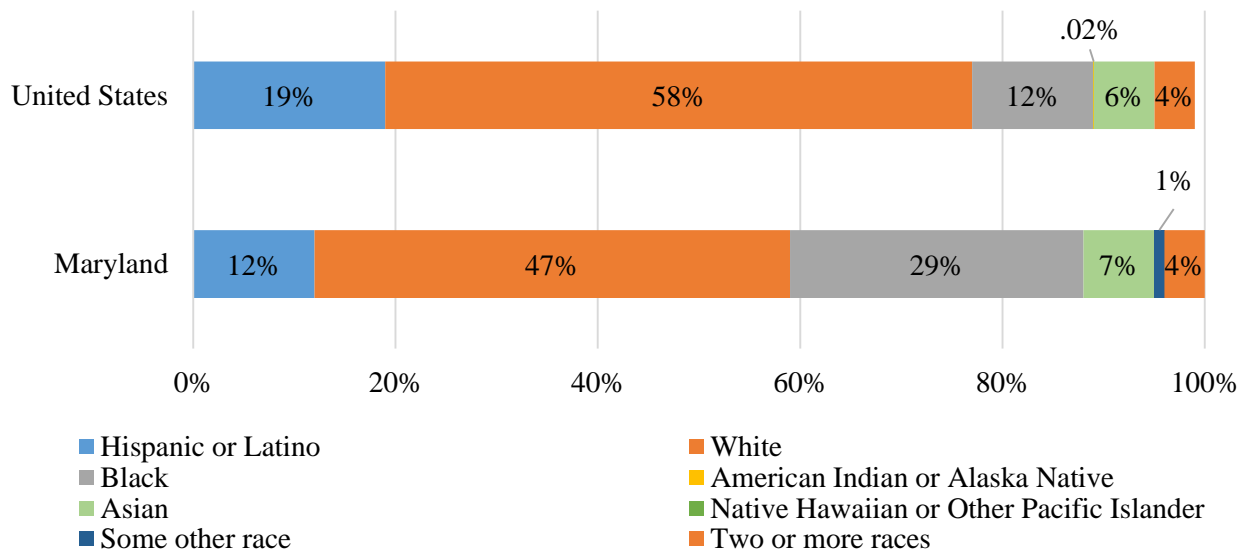
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.