



2026 Session
HB0513

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 impacts of the bill cannot be directly measured, but the enhanced data reporting required by the bill will likely 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. The Office of the Attorney General reports that hate crime and hate bias incidents are significantly underreported, accordingly, the bill will likely encourage more consistent implementation of the law and promote equitable allocation of available prevention and support resources.

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. The bill’s changes to the definition would reflect a broader range of identities by defining “sexual orientation” to mean an individual’s identity, or another’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 clarifies that 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 and 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.

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

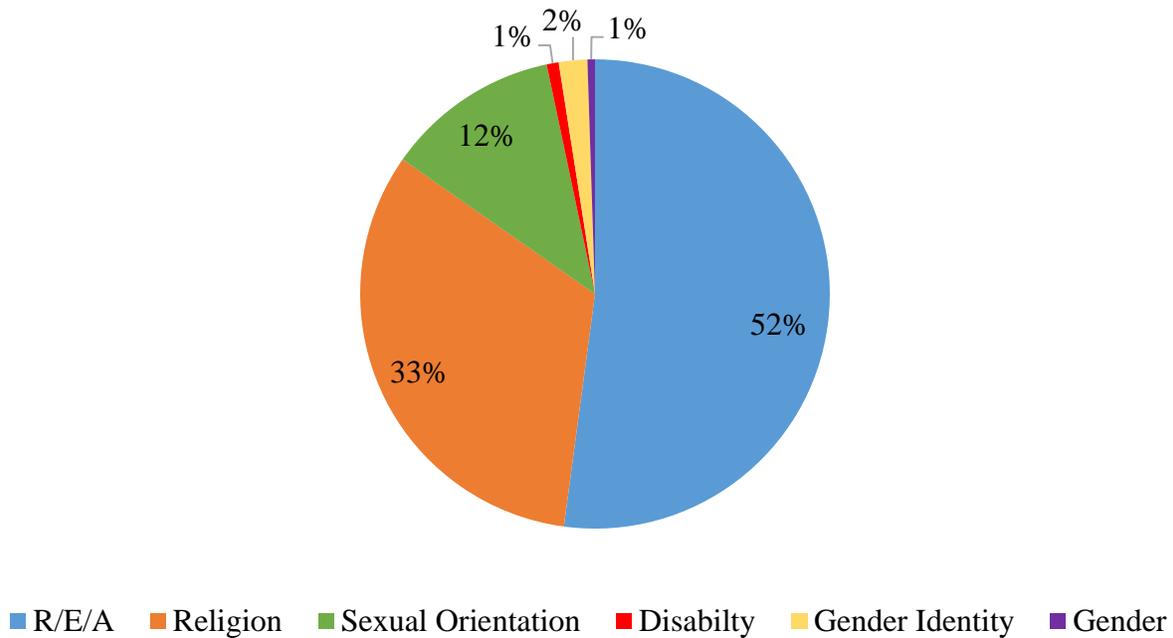
Chapter 773 of 2023 established the Commission on Hate Crime Response and Prevention to develop strategies to prevent and respond to hate crime activity and evaluate State laws and policies relating to hate crimes. The bill’s provisions are adapted from the commission’s recommendations in its 2024 annual 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

The Maryland Coordination and Analysis Center’s 2024 Hate Bias Report, released in October 2025, shows that in Maryland, 921 hate bias incidents were reported by law enforcement in 2024, a 3.3% decrease from 2023; of those, 316 were verified. It should be noted that some incidents are not clearly identified as hate bias, but investigative efforts may reveal that 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 in 2024. Of these reported incidents, race/ethnicity/ancestry (R/E/A) is the largest category, accounting for 52% of reported incidents. Religion-based hate bias motivations were 33% of reported incidents, and hate bias motivations related to sexual orientation accounted for 12% of the total reports. Vandalism and verbal intimidation were the largest categories of crimes or incidents underlying individual reports, accounting for 56% of the total.

Exhibit 1
Hate Bias Incident Motivations
2024



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 crimes are widely acknowledged to be underreported, particularly among communities that have lower trust in law enforcement, face language barriers, have experienced prior discrimination by institutions, or fear retaliation, immigration consequences, or social stigma. The bill's provisions would support hate bias incident prevention and response, which has significant equity implications. There is not sufficient data available to analyze the exact nature of the bill's impacts, but it is likely 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; Office of the Attorney General; Commission on Hate Crime Response and Prevention; Maryland Coordination and Analysis Center; Department of Legislative Services

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Appendix – Maryland Demographics

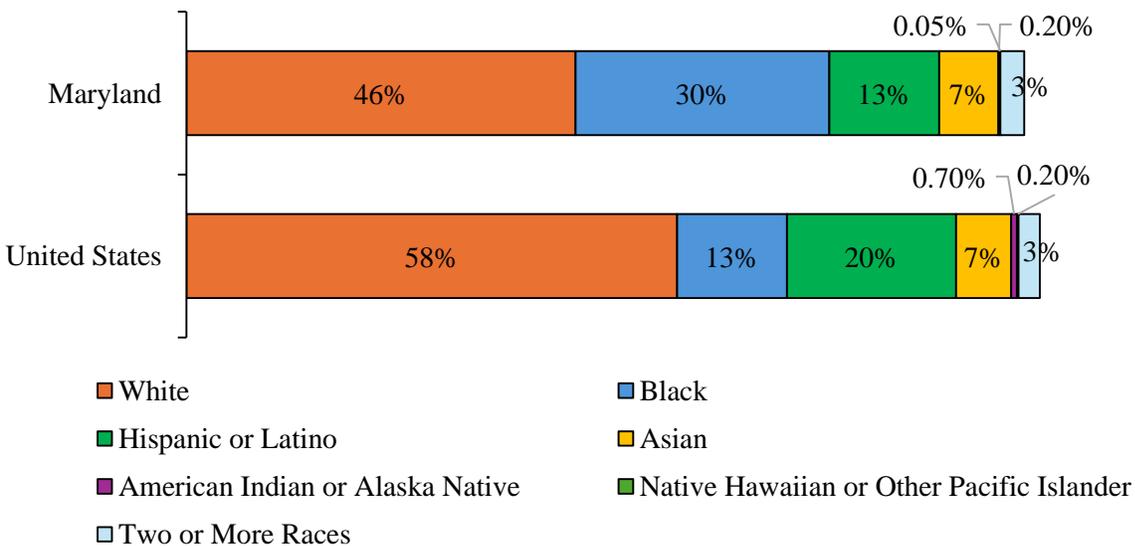
Race and Ethnicity of the Maryland Population

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. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.

**U.S. and Maryland Population by Race and Ethnicity
2024 Population Estimates**



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2024 (NC-EST2024-SR11H) and (SC-EST2024-SR11H-24)