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House Bill 1452 – FAV – March 11, 2025

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Jennifer Frederick, Assistant Attorney General
Counsel, Commission on Hate Crime Response and Prevention

RE: House Bill 1452 - Hate Crimes and Hate Bias - Definitions of Sexual
Orientation and Hate Bias Incident - Favorable

The Office of the Attorney General, on behalf of the Commission on Hate Crime Response and Prevention, requests a favorable report on House Bill 1452 sponsored by Delegate Vogel, which seeks to implement two recommendations made in the Commission’s first annual report.¹

Specifically, House Bill 1452 updates the definition of sexual orientation in Maryland’s hate crimes statutes and clarifies the definition of hate bias incidents. This bill will provide clarity to law enforcement and the public regarding existing State reporting requirements and better reflect Marylanders when defining sexual orientation as a protected class.

HB 1452 is needed to fill a gap in current law. While Maryland State Police have collected reports of hate bias incidents since at least 1987, there is currently no definition for a hate bias incident in Maryland Public Safety Code §2-307 (b). Instead, the statute only says that police must take reports of “incidents apparently directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness” with no further clarification. This leaves law enforcement and the public without an official source for defining hate bias incidents which creates potential confusion and inconsistencies when interpreting what reports law enforcement are required to take.

¹ The Commission’s first report can be found at <https://nohomeforhate.md.gov/pages/resources> under the “Reports” section.

HB 1452 also updates the definition of sexual orientation in Maryland Criminal Law Code § 10-301. The current definition provides only for a handful of examples of sexual orientations, such as “male or female homosexuality, heterosexuality, or bisexuality,” to be protected. The current definition leaves out a variety of orientations such as asexual, pansexual, and other lesser-known identities. The current definition also ignores the existence of intersex and nonbinary individuals who may not fall within “male or female” sexual orientations. By replacing the list of a handful of orientations with an actual definition of sexual orientation, the bill would adjust the current law to be broad enough to recognize the current understanding of sexual orientation and how language around individual identities change over time. The existing wording leaves Marylanders unprotected by our hate crimes statutes if they do not fall within the current, limited definition.

HB 1452 will solve this problem by providing clearer definitions of hate bias incidents and sexual orientation which make the statutes easier to understand and comply with and reflecting a broader range of Marylanders’ identities. Existing ambiguity around the types of hate activity that must be reported under Maryland law results in inconsistent implementation of the law and exacerbates already significant under reporting. An incomplete definition of sexual orientation could leave some Marylanders unprotected in the event of a hate crime. HB 1452 would remedy those issues.

For these reasons, the Office of the Attorney General and the Commission on Hate Crime Response and Prevention urges a favorable report on House Bill 1452.

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