

**A006-0102**

10 AN ACT CONCERNING

20 **Crimes and Punishments - Hate Crimes**

30 FOR the purpose of prohibiting a person from harassing or committing a crime upon a person or  
40 damaging the real or personal property of a person because of the person's gender or sexual  
50 orientation; prohibiting a person from harassing or committing a crime or damaging the real or 60  
personal property of an institution because of the institution's contacts or association with a  
70 person or group of a particular gender or sexual orientation or where there is evidence that  
80 exhibits animosity against a person or group because of the person's or group's gender or sexual 90  
orientation; prohibiting a person from defacing, damaging, or destroying or attempting to deface,  
100 damage, or destroy or burning or attempting to burn any object on the real or personal property of  
110 a person because of the person's gender or sexual orientation; prohibiting a person from defacing,  
120 damaging, or destroying or attempting to deface, damage, or destroy or burning or attempting to  
130 burn any object on the real or personal property of an institution because of the institution's  
140 contacts or association with a person or group of a particular gender or sexual orientation or  
150 where there is evidence that exhibits animosity against a person or group because of the person's  
160 or group's gender or sexual orientation; and generally relating to prohibiting the commission of  
170 certain offenses against certain persons or property because of gender or sexual orientation.

180 BY repealing, and reenacting, with amendments,  
190 Article 27 - Crimes and Punishments  
200 Section 470A  
210 Annotated Code of Maryland  
220 (1996 Replacement Volume and 1998 Supplement)

230 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the  
240 Laws of Maryland read as follows:

250 **Article 27 - Crimes and Punishments**

260 § 470A

270 (a) (1) In this section the following words have the meanings indicated.

280 (2) "Institution" means a publicly or privately owned, leased, or used building,  
290 including:

300 (i) A school;

310 (ii) A library;

320 (iii) A recreation center;

330 (iv) A meeting hall; or

340 (v) A cemetery.

350 (3) "Religious real property" includes:

360 (i) A church, synagogue, or other place of worship;

- 370 (ii) A cemetery;
- 380 (iii) A religious school, educational facility, community center, structure,  
390 or other real property used for any religious purpose; and
- 400 (iv) The grounds adjacent to the property described in items (i) through 410  
(iii) of this paragraph.
- 420 (b) A person may not:
- 430 (1) Deface, damage, or destroy or attempt to deface, damage, or destroy religious  
440 real or personal property that is owned, leased, or used by a religious entity;
- 450 (2) Obstruct, or attempt to obstruct by force or threat of force, a person in the free  
460 exercise of that person's religious beliefs;
- 470 (3) Harass or commit a crime upon a person or damage the real or personal  
480 property of
- 490 (i) A person because of that person's race, color, religious beliefs,  
500 GENDER, SEXUAL ORIENTATION, DISABILITY STATUS, or 510  
national origin; or
- 520 (ii) An institution:
- 530 1. Because of the institution's contacts or association with a  
540 person or group of a particular race, color, religious belief, 550  
GENDER, SEXUAL ORIENTATION, DISABILITY  
560 STATUS, or national origin; or
- 570 2. Where there is evidence that exhibits animosity on the part of  
580 the person committing the act against a person or group  
590 because of that person's or group's race, color, religious  
600 beliefs, GENDER, SEXUAL ORIENTATION, DISABILITY 610  
STATUS, or national origin; or
- 620 (4) Deface, damage, or destroy, attempt to deface, damage, or destroy, or burn or  
630 attempt to burn any object on, the real or personal property of
- 640 (i) A person because of that person's race, color, religious beliefs,  
650 GENDER, SEXUAL ORIENTATION, disability status, or national 660  
origin; or
- 670 (ii) An institution:
- 680 1. Because of the institution's contacts or association with a  
690 person or group of a particular race, color, religious belief, 700  
GENDER, SEXUAL ORIENTATION, disability status, or 710  
national origin; or
- 720 2. Where there is evidence that exhibits animosity on the part of  
730 the person committing the act against a person or group  
740 because of that person's or group's race, color, religious

750 beliefs, GENDER, SEXUAL ORIENTATION, disability  
760 status, or national origin.

770 (c) A person who violates the provisions of this section is subject to the following penalties:

780 (1) If the violation involves a separate crime that is a felony, the person is guilty of  
790 a felony and upon conviction is subject to imprisonment for not more than 10 800  
years, or a fine of not more than \$10,000, or both.

810 (2) If the violation involves a separate crime that is a felony and results in death to  
820 a victim, the person is guilty of a felony and upon conviction is subject to  
830 imprisonment for not more than 20 years, or a fine of not more than \$20,000, 840  
or both.

850 (3) In all other cases, the person is guilty of a misdemeanor and upon conviction is  
860 subject to imprisonment for not more than 3 years, or a fine of not more than 870  
\$5,000, or both.

880 (d) Prosecution of a person under this section does not preclude prosecution and imposition  
890 of penalties for any other crime in addition to any penalties imposed under this section.

900 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1,  
910 2002.

920 MANDATES: Governor Parris N. Glendening  
930 Lt. Governor Kathleen Kennedy Townsend  
940 Attorney General J. Joseph Curran, Jr.  
950 Senate President Thomas V. Mike Miller  
960 Speaker of the House of Delegates Casper R. Taylor, Jr.  
970 Senator Walter M. Baker, Chairman of Judicial Proceedings Committee  
980 Delegate Joseph F. Vallario, Chairman of Judiciary Committee

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