

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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