

SENATE BILL 161

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CF HB 5

By: **Senators Elfreth, Augustine, Beidle, Benson, Carter, Ellis, Feldman, Griffith, Hayes, Kagan, Lam, Lee, McCray, Patterson, Reilly, Rosapepe, Sydnor, Waldstreicher, Washington, West, and Zucker**

Introduced and read first time: January 13, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Hate Crimes – Use of an Item or a Symbol to Threaten or Intimidate**

3 FOR the purpose of prohibiting a person from placing or inscribing a certain item or symbol
4 on certain property, without the express permission of the owner of the property, the
5 owner’s agent, or a lawful occupant, with the intent to threaten or intimidate any
6 person or group of persons; establishing that a certain penalty applies to a violation
7 of this Act; and generally relating to the use of an item or a symbol to threaten or
8 intimidate a person or group of persons.

9 BY adding to

10 Article – Criminal Law
11 Section 10–305.1
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Criminal Law
16 Section 10–306
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2019 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 **10–305.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **A PERSON MAY NOT PLACE OR INSCRIBE AN ITEM OR A SYMBOL, INCLUDING**
2 **AN ACTUAL OR DEPICTED NOOSE OR SWASTIKA, WHETHER TEMPORARY OR**
3 **PERMANENT, ON ANY REAL OR PERSONAL PROPERTY, PUBLIC OR PRIVATE,**
4 **WITHOUT THE EXPRESS PERMISSION OF THE OWNER, OWNER’S AGENT, OR LAWFUL**
5 **OCCUPANT OF THE PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE ANY**
6 **PERSON OR GROUP OF PERSONS.**

7 10–306.

8 (a) Except as provided in subsection (b) of this section, a person who violates this
9 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not
10 exceeding 3 years or a fine not exceeding \$5,000 or both.

11 (b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony
12 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
13 \$10,000 or both.

14 (2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony
15 and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding
16 \$20,000 or both.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2020.