

HOUSE BILL 5

E1
HB 4/19 – JUD

(PRE-FILED)

0lr0892
CF 0lr1521

By: **Delegate Chang**

Requested: October 11, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judiciary

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.**

23 **A PERSON MAY NOT PLACE OR INSCRIBE AN ITEM OR A SYMBOL, INCLUDING**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 AN ACTUAL OR DEPICTED NOOSE OR SWASTIKA, WHETHER TEMPORARY OR
2 PERMANENT, ON ANY REAL OR PERSONAL PROPERTY, PUBLIC OR PRIVATE,
3 WITHOUT THE EXPRESS PERMISSION OF THE OWNER, OWNER'S AGENT, OR LAWFUL
4 OCCUPANT OF THE PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE ANY
5 PERSON OR GROUP OF PERSONS.

6 10-306.

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

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

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

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