

SENATE BILL 42

E4

(PRE-FILED)

7lr0481
CF HB 25

By: **Senators Simonaire, Norman, Bates, Salling, Waugh, Eckardt, and Ready**

Requested: August 3, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Hate Crimes – Law Enforcement Officers**
3 **(Blue Lives Matter Act of 2017)**

4 FOR the purpose of including law enforcement officers within the scope of certain
5 prohibitions against committing certain crimes against certain persons, damaging
6 certain property of certain persons, burning certain objects, and damaging certain
7 buildings with which certain persons or groups have contacts or associations or
8 under circumstances exhibiting animosity against a certain person or group; defining
9 a certain term; and generally relating to hate crimes against law enforcement
10 officers.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 10–301, 10–304, and 10–305
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

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

18 **Article – Criminal Law**

19 10–301.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) “Homeless” means:

22 (1) lacking a fixed, regular, and adequate nighttime residence; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(c) **“LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3–201 OF THIS ARTICLE.**

(D) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender–related identity.

10–304.

Because of another’s race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another is homeless **OR A LAW ENFORCEMENT OFFICER**, a person may not:

(1) (i) commit a crime or attempt to commit a crime against that person;

(ii) damage the real or personal property of that person;

(iii) deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person; or

(iv) burn or attempt to burn an object on the real or personal property of that person; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of the victim.

10–305.

A person may not deface, damage, or destroy, attempt to deface, damage, or destroy, burn or attempt to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

(1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin[, or because a person or group that is homeless,] has contacts or is associated with the building; [or]

(2) BECAUSE A PERSON OR GROUP THAT IS HOMELESS HAS CONTACTS OR IS ASSOCIATED WITH THE BUILDING;

(3) BECAUSE A LAW ENFORCEMENT OFFICER OR GROUP OF LAW ENFORCEMENT OFFICERS HAS CONTACTS OR IS ASSOCIATED WITH THE BUILDING; OR

[(2)] (4) if there is evidence that exhibits animosity against a person or group[, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless]:

(I) BECAUSE OF THE RACE, COLOR, RELIGIOUS BELIEFS, SEXUAL ORIENTATION, GENDER, DISABILITY, OR NATIONAL ORIGIN OF THAT PERSON OR GROUP;

(II) BECAUSE THAT PERSON OR GROUP IS HOMELESS; OR

(III) BECAUSE THAT PERSON IS A LAW ENFORCEMENT OFFICER OR BECAUSE THAT GROUP CONSISTS OF LAW ENFORCEMENT OFFICERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.