

SENATE BILL 650

E1

4lr3362
CF HB 699

By: **Senator Kagan**

Introduced and read first time: January 29, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Hate Crimes – Notice and Removal of Item or Symbol**

3 FOR the purpose of requiring a law enforcement agency to promptly notify certain property
4 owners of a report of certain items or symbols that constitute an alleged hate crime;
5 requiring certain property owners to remove certain items or symbols that constitute
6 an alleged hate crime from their property within a certain time period, subject to
7 certain exceptions; establishing that a penalty for a violation of this Act may only be
8 imposed on an owner of commercial real or personal property; and generally relating
9 to items or symbols that constitute hate crimes.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 10–305.1
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2023 Supplement)

15 BY adding to
16 Article – Criminal Law
17 Section 10–305.2
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Law
22 Section 10–306
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

10–305.1.

A person may not place or inscribe an item or a symbol, including an actual or depicted noose or swastika, whether temporary or permanent, on any real or personal property, public or private, without the express permission of the owner, owner's agent, or lawful occupant of the property, with the intent to threaten or intimidate any person or group of persons.

10–305.2.

(A) IN THIS SECTION, “REMOVE” INCLUDES THE PERMANENT COVERING OF AN ITEM OR A SYMBOL.

(B) THIS SECTION DOES NOT APPLY TO THE OWNER OF REAL OR PERSONAL PROPERTY IF THE OWNER WAS THE INTENDED TARGET OF AN ALLEGED VIOLATION OF § 10–305.1 OF THIS SUBTITLE.

(C) AFTER AN ALLEGED VIOLATION OF § 10–305.1 OF THIS SUBTITLE IS REPORTED TO A LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT AGENCY SHALL PROMPTLY NOTIFY THE OWNER OF THE REAL OR PERSONAL PROPERTY IF THE OWNER DID NOT FILE THE REPORT.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 24 HOURS AFTER AN ALLEGED VIOLATION OF § 10–305.1 OF THIS SUBTITLE IS REPORTED TO A LAW ENFORCEMENT AGENCY, OR WITHIN 24 HOURS AFTER THE OWNER OF THE REAL OR PERSONAL PROPERTY RECEIVES NOTICE UNDER SUBSECTION (C) OF THIS SECTION, THE OWNER OF THE REAL OR PERSONAL PROPERTY SHALL REMOVE THE ITEM OR SYMBOL FROM THE REAL OR PERSONAL PROPERTY.

(2) IF A LAW ENFORCEMENT INVESTIGATION REQUIRES THAT THE ITEM OR SYMBOL NOT BE REMOVED FROM THE REAL OR PERSONAL PROPERTY WITHIN 24 HOURS, THE ITEM OR SYMBOL SHALL BE REMOVED PROMPTLY AFTER IT IS NO LONGER REQUIRED FOR THE INVESTIGATION.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO DOES NOT REMOVE AN ITEM OR SYMBOL FROM REAL OR PERSONAL PROPERTY AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS NOT SUBJECT TO A PENALTY.

1 **(2) A PERSON WHO DOES NOT REMOVE AN ITEM OR A SYMBOL FROM**
2 **COMMERCIALY OWNED REAL OR PERSONAL PROPERTY AS REQUIRED UNDER**
3 **SUBSECTION (D) OF THIS SECTION IS SUBJECT TO:**

4 **(I) FOR A FIRST VIOLATION, A WARNING; AND**

5 **(II) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL FINE**
6 **NOT EXCEEDING \$1,000.**

7 10–306.

8 (a) Except as provided in **§ 10–305.2 OF THIS SUBTITLE AND** subsection (b) of
9 this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction
10 is subject to imprisonment not 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 (c) In addition to any other penalties imposed by this section, the court may
18 require a person who violates this subtitle to complete an antibias education program.

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
20 **October 1, 2024.**