

# HOUSE BILL 4

E1  
HB 1695/18 – JUD

(PRE-FILED)

9lr0687

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By: **Delegate Chang**

Requested: November 8, 2018

Introduced and read first time: January 9, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Hate Crimes – Use of a Noose or Swastika to Threaten or Intimidate**

3 FOR the purpose of prohibiting a person from affixing, erecting, or placing a noose or  
4 swastika on any building or real property, without the express permission of the  
5 owner of the building or property, the owner's agent, or a lawful occupant, with the  
6 intent to threaten or intimidate any person or group of persons; establishing that a  
7 certain penalty applies to a violation of this Act; and generally relating to the use of  
8 a noose or swastika to threaten or 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 2018 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 2018 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 AFFIX, ERECT, OR PLACE A NOOSE OR SWASTIKA ON A**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **BUILDING OR REAL PROPERTY, PUBLIC OR PRIVATE, WITHOUT THE EXPRESS**  
2 **PERMISSION OF THE OWNER, OWNER'S AGENT, OR LAWFUL OCCUPANT OF THE**  
3 **BUILDING OR REAL PROPERTY, WITH THE INTENT TO THREATEN OR INTIMIDATE**  
4 **ANY PERSON OR GROUP OF PERSONS.**

5 10-306.

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2019.