

SENATE BILL 400

E1

11r2062
CF HB 306

By: **Senator Carter**

Introduced and read first time: January 15, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – False Statement to a Law Enforcement Officer**

3 FOR the purpose of clarifying that the making of a certain false statement to a law
4 enforcement officer may form the basis for a certain hate crime; and generally
5 relating to hate crimes.

6 BY repealing and reenacting, without amendments,
7 Article – Criminal Law
8 Section 9–501, 10–306, and 10–307
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2020 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 10–304
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2020 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 9–501.

20 (a) A person may not make, or cause to be made, a statement, report, or complaint
21 that the person knows to be false as a whole or in material part, to a law enforcement officer
22 of the State, of a county, municipal corporation, or other political subdivision of the State,
23 or of the Maryland–National Capital Park and Planning Police with intent to deceive and
24 to cause an investigation or other action to be taken as a result of the statement, report, or
25 complaint.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person who violates this section is guilty of a misdemeanor and on conviction
2 is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

3 10–304.

4 Motivated either in whole or in substantial part by another person’s or group’s race,
5 color, religious beliefs, sexual orientation, gender, disability, or national origin, or because
6 another person or group is homeless, a person may not:

7 (1) (i) commit a crime or attempt or threaten to commit a crime against
8 that person or group;

9 (ii) deface, damage, or destroy, or attempt or threaten to deface,
10 damage, or destroy the real or personal property of that person or group; [or]

11 (iii) burn or attempt or threaten to burn an object on the real or
12 personal property of that person or group; or

13 **(IV) MAKE OR CAUSE TO BE MADE A FALSE STATEMENT TO A LAW**
14 **ENFORCEMENT OFFICER ABOUT THAT PERSON OR GROUP IN VIOLATION OF § 9–501**
15 **OF THIS ARTICLE; OR**

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

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

19 (ii) results in the death of a victim.

20 10–306.

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

24 (b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony
25 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
26 \$10,000 or both.

27 (2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony
28 and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding
29 \$20,000 or both.

30 10–307.

31 A sentence imposed under this subtitle may be separate from and consecutive to or

1 concurrent with a sentence for any crime based on the act establishing the violation of this
2 subtitle.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2021.