

Chapter 21

**(House Bill 5)**

AN ACT concerning

**Crimes – Hate Crimes – Use of an Item or a Symbol to Threaten or Intimidate**

FOR the purpose of prohibiting a person from placing or inscribing a certain item or symbol on certain property, without the express permission of the owner of the property, the owner’s agent, or a lawful occupant, with the intent to threaten or intimidate any person or group of persons; establishing that a certain penalty applies to a violation of this Act; and generally relating to the use of an item or a symbol to threaten or intimidate a person or group of persons.

BY adding to

Article – Criminal Law  
Section 10–305.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law  
Section 10–306  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

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

**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.**

10–306.

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

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

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.**