

# HOUSE BILL 438

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11r0306  
CF 11r0751

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By: **Delegate Mangione**

Introduced and read first time: January 15, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Malicious Destruction of Historically Significant Monument**  
3 **(Monument Protection Act of 2021)**

4 FOR the purpose of prohibiting a person from willfully and maliciously destroying,  
5 damaging, vandalizing, or desecrating a certain historically significant monument;  
6 providing penalties for a violation of this Act; authorizing a court to consider a  
7 certain matter in making a certain determination; providing that certain counts may  
8 not be merged for sentencing; providing for the application and determination of the  
9 value of certain damage; defining a certain term; and generally relating to the  
10 malicious destruction of historically significant monuments.

11 BY adding to  
12 Article – Criminal Law  
13 Section 6–301.1  
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 **6–301.1.**

20 **(A) IN THIS SECTION, “HISTORICALLY SIGNIFICANT MONUMENT” MEANS A**  
21 **MONUMENT, MEMORIAL, OR STATUE THAT IS NOT OWNED BY THE DEFENDANT AND**  
22 **THAT HAS BEEN DEDICATED OR IS MAINTAINED BY A STATE OR LOCAL**  
23 **GOVERNMENT.**

24 **(B) A PERSON MAY NOT WILLFULLY AND MALICIOUSLY DESTROY, DAMAGE,**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 VANDALIZE, OR DESECRATE A HISTORICALLY SIGNIFICANT MONUMENT.

2 (C) (1) A PERSON WHO, IN VIOLATION OF THIS SECTION, CAUSES DAMAGE  
3 OF AT LEAST \$1,000 TO PROPERTY IS GUILTY OF A MISDEMEANOR AND ON  
4 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT  
5 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

6 (2) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY  
7 MINIMUM SENTENCE OF 1 YEAR.

8 (3) THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE  
9 MANDATORY MINIMUM SENTENCE.

10 (D) (1) A PERSON WHO, IN VIOLATION OF THIS SECTION, CAUSES DAMAGE  
11 OF LESS THAN \$1,000 TO PROPERTY IS GUILTY OF A MISDEMEANOR AND ON  
12 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 6 MONTHS AND  
13 NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$500 OR BOTH.

14 (2) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY  
15 MINIMUM SENTENCE OF 6 MONTHS.

16 (3) THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE  
17 MANDATORY MINIMUM SENTENCE.

18 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
19 IN DETERMINING A PENALTY, THE COURT MAY CONSIDER AS ONE CRIME THE  
20 AGGREGATE VALUE OF DAMAGE TO EACH PROPERTY RESULTING FROM ONE SCHEME  
21 OR CONTINUING COURSE OF CONDUCT.

22 (2) IF SEPARATE ACTS RESULTING IN DAMAGE TO THE PROPERTIES  
23 OF ONE OR MORE OWNERS ARE SET FORTH BY SEPARATE COUNTS IN ONE OR MORE  
24 CHARGING DOCUMENTS, THE SEPARATE COUNTS MAY NOT BE MERGED FOR  
25 SENTENCING.

26 (F) (1) THE VALUE OF DAMAGE IS NOT A SUBSTANTIVE ELEMENT OF A  
27 CRIME UNDER THIS SECTION AND NEED NOT BE STATED IN THE CHARGING  
28 DOCUMENT.

29 (2) THE VALUE OF DAMAGE SHALL BE BASED ON THE EVIDENCE AND  
30 THAT VALUE SHALL BE APPLIED FOR THE PURPOSE OF IMPOSING THE PENALTIES  
31 ESTABLISHED IN THIS SECTION.

32 (3) IF IT CANNOT BE DETERMINED FROM THE EVIDENCE WHETHER

1 THE VALUE OF THE DAMAGE TO THE PROPERTY IS MORE OR LESS THAN \$1,000, THE  
2 VALUE IS DEEMED TO BE LESS THAN \$1,000.

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