

HOUSE BILL 645

E1
HB 306/21 – JUD

2lr1344
CF SB 151

By: **Delegate Jackson**

Introduced and read first time: January 31, 2022

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2022

CHAPTER _____

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 (2021 Replacement Volume and 2021 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 10–304
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2021 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

10–304.

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

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

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

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

(IV) MAKE OR CAUSE TO BE MADE A FALSE STATEMENT, REPORT, OR COMPLAINT THAT THE PERSON KNOWS TO BE FALSE AS A WHOLE OR IN MATERIAL PART TO A LAW ENFORCEMENT OFFICER OF THE STATE, OF A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE, OR OF THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING POLICE ABOUT THAT PERSON OR GROUP WITH THE INTENT TO DECEIVE AND TO CAUSE AN INVESTIGATION OR OTHER ACTION TO BE TAKEN AS A RESULT OF THE STATEMENT, REPORT, OR COMPLAINT IN VIOLATION OF § 9–501 OF THIS ARTICLE; OR

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

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

(ii) results in the death of a victim.

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.

1 (b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony
2 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
3 \$10,000 or both.

4 (2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony
5 and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding
6 \$20,000 or both.

7 (c) In addition to any other penalties imposed by this section, the court may
8 require a person who violates this subtitle to complete an antibias education program.

9 10–307.

10 A sentence imposed under this subtitle may be separate from and consecutive to or
11 concurrent with a sentence for any crime based on the act establishing the violation of this
12 subtitle.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.