



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2024 Session
HB1041

Criminal Law - Hate Crimes - Religion and Disability

Bill Summary

This bill incorporates the definition of “disability” under the federal Americans with Disabilities Act (ADA) into the State’s hate crimes statutes (Title 10, Subtitle 3 of the Criminal Law Article). By adding religion as a specified motivation, the bill expands § 10-304 of the Criminal Law Article (hate crimes – commission of a crime or destruction of property) to prohibit a person from engaging in specified acts while motivated either in whole or in substantial part by another person’s or group’s religion.

Racial Equity Impact Statement

The bill clarifies the definition of “disability” under existing State hate crime laws and adds “religion” to the groups covered under the statute. National and State data show a recent increase in reported religion-based hate crimes. While the bill’s provisions have the potential to increase the applicability and reporting of hate bias crimes going forward, additional demographic data regarding past and future victims of religion- and disability-based hate bias would be necessary to conduct a thorough analysis.

Analysis

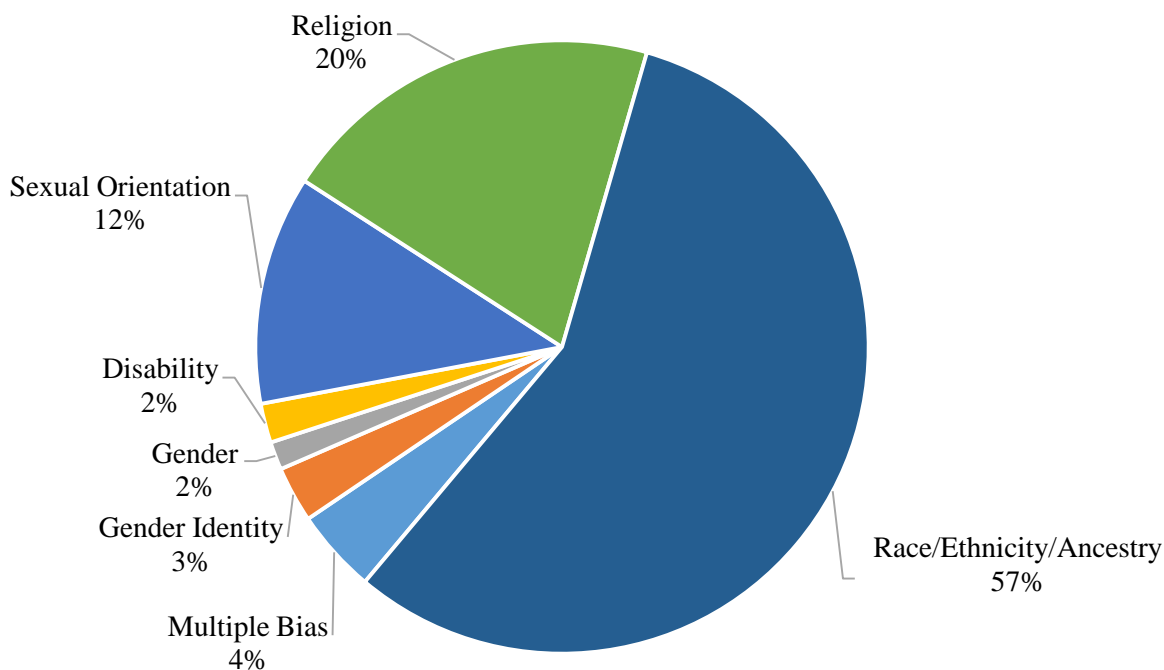
The bill clarifies the definition of “disability” as defined by the ADA and adds “religion” to the list of targeted characteristics protected by State hate crime laws. The ADA defines “disability” as (1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.

State law addresses hate crimes in Title 10, Subtitle 3 of the Criminal Law Article, specifically §§ 10-302 (damaging property of a religious entity); 10-303 (obstructing exercise of religious beliefs); 10-304 (commission of a crime or destruction of property); 10-305 (damage to an associated building); and 10-305.1 (prohibition on use of an item or symbol to threaten or intimidate).

Hate Crime Data

The Federal Bureau of Investigation’s hate crime statistics show that hate crime incidents in the United States increased by 7.32% from 2021 to 2022, and of the 2,042 religion-based crimes, more than half were driven by anti-Jewish bias. In Maryland, as shown in **Exhibit 1**, during the three-year period between 2020 and 2022, disability accounted for 2% of hate crime bias motivation while religion accounted for 20%.

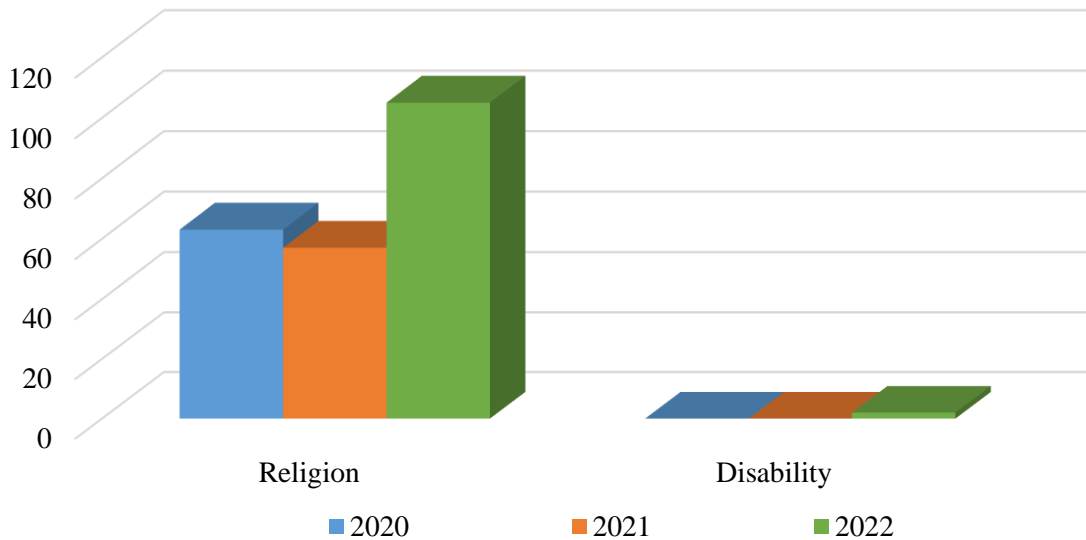
Exhibit 1
Hate Crime Bias Incidents in Maryland
2020-2022



Source: Federal Bureau of Investigation

As shown in **Exhibit 2**, religion-based hate bias reports in Maryland decreased slightly between 2020 and 2021 but increased dramatically (84%) between 2021 and 2022. Religion-based bias motivation has been in the top 3 of all hate bias incidents reported during the period from 2020 to 2022.

Exhibit 2
Religious and Disability Hate Bias Reports in Maryland
2020-2022



Source: Department of State Police

Conclusion

Data shows that religion-based hate crimes are increasing on both the State and national levels. It can therefore be anticipated that those affected by religious victimization would be most significantly impacted by the bill's provisions. No data is available to determine whether or to what extent religion-based reports of hate bias incidents will increase as a result of the bill. The bill's clarifying language regarding disabilities may increase the number of reported crimes to the extent that individuals are encouraged to report such incidents based on the revised definition.

Information Sources: Federal Bureau of Investigation; U.S. Department of Justice; Department of State Police; Department of Legislative Services

Analysis by: Dr. Mikaela Zimmerman

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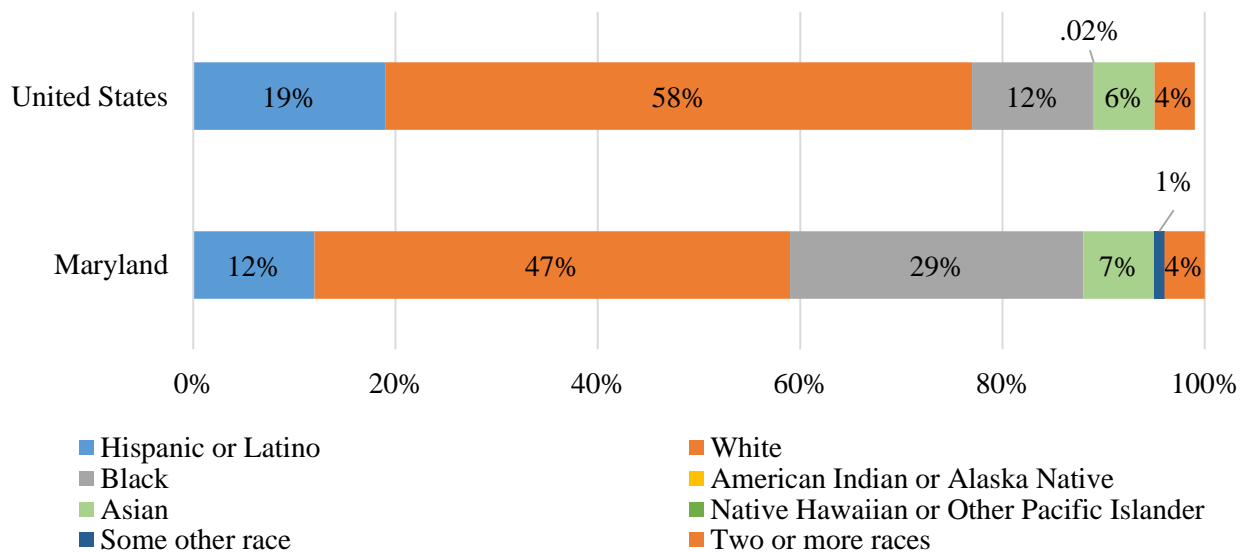
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.