

HOUSE BILL 307

P1, D5

9lr0326

By: **Delegates Pena–Melnik, Rosenberg, Acevero, Anderson, Atterbeary, Bagnall, B. Barnes, D. Barnes, Barron, Bartlett, Boyce, Bridges, Brooks, Carey, Chang, Charkoudian, Charles, Conaway, D.E. Davis, Fennell, W. Fisher, Gaines, Glenn, Harrison, Haynes, Hettleman, Hill, Holmes, Howard, Ivey, Jackson, Kipke, Lehman, J. Lewis, R. Lewis, Lierman, Love, Malone, McIntosh, Moon, Mosby, Patterson, Proctor, Queen, Rogers, Saab, Sample–Hughes, Shetty, Smith, Stein, Sydnor, Turner, Valentino–Smith, Walker, Washington, R. Watson, Wells, and Wilkins**

Introduced and read first time: January 28, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Lynching Truth and Reconciliation Commission**

3 FOR the purpose of establishing a Maryland Lynching Truth and Reconciliation
4 Commission; providing for the composition, chair, and staffing of the Commission;
5 authorizing the staff member provided by the Office of the Attorney General to issue
6 certain subpoenas; prohibiting a member of the Commission from receiving certain
7 compensation, but authorizing the reimbursement of certain expenses; requiring the
8 Commission to hold certain public meetings, receive certain recommendations, and
9 make certain recommendations; authorizing the Commission to investigate certain
10 cases of racially motivated lynching; requiring the Commission to submit an interim
11 report and a final report to the Governor and the General Assembly on or before
12 certain dates; providing for the termination of this Act; and generally relating to the
13 Maryland Lynching Truth and Reconciliation Commission.

14 Preamble

15 WHEREAS, Lynching, or the extralegal murder of an individual in an act of mob
16 violence, is a violation of the rights to due process and equal protection of the law; and

17 WHEREAS, At least 40 African American men were lynched by white mobs in
18 Maryland between 1854 and 1933; and

19 WHEREAS, No person was ever tried, convicted, or otherwise brought to justice for
20 participating in these racially motivated lynchings; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Various State, county, and local government entities colluded in the
2 commission of these crimes and conspired to conceal the identities of the parties involved;
3 and

4 WHEREAS, These crimes far exceeded any notion of “justice”, just retribution, or
5 just punishment, but were intended to terrorize African American communities and force
6 them into silence and subservience to the ideology of white supremacy; and

7 WHEREAS, No victim’s family or community ever received a formal apology or
8 compensation from State, county, or local government entities for the violent loss of their
9 men; and

10 WHEREAS, Restorative justice requires a full knowledge, understanding, and
11 acceptance of the truth before there can be any meaningful reconciliation; now, therefore,

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That:

14 (a) There is a Maryland Lynching Truth and Reconciliation Commission.

15 (b) The Commission consists of the following members:

16 (1) one member of the Senate of Maryland, appointed by the President of
17 the Senate;

18 (2) one member of the House of Delegates, appointed by the Speaker of the
19 House;

20 (3) the State Archivist, or the State Archivist’s designee;

21 (4) the Director of the Maryland Historical Trust, or the Director’s
22 designee;

23 (5) the Chair of the Commission on African American History and Culture,
24 or the Chair’s designee;

25 (6) the President of the Maryland State Conference of the National
26 Association for the Advancement of Colored People, or the President’s designee;

27 (7) the Executive Director of the Reginald F. Lewis Museum of African
28 American History and Culture, or the Executive Director’s designee;

29 (8) the President of the National Great Blacks in Wax Museum, or the
30 President’s designee;

31 (9) the President of the Maryland Historical Society, or the President’s

1 designee;

2 (10) the President of the Maryland Lynching Memorial Project, or the
3 President's designee;

4 (11) the Director of the Lillie Mae Carroll Jackson Civil Rights Museum, or
5 the Director's designee;

6 (12) one historian from each of the following historically black colleges and
7 universities, appointed by the President of the institution:

8 (i) Bowie State University;

9 (ii) Coppin State University;

10 (iii) Morgan State University; and

11 (iv) University of Maryland Eastern Shore; and

12 (13) four members of the public, nominated by members of the Commission
13 and appointed by the Governor.

14 (c) The chair of the Commission shall be elected from among the members of the
15 Commission.

16 (d) (1) The Maryland State Archives shall provide staff for the Commission.

17 (2) (i) The Office of the Attorney General shall provide a staff member
18 to assist the Commission.

19 (ii) The staff member provided under subparagraph (i) of this
20 paragraph may issue a subpoena for the attendance of a witness to testify or for the
21 production of documents in connection with any investigation or hearing conducted by the
22 Commission under this section.

23 (e) A member of the Commission:

24 (1) may not receive compensation as a member of the Commission; but

25 (2) is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.

27 (f) The Commission shall:

28 (1) hold hearings open to the public in each county in which a lynching of
29 an African American by a white mob has been documented;

1 (2) receive from the public, including those from the families and
2 communities affected by racially motivated lynchings, recommendations for addressing,
3 engaging, and reconciling communities affected by racially motivated lynchings, including
4 the erection of memorial plaques or signage at or near the sites of
5 racially motivated lynchings; and

6 (3) make recommendations for addressing the legacy of lynching that are
7 rooted in the spirit of restorative justice.

8 (g) In the hearings conducted under subsection (f) of this section, the Commission
9 may investigate:

10 (1) cases of racially motivated lynchings for which there is no
11 documentation, should those cases be brought to the Commission's attention; and

12 (2) the involvement of State, county, and local government entities and
13 relevant news media in cases of racially motivated lynching.

14 (h) (1) On or before September 1, 2020, the Commission shall submit an
15 interim report of its findings and recommendations to the Governor and, in accordance with
16 § 2-1246 of the State Government Article, the General Assembly.

17 (2) On or before December 1, 2021, the Commission shall submit a final
18 report of its findings and recommendations to the Governor and, in accordance with §
19 2-1246 of the State Government Article, the General Assembly.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
21 1, 2019. It shall remain effective for a period of 3 years and 1 month and, at the end of June
22 30, 2022, this Act, with no further action required by the General Assembly, shall be
23 abrogated and of no further force and effect.