February 2, 2021

Senator Will Smith, Chair
Judicial Proceedings Committee
Maryland Senate
11 Bladen Street
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Bill: HB0231/SB0046- Crimes - Mitigation - Race, Color, National Origin, Sex, Gender Identity, or Sexual Orientation **Position: Support**

Dear Chair, Vice-Chair, and Members of the Committee:

The Maryland Psychological Association, (MPA), which represents over 1,000 doctoral level psychologists throughout the state, would like to reiterate its support for HB0231/SB0046 — that a discovery of, or perception of, or believe about, another person's race, color, national origin, sex, gender identity, or sexual orientation does not constitute provocation that will mitigate killing from murder or manslaughter, and also does not mitigate an assault in the first degree or the second degree or another lesser crime, and generally relating to homicide and assault.

The research available indicates that "no evidence indicates that LBGTQ+ persons pose a threat to non-LGBTQ+ person in public (or private) spaces." (Ref. **1).** Thus, allowing a defense for violence in court that the perpetrator was provoked by just discovering the person was LBGTQ+ is a violation of the LBGTQ+ persons civil right of a fair trial.

In fact, numerous studies show that LBGTQ+ persons experience a much higher rate of being the target of sexual and other harassment and assault, from school age on (Ref. 1,2); and in fact, according to FBI data are "more likely to be the targets of hate crimes than any other minority group", including Afro American and Jewish persons (Ref. 3). And these victimization disparities have not changed since they were first measured in the 1990's (Ref. 1). Thus, legal procedures which allow perpetrators of violence against LBGTQ+ persons just because of the discovery of their LBGTQ+ status allow a "green light" on this unwarranted persecution of LBGTQ+ persons.

LBGTQ+ persons also experience higher rates of emotional distress, anxiety, depression, self-harm, substance abuse, and suicide. than the general populace, (Ref. 1, 4), and these higher rates of mental health problems are thought to be because of the stigma, prejudice, and physical threat they anticipate and that the data says exists (Ref.2, 4).

Thus, just knowing there is the possibility of a successful legal defense of violence against LBGTQ+ persons just because of their sexual orientation greatly increases their mental health burden, which we know can increase burdens in physical, economic, and social health.

For these civil rights and public health, the Maryland Psychological Association supports the passing of HB0231/SB0046. Please feel free to contact MPA's Executive Director Stefanie Reeves at exec@marylandpsychology.org if we can be of assistance.

Sincerely,

Esther Finglass

R. Patrick Savage

Esther Finglass, Ph.D.   R. Patrick Savage, Jr., Ph.D.
President   Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
         Barbara Brocato & Dan Shattuck, MPA Government Affairs