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The Honorable William C. Smith, Jr.  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

Testimony of Trans Maryland

**IN SUPPORT OF**

**Senate Bill #187: Correctional Services - Comprehensive Rehabilitative Prerelease Services - Female Incarcerated Individuals**

To the Chair, Vice Chair, and esteemed members of the Judicial Proceedings Committee:

Trans Maryland is a multi-racial, multi-gender, trans-led community power building organization dedicated to Maryland's trans community. Because Trans Maryland believes in protecting the equal rights of all Marylanders, including those who are incarcerated, we are testifying today in support of Senate Bill 187.

In 2020, the Maryland General Assembly passed the Gender-Responsive Prerelease Act (SB684/HB801), which required the Commissioner of the Division of Correction to operate a comprehensive rehabilitative prerelease facility for individuals incarcerated at women's facilities. Six years later, the Department of Public Safety and Correctional Services remains out of compliance with the law, and no such facility exists. Meanwhile, individuals incarcerated at men's facilities have access to a separate prerelease facility that has been integral in helping them integrate back into broader society.

While we appreciate the budgetary and other considerations that have delayed compliance with the Gender-Responsive Prerelease Act, they do not excuse the simple fact that the status quo discriminates against incarcerated individuals on the basis of gender—resources are made available to incarcerated individuals who are male or perceived to be male, while denied to those who are female or perceived to be female. This is a patent violation of both Maryland law and the federal Fourteenth Amendment's Equal Protection Clause.

While Trans Maryland is a decarceral organization and strongly believes in working towards a future in which restorative justice, rather than incarceration, is the default, this does not mean that



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we cannot simultaneously fight against the injustices of the status quo. The gender-based discrimination in Maryland's current prerelease system is intolerable. Because Senate Bill 187 would end this overt injustice in our carceral system, Trans Maryland **strongly urges a favorable report.**