

# HOUSE BILL 307

P1, D5

9lr0326

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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~~ Wilkins, Cox, Cardin, Lopez, Crutchfield, McComas, and Arikan

Introduced and read first time: January 28, 2019

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2019

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## CHAPTER \_\_\_\_\_

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~~ research  
10 certain cases of racially motivated lynching; requiring the Commission to submit an  
11 interim report and a final report to the Governor and the General Assembly on or  
12 before certain dates; providing for the termination of this Act; and generally relating  
13 to the Maryland Lynching Truth and Reconciliation Commission.

14 Preamble

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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.



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

3 WHEREAS, At least 40 ~~African American men~~ African Americans were lynched by  
4 white mobs in Maryland between 1854 and 1933; and

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

7 WHEREAS, Various State, county, and local government entities colluded in the  
8 commission of these crimes and conspired to conceal the identities of the parties involved;  
9 and

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

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

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

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That:

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

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

22 (1) ~~one member of the Senate of Maryland, appointed by the President of~~  
23 ~~the Senate;~~

24 ~~(2) one member of the House of Delegates, appointed by the Speaker of the~~  
25 ~~House~~ the Chair of the Commission on Civil Rights, or the Chair’s designee;

26 ~~(3)~~ (2) the State Archivist, or the State Archivist’s designee;

27 ~~(4)~~ (3) the Director of the Maryland Historical Trust, or the Director’s  
28 designee;

29 ~~(5)~~ (4) the Chair of the Commission on African American History and  
30 Culture, or the Chair’s designee;

31 ~~(6)~~ (5) the President of the Maryland State Conference of the National  
32 Association for the Advancement of Colored People, or the President’s designee;

1           ~~(7)~~ (6)       the Executive Director of the Reginald F. Lewis Museum of African  
2 American History and Culture, or the Executive Director's designee;

3           ~~(8)~~ (7)       the President of the National Great Blacks in Wax Museum, or the  
4 President's designee;

5           ~~(9)~~ (8)       the President of the Maryland Historical Society, or the President's  
6 designee;

7           ~~(10)~~ (9)       the President of the Maryland Lynching Memorial Project, or the  
8 President's designee;

9           ~~(11)~~ (10)       the Director of the Lillie Mae Carroll Jackson Civil Rights Museum,  
10 or the Director's designee;

11           ~~(12)~~ (11)       one historian from each of the following historically black colleges  
12 and universities, appointed by the President of the institution:

13                       (i)     Bowie State University;

14                       (ii)    Coppin State University;

15                       (iii)  Morgan State University; and

16                       (iv)   University of Maryland Eastern Shore; and

17           ~~(13)~~ (12)       four members of the public, nominated by members of the  
18 Commission and appointed by the Governor.

19           (c)     The chair of the Commission shall be elected from among the members of the  
20 Commission.

21           (d)     (1)     ~~The Maryland State Archives~~ Bowie State University, in consultation  
22 with the Maryland Lynching Memorial Project, shall provide staff for the Commission.

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

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

29           (e)     A member of the Commission:

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

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

3 (f) The Commission shall:

4 (1) hold regional hearings open to the public in ~~each county~~ areas in which  
5 a lynching of an African American by a white mob has been documented;

6 (2) receive from the public, including those from the families and  
7 communities affected by racially motivated lynchings, recommendations for addressing,  
8 engaging, and reconciling communities affected by racially motivated lynchings, including  
9 the erection of memorial plaques or signage at or near the sites of  
10 racially motivated lynchings; and

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

13 (g) In the hearings conducted under subsection (f) of this section, the Commission  
14 may ~~investigate~~ research:

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

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

19 (h) (1) On or before September 1, 2020, the Commission shall submit an  
20 interim report of its findings and recommendations to the Governor and, in accordance with  
21 § 2-1246 of the State Government Article, the General Assembly.

22 (2) On or before December 1, 2021, the Commission shall submit a final  
23 report of its findings and recommendations to the Governor and, in accordance with §  
24 2-1246 of the State Government Article, the General Assembly.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2019. It shall remain effective for a period of 3 years and 1 month and, at the end of June  
27 30, 2022, this Act, with no further action required by the General Assembly, shall be  
28 abrogated and of no further force and effect.