



Testimony of D'Arcy Kemnitz **SUPPORT SB 0735**

Executive Director, The National LGBT Bar Association and Foundation

February 20, 2020

Good afternoon Chairman Smith and members of the Committee. My name is D'Arcy Kemnitz and I'm the Executive Director at The National LGBT Bar Association and Foundation, and I'm testifying in support of SB 0735. The LGBT Bar was founded over thirty years ago by a small group of family law practitioners at the height of the HIV/AIDS crisis. We promote justice in and throughout the legal profession for the LGBTQ+ community.

In 2003, the United States Supreme Court ruled that laws criminalizing homosexuality, including anti-sodomy laws, are unconstitutional. In *Lawrence v Texas* (2003), the court found that every American is entitled to the right to privacy under the Due Process Clause of the 14th Amendment of the Constitution. This landmark case set the clear precedent that LGBTQ+ Americans are entitled to equal dignity in the eyes of the state, and invalidated anti-sodomy laws across the nation.

Despite the ruling in *Lawrence*, many states, like Maryland, still have discriminatory anti-sodomy laws in place. While ineffectual, the continued presence of anti-sodomy laws like those SB 0735 aims to repeal demonstrate a lack of support for LGBTQ+ residents. The language in these outdated laws distinctly implies that same-sex attraction and relationships are inherently deviant, repulsive, and inferior to heterosexual attraction and relationships. Sections 3-321 and 3-322 of the Annotated Code of Maryland perpetuate antiquated and bigoted beliefs that have no place in our modern society. The LGBT Bar knows such sentiments certainly have no place in Maryland.

Regardless of the effectiveness of such laws, their mere presence implicates that the state of Maryland values their LGBTQ+ residents less than their cisgender or heterosexual residents and promotes a culture of anti-LGBTQ+ rhetoric. In an age where transwomen of color are being assaulted and murdered at horrific rates, such oversight is simply inexcusable.

The LGBT Bar is confident that the Judicial Proceedings Committee and the great state of Maryland will vote in favor of SB 0735 and in favor of LGBTQ+ equality.

Thank you,

D'Arcy Kemnitz

Executive Director

The National LGBT Bar Association and Foundation