



February 10, 2020

Senator William Smith, Jr. and Delegate Luke Clippinger
Chair, Judicial Proceedings and Chair, Judiciary
Miller Senate Office Building and House Office Building
Annapolis, MD 21401

Re: Support for SB554/HB488 Crimes – Mitigation – Sex, Gender Identity, or Sexual Orientation.

Dear Chairman Smith, Chairman Clippinger, and Respective Committee Members,

I am submitting this written testimony to offer my support for SB554/HB488 Crimes – Mitigation – Sex, Gender Identity, or Sexual Orientation. As the prosecutor for Baltimore City my most important task is to serve justice. Although it is estimated that there are approximately 14.6 million people in the US that identify as lesbian, gay, bisexual, transgender, queer and plus (LGBTQ+), the Federal Bureau of Investigation (FBI) statistics illustrate that this community remains the disproportionate target of crimes simply because of their sexual orientation or identification. Such crimes are defined as hate crimes, yet it remains in Maryland that one can use as defense for violent actions the justification of someone's sexual orientation or identification. In order to change this, my office supports SB488/HB554.

Such arguments as a justification for a violent act against another are termed "The LGBTQ+ panic defense strategy" or the "Gay Panic Defense". This is defined as a legal strategy that asks a jury to find that a victim's sexual orientation or gender identity/expression is to blame for a defendant's violent reaction, including murder. When a defendant uses an LGBTQ+ panic defense, they are claiming that a victim's sexual orientation or gender identity not only explains—but excuses—a loss of self-control and the subsequent assault. By fully or partially acquitting the perpetrators of crimes against LGBTQ+ victims, this defense implies that LGBTQ+ lives are worth less than others.

The issue worsens when one understands that the LGBTQ+ community is at significant risk for hate crimes. In the United States, the estimated adult LGBTQ+ community makes up 4.5 percent, an estimated 14.6 million people. Hate crime statistics from the FBI show, however, that LGBTQ+ people are disproportionately targeted. In 2017, there were 1,249 recorded hate crimes against people for their sexual orientation and gender identity. These hate crimes made up a combined 17.6 percent of motivation in single-bias hate crime incidents—a four percent increase from 2016. Research shows that 1 out of 5 lesbian, gay, and bisexual people living in the United States will experience a hate crime in their lifetime, and 1 out of 4 transgender people will. Allowing for these crimes to be justified will only perpetuate and continue the status quo.

STATE'S ATTORNEY
Marilyn J. Mosby



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SB488/HB554 ensures that in Maryland an outdated and debunked “gay panic disorder” term (The American Psychiatric Association removed the pseudo disorder from the DSM in 1973) is no longer acceptable, and will ensure that some of our most marginalized and at risk residents know we support them.

Thank you for your consideration.
Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is written in a cursive style with a large, stylized initial "M".

Marilyn J. Mosby
State's Attorney for Baltimore City