

SB46 Crimes - Mitigation - Race, Color, National Origin, Sex, Gender Identity, or Sexual Orientation

Bill Sponsor: Senator Clarence Lam

Committee: Judiciary

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Dr. Nicole Hollywood, LSPC

Position: FAVORABLE

I am submitting this testimony in favor of SB46 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement on the Lower Eastern Shore.

Research shows that one out of five lesbian, gay, bisexual, and/or pansexual individuals living in the United States will experience a hate crime in their lifetime. The rate is even higher for transgender individuals where one in four will be a victim of hate. Further, the FBI reports that anti-LGBTQ bias attacks have been steadily on the rise in recent years.

The LGBTQ+ panic defense is a legal strategy where a victim's sexual orientation or gender identity/expression is blamed for causing a state of violent temporary insanity that resulted in a plaintiff committing an assault or murder. In these instances, a judge and jury are asked to consider the LGBTQ+ "panic" to be a mitigating factor that lessens the severity and culpability of a violent criminal act.

Despite all the progress that has occurred in Maryland to drive equality forward, the LGBTQ+ panic defense remains a valid legal strategy. Meanwhile, 11 states and the District of Columbia have recognized that the LGBTQ+ panic defense is outdated, insensitive, and unconscionable and formally banned its practice through the passage of legislation. It is time for Maryland to follow suit and show reverence for the lives of all residents.

SB46 would end the panic defense as a strategy to mitigate violent crimes during criminal proceedings and extend that definition to include race, color, and national origin. It would send a powerful message to all Marylanders that homophobia, transphobia, racism, and xenophobia are inexcusable and have no home in the Free State.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.