

FAVORABLE TESTIMONY FOR SB 46

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

Bill Sponsor: Sen. Lam

Committee: Judiciary Committee

Person Submitting: Kristin Mink

Position: FAVORABLE

My name is Kristin Mink, and I am a lifelong Maryland resident. I am submitting this testimony in favor of SB 46.

Just over a year ago, my then-3-year-old, who we'd always known as a boy, started informing us that she is a girl. She'll be 5 in March and has not wavered. She no longer brings up pre-COVID preschool classmates who "said I am a boy, but I am not a boy," and now that her hair has grown long, everyone who meets her assumes she is a girl. Now, she is happy and carefree. She loves sparkly leggings and monster trucks. She rescues worms on the sidewalk, and insists we carry stink bugs carefully outside. She is very protective of her younger sibling.

And she has no idea that there are people today who would argue that her very existence as the person she is should be legal justification for someone to assault or even murder her.



So-called trans and gay panic, or LGBTQ+ panic, is a viable defense strategy in 39 states, including Maryland. That's the idea that a defendant was so disgusted to learn the victim was gay or trans that they lost control of themselves and aren't responsible for the assault or murder they committed. It's a legal strategy which asks a jury to find that a victim's gender identity or sexual orientation is to blame for the violence done to them.

Juries across the country have acquitted or reduced the sentences of

dozens of perpetrators who have used this strategy. Allowing this defense, as Maryland does today, legalizes transphobic and homophobic violence. It sends a clear message that an LGBTQ+ person's life is not equal within a court of law.

And there is no psychological or legal justification for allowing it. Back in 1973, the American Psychological Association debunked so-called "gay panic disorder" and removed it from the DSM. In 2013, the American Bar Association unanimously approved a resolution calling for an end to it. Since then, 11 states and the District of Columbia have passed bans like the one you have before you. I am asking for Maryland to join them. (continued)

Let me be clear. My child's existence, trans existence, LGBTQ+ existence, is a fact of life, not an act of violence. Yet, as a transgender person, my sweet girl has a one in four chance of being the victim of a hate crime in her lifetime, and in our state, the perpetrator can blame it on her gender identity.

I urge the committee to deliver a favorable report on SB 46, to send a clear message that in Maryland, a person's sexual orientation or gender identity — as well as their race, color, national origin, and sex — is *not* a valid reason to harm them. Thank you.