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AND PACIFIC ISLANDER CAUCUS
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To: Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members

FROM: Maryland Legislative Asian-American and Pacific-Islander (AAPI) Caucus

DATE: February 1, 2021

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

POSITION: Support

Dear Chair Smith,

The Maryland Legislative Asian-American and Pacific-Islander Caucus is made up of Senators and Delegates in the General Assembly who seek to represent the interests of the Asian-American and Pacific-Islander (AAPI) communities in Maryland. As the fastest-growing racial minority group in the US, it is crucial that the legislative goals of AAPI folks are well-represented in Maryland public policy. Thank you for allowing the Caucus the opportunity to express our support of SB46.

SB46 would prohibit the use of the “panic defense” to mitigate certain violent crime charges in criminal court proceedings in Maryland. The panic defense is a legal strategy that asks a jury to find that characteristics about the victim are to blame for the defendant’s violent action. Under this legislation, using a victim’s sexual orientation, gender identity, sex, race, color, or national origin as a defense would not constitute legally adequate provocation to mitigate a killing from murder to manslaughter or an assault from first degree assault to second degree assault or a lesser crime.

Historically used to defend violence against LGBTQ+ folks and people of color, the panic defense is discriminatorily rooted in antiquated ideas about race. The panic defense affirms these long-standing prejudices and it is indefensible.

This year, the spread of COVID-19 has given rise to an unfair association between the virus and Asian-American bodies and the [surge in hate crimes](#) has been a consequence of such bias. It is inexcusable that the panic defense could allow a court of law to justify and legitimize such violence against members of the AAPI community.

SB46 must be passed now to protect the AAPI community and ensure that victims of racially-charged violence receive justice.

The Maryland Legislative AAPI Caucus supports this bill and urges a favorable report on SB46.