



## MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Senator William C. Smith, Jr., Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: February 4, 2021

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

### **The MLLC supports SB46 Crimes – Mitigation – Race, Color, National Origin, Sex, Gender Identity, or Sexual Orientation.**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB46.

The “panic defense” is a legal strategy that asks a jury to find characteristics about a victim—race, color, sex, national origin, sexual orientation, and gender identity—that are to blame for the defendant’s violent actions. This is also known as the “LGBTQ panic defense.” This practice not only attempts to excuse the defendant’s actions but justifies them by using discriminatory, homophobic, and transphobic tactics.

The U.S. Federal Bureau of Investigation’s (FBI) [2019 Hate Crime Statistics Act \(HCSA\) report](#) indicates that nearly 68% of reported hate crimes are motivated by race or ethnicity. The FBI also reports that 51 hate-motivated murders occurred in 2019, more than double of the 2018 total. Additionally, anti-Latino crime increased to 527 cases, up from 485 in 2018. Hate crimes are underreported, thus, this may not capture the full picture of violence against vulnerable communities, particularly if identities intersect. The “panic defense” places the blame on the victim’s background and identity. It is an unjust approach that must be corrected.

SB46 prohibits the discovery or perception of, or belief about, another person’s race, color, national origin, sex, gender identity, or sexual orientation, whether accurate or not, as legally adequate provocation to mitigate murder to manslaughter or assault in the first degree to assault in the second degree or another lesser offense. The LGBTQ community, people of color, immigrants and anyone who identifies with more than one of these communities seeks impartiality and an equal application of the law. The legislature must remedy this injustice.

The MLLC supports this bill and urges a favorable report on SB46.