

# **testimony.SB220.pdf**

Uploaded by: Chaudry, Zainab

Position: FAV



January 17, 2021

Honorable Senator William C. Smith Jr.  
Chair, Senate Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

Re: Testimony in SUPPORT of SB220 – Hate Crimes-Protected Groups and Penalties

Dear Chair William C. Smith Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 220 entitled Hate Crimes - Protected Groups and Penalties sponsored by Senator Shelly Hettleman. CAIR is America's largest Muslim civil rights and advocacy organization. Its mission is to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims.

Hate crimes in the United States have reached an all-time high in over a decade.<sup>1</sup> This means that there are significantly more victims and survivors of criminal offences due to their race, religion, ethnicity, age, and gender than there were 10 years ago. Hate crimes are a malignant outgrowth of prejudicial thoughts and beliefs which have no place in today's society. Unlike other violent crimes, hate crimes are often motivated by ignorant, misguided beliefs about a particular group of people.

Anti-bias education involves creating an awareness of human differences. It promotes diversity, improves relationships, and teaches the harmful consequences of hate and bias. Such a training will help reduce the prevalence of these types of crimes by addressing the prejudicial thoughts and beliefs that fuel them. CAIR supports this bill because it addresses the root cause instead of simply resorting to punitive measures. We believe such measures will help discourage hateful behavior in the future. Therefore, we respectfully urge your vote in favor of it.

Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.  
Director, CAIR Office in Maryland  
Council on American-Islamic Relations  
Email: [zchaudry@cair.com](mailto:zchaudry@cair.com)  
Phone: 410-971-6062

1. Balsamo, Michael. "Hate crimes in US reach highest level in more than a decade" *Associated Press*, <https://apnews.com/article/hate-crimes-rise-FBI-data-ebbcadca8458aba96575da905650120d>. January 17, 2021.

# **LoS - Hate Crimes Education.pdf**

Uploaded by: Dove, Spencer

Position: FAV

# State of Maryland

## Commission on Civil Rights

*"Our vision is to have a State that is free from any trace of unlawful discrimination."*



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January 20, 2021

### **Senate Bill 220 – Criminal Law – Hate Crimes – Protected Groups and Penalties** **POSITION: Support**

Dear Chairperson Smith, Vice Chairperson Waldsteicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights ("MCCR"; "The Commission") is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 220 amends Maryland's hate crimes statute in two ways. First, it removes "gender-related identity" from the definition of "sexual orientation" and instead separates it into its own protected class ("gender-related identity or expression), while adding "age" as a protected class. This is consistent with Maryland's anti-discrimination laws enforced by MCCR.

Second, SB220 permits the Maryland Judiciary to order individuals convicted of committing an act of hate or bias to complete an anti-bias education program. The bill further mandates that the Board of Regents shall develop the curriculum and provide this information to MCCR. The bill places the responsibility of conducting the trainings on the University System. MCCR is charged under the bill to work with the Administrative Office of the Courts to ensure that criminal defendants who are required to complete this anti-bias education program is provided with the materials that MCCR receives from the Board of Regents.

There have been numerous studies over the years that strongly support the idea that anti-bias and inclusivity education may be effective at reducing implicit bias while mitigating the potential for harmful acts against individuals based on their status as a protected class. Whether this education is provided to school-aged children, law enforcement officers, or criminal offenders, studies show that education, especially if it is paired with community engagement, can foster inclusivity and respect for one another. The Maryland Commission on Civil Rights believes that judges should have this option as a tool to consider when sentencing those who are convicted of committing unlawful acts of hate or bias within Maryland.

For these reasons, the Maryland Commission on Civil Rights strongly urges a favorable report on SB220. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

# **SB0220\_FAV\_Hettleman.pdf**

Uploaded by: Dunnigan, Maura

Position: FAV



*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SHELLY HETTLEMAN  
CRIMINAL LAW - HATE CRIMES – PROTECTED GROUPS AND PENALTIES  
SB220

**SB220 will give judges a rehabilitative option in response to hate crimes. Current penalties in statute would not change, but judges will have the option of mandating that offenders complete an educational program created under the auspices of the University System of Maryland's (USM) Diversity, Equity & Inclusion Office. The bill also makes explicit that gender identity and expression are covered under the hate crimes statute. An amendment I'm offering will take out "age" as a protected class and will also clarify the role of USM.**

As we know all too well these days, unchecked hate can fester and lead to tragic outcomes. Developing more effective policies to address the increase in violence directed at individuals because of their race, gender, religion and the like is essential. According to a [recent F.B.I. report](#), hate crimes in the United States rose to their highest level in more than a decade. The F.B.I. reported 953 anti-Semitic hate crimes in 2019, a 14 percent increase from the previous year and the most since 2008. In Maryland, the stories range from swastikas and racial epithets spray painted at a Howard County high school to a noose hanging near a diverse Montgomery County elementary school. They include an aggravated assault on a gay man in Baltimore and, tragically, the murder of Army 2nd Lt. Richard Collins III in College Park. This disturbing growing trend has victimized individuals and terrorized larger community and faith-based groups.

The response to such ugly threats has been inadequate. The current punishment for being found guilty of a hate crime ranges from up to 3 years in prison for a misdemeanor and/or a \$5,000 fine to up to 20 years in prison and/or a fine up to \$20,000 if the crime results in a death. The individuals and communities most affected by hate crimes recognize that we can't always end cycles of violence with a purely punitive response. The Brennan Center for Justice reports that punitive approaches to hate crimes "fail to effectively deter future crimes or assuage the concerns of the victimized communities."

Most hate crime offenders are not hardcore bigots, nor do most of them belong to organized hate groups. Instead, most hate crime offenders are young males aged 16-25, many of whom could benefit from instruction and education. Research suggests that restorative approaches to challenging underlying prejudice have the most success in changing offender behavior. Victim-offender mediation and offender counseling and education demonstrate promise for changing hearts and minds.



Modeled after a program in Massachusetts and a bill in Pennsylvania crafted in response to the shooting at the Tree of Life Synagogue in 2019, SB220 is just one of many strategies we should pursue to combat the growing threat and complexity of hate crimes in our communities.

Countries around the world grappling with histories of genocide and extremism, have implemented rehabilitative programs with high rates of success. In Berlin, the Breaking Away from Hate and Violence program offers violent hate crime offenders the option to attend group training and one-on-one discussions. The program has reported astounding results: Between 2001-2009, 500 participants completed their program, with a drop-out rate under 3%, and recidivism rates under 30%, compared to a 78% recidivism rate for comparable offenders who did not go through the program. In San Diego County, a program called PATHWAYS for Tolerance offered educational programming to young people who had committed or were at a high risk of committing a hate crime. An evaluation of the program concluded that it was successful in reducing hate crime risk and offending. Pilot programs in Sweden, Scotland, New York, Los Angeles, and Connecticut have shown similar promise.

It is time to try this approach here in Maryland. As hate crimes threaten the safety and well-being of both individuals and communities, it's time to be proactive in addressing bias head-on. SB220 offers an approach, backed by research that demonstrates its success. I urge a favorable report.

# **FSJ\_SB0220\_WrittenTestimony.pdf**

Uploaded by: LaMaster, Jeremy

Position: FAV



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Jeremy LaMaster  
Executive Director  
[jlamaster@freestate-justice.org](mailto:jlamaster@freestate-justice.org)

FreeState Justice is a Maryland lesbian, gay, bisexual, transgender, and queer (LGBTQ) legal services and advocacy organization. Each year, we provide free legal services hundreds of low-income LGBTQ Marylanders who could not otherwise be able to afford an attorney. We strive to create an equitable Maryland where LGBTQ Marylanders can live full lives with safety, dignity and respect in all spaces.

Despite significant advances in recent years, the LGBTQ community continues to face discrimination, harassment, and violence at rates significantly above state and national averages. Our 2016 state-wide Needs Assessment, *Pushing Back: A Blue Print for Change*<sup>1</sup>, had **27.4% of respondents identifying street harassment, including physical assault, property damage, intimidation, and verbal harassment as an urgent issue. Additionally, 56% of those in our Needs Assessment reported altering their daily routines to minimize bias-related threats.** The needs assessment findings align with national reports exploring the impact of street harassment within LGBTQ populations. The Center for American Progress released a 2017 report sharing the findings of a national LGBTQ survey. The report highlighted the correlation between street harassment and social isolation. A significant number of respondents reported experiencing social isolation as a direct result of street harassment: 23.9% of LGBTQ people reported avoiding social situations due to fear of discrimination, and 12% avoided public places.<sup>2</sup> Another national study found that over half of the sample (57%) have heard slurs and/or offensive comments about their gender identity and/or sexual orientation.<sup>3</sup> 51% of respondents reported being physically assaulted and sexually harassed.<sup>15</sup>

#### STAFF

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<sup>1</sup> Pushing Back: A Blue Print for Change – Lesson Learned from the 2016 Needs Assessment of LGBTQ Marylanders (2018). Retrieved <https://freestate-justice.org/contact-us-2/needs-assessment/>.

<sup>2</sup> Center for American Progress, “Widespread Discrimination Continues to Shape LGBT People’s Lives in Both Subtle and Significant Ways” . (2017).

Retrieved <https://www.americanprogress.org/issues/lgbt/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbtpeoples-lives-subtle-significant-ways>

<sup>3</sup> National Public Radio, the Robert Wood Johnson Foundation, and The Harvard T.H. Chan School of Public Health. Discrimination in America: Experiences and Views of LGBTQ Americans .(2017).

<sup>15</sup> Ibid

FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)  
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.

Beyond harassment & violence in public spaces, hate crimes based on sexual orientation and gender identity are the third most common type of hate crime following race, ethnicity, and ancestry (R/E/A) and religious incidents<sup>4</sup>.

Additionally, according to the Maryland State Police 2017 Hate/Bias Report, of 183 verified hate crimes committed in 2017, 21 were committed based on the victim's sexual orientation, with an additional 12 based on the victim's gender identity.<sup>5</sup> In 2019, at least three Black trans women were killed in Maryland: Ashanti Carmon<sup>6</sup> and Zoe Spears<sup>7</sup> in Fairmount Heights, Prince George's County, and Bailey Reeves in Baltimore.<sup>8</sup>

These deaths, and others like them across the country, have left many LGBTQ Marylanders, especially transgender Marylanders, feeling under attack. Senate Bill 220 would create and offer an anti-bias program to perpetrators of hate crimes. This opportunity for restorative justice within our justice system would contribute to the public education regarding the livelihood and dignity of LGBTQ individuals.

For this reason, FreeState Justice urges a favorable report on Senate Bill 220.



**Jeremy LaMaster** Executive Director

*(pronouns: he/him | they/them)*

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<sup>4</sup> FBI Releases 2019 Hate Crime Statistics (2019). US Department of Justice. Retrieved <https://www.justice.gov/hatecrimes/hate-crime-statistics>

<sup>5</sup> Maryland State Police, State of Maryland 2017 Hate/Bias Report (Sept. 1, 2018) at 5, available at <http://www.mcac.maryland.gov/resources/2017%20Maryland%20Hate%20Bias%20Report.pdf>.

<sup>6</sup> See Tim Fitzsimons, "She did not deserve that": Trans woman fatally shot in Maryland," NBC News (April 1, 2019), available at <https://www.nbcnews.com/feature/nbc-out/she-did-not-deserve-trans-woman-fatally-shot-maryland-n989751>.

<sup>7</sup> See Natalie Delgadillo, "Community Mourns Zoe Spears, Second Trans Woman Killed on Eastern Avenue This Year," DCist (June 17, 2019), available at <https://dcist.com/story/19/06/17/community-mourns-zoe-spears-second-trans-woman-killed-on-eastern-avenue-this-year/>.

<sup>8</sup> See "At vigil for transgender teen killed in Baltimore, LGBTQ community stresses unity in face of violence," The Baltimore Sun (Sept. 6, 2019), available at <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-17-year-old-transgender-teen-killed-20190907-dvsu63crwjf7pmqtiub3rxzl3e-story.html>.



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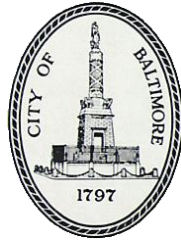
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# **SB0220-JPR-FAV.pdf**

Uploaded by: Mehu, Natasha

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB 0220**

January 18, 2021

**TO:** Members of the Judicial Proceedings Committee

**FROM:** Natasha Mehu, Director of Government Relations

**RE:** SENATE BILL 0220 – Criminal Law - Hate Crimes - Protected Groups and Penalties

**POSITION: SUPPORT**

Chair William C. Smith, Jr., Vice Chair Jeff Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 0220.

SB 0220 expands the definition of hate crime to include crimes committed against others on the basis of their gender-related identity or expression and age. The bill also authorizes courts to require anyone convicted of a hate crime to participate in anti-bias education, and commissions the Board of Regents of the University System of Maryland to create and report on an anti-bias curriculum.

Adding gender-related identity or expression to the already-existing hate crimes statute is an important and necessary step in condemning violence against others based on their identity. Each year for at least the past five have been named the deadliest years on record for transgender and gender non-conforming individuals. At least 44 trans people were violently killed in 2020, which represents a 69% increase from the previous year, in which at least 26 trans people were killed. Most of these deaths were Black, transgender women. The numbers of trans people who have been killed has steadily increased since tracking this number began around 2010.

Hate and bias-motivated crimes against the LGBTQ community is not new, and proliferates within a system that fails to recognize them as such. Moreover, the systemic oppression of LGBTQ peoples is largely rooted in dehumanization, caused by a broad lack of education and understanding about gender and human sexuality. The bill goes a step further upstream to attempt preventing further hate-based crime by allowing courts

to require anyone convicted of a hate crime to participate in anti-bias training. This is an important provision which aims at one of the root causes of hate crimes.

Sexual orientation is an identity which is already covered under the existing statute. At its core, sexual orientation bias is gender bias. Someone who commits a crime motivated by bias against men who are attracted to men may not have the same bias against women who are attracted to men. The bias exists because of gender-related identity. If sexual orientation is included, it follows that gender-related identity must be included also.

We respectfully request a **favorable** report on Senate Bill 0220.



# **SB0220 MD NARAL SUPPORT.docx.pdf**

Uploaded by: Philip, Diana

Position: FAV



## **SB0220 - Criminal Law - Hate Crimes - Protected Groups and Penalties**

Presented to the Honorable William C. Smith Jr. and Members of the Senate Judicial Proceedings Committee  
January 20, 2021 11:00 a.m.

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### **POSITION: SUPPORT**

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to issue **a favorable report on SB0220 Criminal Law - Hate Crimes - Protected Groups and Penalties**, sponsored by Senator Shelly Hettleman.

Our organization is an advocate for reproductive health, rights, and justice. We strive to ensure that all individuals have the freedom to decide their sexual and reproductive futures, and that they enjoy the full right to fulfill their human needs. Those who have been victims of a hate crime deserve to regain their physical, mental, and emotional wellbeing, as well as receive justice against the offenders who have perpetrated harm against them. To achieve true social justice, we must recognize additional definitions by which an individual may be targeted for a hate crime. This includes expanding on the term “gender” to include “gender-related identity or expression”, and adding “age” to the list of protected characteristics. We must support all victims of hate crimes—those who have had their bodily autonomy, safety, power, and control taken away from them—by also working to educate and rehabilitate offenders of the harm caused to prevent recidivism.

Maryland law regarding hate crimes currently states that a person may not commit a crime or attempt to commit a crime against another person based on “race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another is homeless...”<sup>i</sup> Not included in this list is age discrimination, as well as discrimination based upon one’s gender identity or expression. Adding gender-related identity or expression has become increasingly important as public awareness of transphobia grows as well as the understanding that one’s gender may be nonbinary or fluid, and that gender expression is often conflated with sexual orientation. SB0220 seeks to create clarity. The State of Maryland 2019 Hate Bias Report offers this definition “external appearance of one’s gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.”<sup>ii</sup> An individual’s right to express their gender is very much a human right. In order to protect the bodily autonomy of all Marylanders, age and gender expression must be explicitly included in our current hate crime law.

According to the State of Maryland 2019 Hate Bias Report, Maryland experienced an average of 386 hate bias incidents each year from 2017-2019. Not only were there 10 more incidents reported in 2019 compared to 2018, but bias reports have been rising over the last 10 years, according to the state’s findings.<sup>iii</sup> In 2019, fifty incidents were reported as being motivated by sexual orientation and nine were reported as being motivated

by gender identity. We do not have information on the number of incidents reported as being motivated by age or gender expression since these terms are absent in our current hate crime law. Maryland Code regarding Public Safety requires that the Department of Public Safety collect, analyze, and disseminate information about crimes, including hate crimes based on race, religion, ethnicity, and sexual orientation.<sup>iv</sup> In order to accurately track the number of hate crimes being committed, it is imperative that we separate “sexual orientation” from include “gender identity or expression”. It is equally important that we include age in the list of characteristics protected by the prohibition of hate crimes, as we must protect individuals from having crimes committed against them based on their age. In order to reduce the number of hate crimes that are occurring in our state, we must first be able to accurately track the crimes that are taking place. We can do so only by including these terms in our current hate crime law.

In addition to expanding the terminology of characteristics protected by the prohibition on hate crimes, SB0220 authorizes a court to require offenders convicted of hate crimes to complete an antibias education program. This measure is in place to decrease the likelihood that offenders will commit such crimes again after they are able to gain a deeper understanding of how their actions were harmful, not only to the individuals involved but also to the greater community where the crime was committed. Anti-bias education and training is designed to increase the understanding of differences and their value to a respectful and civil society. Under SB0220, the court will be expected to provide all offenders convicted of hate crimes with information about antibias education program. SB0220 also requires that the University System of Maryland develop and offer an antibias education program to offenders.

In accordance with goals towards reproductive health, rights, and justice, individuals must be protected against hate crimes for their age, and also for their right to gender identity or expression. Offenders convicted of hate crimes must pay for the consequences of their actions and take steps towards unlearning their harmful behavior, part of which includes completing an antibias education program. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0220**. Thank you for your time and consideration.

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<sup>i</sup> Maryland Code Criminal Law Subtitle 3 § 10-304.

<sup>ii</sup> “Sexual Orientation and Gender Identity Definitions.” Human Rights Campaign. Accessed January 15, 2021. <https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>.

<sup>iii</sup> Rep. *STATE OF MARYLAND 2019 HATE BIAS REPORT*, September 25, 2020.

<https://mdsp.maryland.gov/Document%20Downloads/State%20of%20Maryland%202019%20Hate%20Bias%20Report.pdf>.

<sup>iv</sup> Maryland Code Public Safety § 2-307

# **FINAL ADL Written Testimony SB220 - hate crimes -**

Uploaded by: Weisel, Meredith

Position: FAV



**Maryland General Assembly  
Senate Judicial Proceedings Committee  
January 20, 2021**

Testimony of Meredith R. Weisel  
ADL Washington D.C. Senior Associate Regional Director

ADL (the Anti-Defamation League) is pleased to submit this testimony in **support of SB220, Criminal Law – Hate Crimes – Protected Groups and Penalties**, which will further define the protected classes to include “gender-related identity or expression.” ADL also supports the concept of hate crime offenders receiving anti-bias educational instruction relating to the group or community impacted by a hate crime offense.

**ADL (the Anti-Defamation League)**

Since 1913, the mission of ADL has been to “stop the defamation of the Jewish people and to secure justice and fair treatment for all.” Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. We were also privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations for more than a decade in support of the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA).

ADL is also a leading provider of anti-bias education and bullying prevention programs in K-12 schools and on college campuses. For over three decades, ADL has provided in-person programs through A World of Difference Institute, where PreK-12 educators, school faculty, students and family members explore identity and culture and learn to recognize and examine their own personal biases so they are more likely to challenge bias in themselves and society at large. In our region, which covers Maryland, the District of Columbia, Virginia, and North Carolina, we have worked with over 100 schools through our No Place for Hate program and the A World of Difference Institute to help foster inclusive school climates for students, teachers, and administrators of all backgrounds.

**Impact of Hate Violence**

All Maryland residents have a stake in effective responses to violent bigotry. These crimes demand priority attention because of their special impact. Bias crimes are intended to intimidate not only the individual victim, but also the victim’s entire community, leaving members feeling fearful,

isolated, and vulnerable. Failure to address this unique type of crime can therefore cause an isolated incident to explode into widespread community tension. By making targeted communities fearful, angry, and suspicious of other groups (and of the power structure that is supposed to protect them) these incidents can damage the fabric of our society and fragment communities.

In light of the unique harm that hate crimes can cause, it is vitally important that the community most impacted has a say in what, if any, education programming might benefit the offender in the aftermath of a hate crime offense. It is also essential that the burden for education programming not be placed solely on the community that has already been the target of hate. While in some cases, a community may wish to play a lead role in providing restorative justice programming, in other cases, the community may not have the resources, bandwidth, or capacity to provide such training. In fact, it is also entirely possible that, considering residual fear, trauma, and safety concerns, anti-bias training would actually cause even more harm to a community already suffering. While third parties could certainly step in to provide such training, unless and until that training is reviewed and approved by the community most impacted by the crime, a judge should not be required to order it.

For these reasons, ADL is pleased to see the timeline that would require the Board of Regents to develop a curriculum for an anti-bias education program on or before January 1, 2023. We believe it is important that restorative justice programming for hate crime offenders remain discretionary in Maryland. This will allow judges to consider the impact that educational instruction might have on the community most affected by the crime, and it will also empower the community to play a lead role in recommending programming that will not only benefit the perpetrator, but also help make the community whole to the greatest extent possible.

**We urge the Senate Judicial Proceedings Committee to give SB 220 a favorable report.**