

Good Afternoon Chairman Clippinger and Members of the Committee,

My name is Devon Johnson and I am a Paralegal at Lambda Legal, the oldest and largest national LGBTQ legal organization in the country.

We stand in strong support of House Bill 209. Lambda Legal served as lead counsel in *Lawrence v. Texas*, the landmark Supreme Court decision which struck down as unconstitutional a Texas statute—that was similar to the one at issue here—that was used to criminalize persons of the same sex for engaging in consensual intimate sexual conduct in a private setting.

Section 3-322 provides law enforcement with a vehicle for ongoing discrimination against LGBTQ people in Maryland, as demonstrated last May when the Harford County Sheriff's Office conducted a raid on the Bush River Books & Video store, arresting nine men, four of whom were charged under the statute, despite the fact that the men were all consenting adults engaged in sexual intimacy in a private setting.

LGBTQ people are already subject to disproportionate criminalization by police. Lambda Legal's research report "Protected and Served?" found that many law enforcement entities still operate under policies, practices and attitudes that have historically characterized LGBTQ people as criminals.¹ The statute at issue is a glaring example of such a policy that exacerbates the criminalization of LGBTQ people.

The Maryland legislature must repeal these laws to protect LGBTQ people from further discrimination and harassment by law enforcement. House Bill 209 is a crucial step to address such laws that provide law enforcement with an ongoing opportunity to criminalize, demean and devalue the lives of LGBTQ people.

We urge the committee to support this legislation and to move quickly.

Thank you,
Devon Johnson

¹ *Protected And Served?: Executive Summary*, 2015, available at <https://www.lambdalegal.org/protected-and-served>