



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

February 8, 2022

**Testimony in SUPPORT of HB 453 - Transgender Respect, Agency, and Dignity Act**

**Summary:** HB 453 makes several changes to the intake process in Maryland’s correctional facilities to ensure that everyone in state custody is housed appropriately in a facility that matches their gender identity, working to protect everyone in the facility from violence.

It also mandates that correctional facilities must develop written nondiscrimination policies that clearly state inmates may not be discriminate against based on race, ethnicity, national origin, age, sex, gender identity, sexual orientation, disability status, or political beliefs.

**Overview:** Transgender and gender-expansive individuals are at an extremely high risk of being harassed and assaulted while incarcerated:

- [40% of trans women](#) have reported being sexually assaulted in prison—ten times the general prison population rate
- LGB people are [ten times more likely to be sexually victimized](#) by another incarcerated person and 2.6 times more likely to be victimized by staff compared to heterosexual inmates
- [50% of transgender inmates](#) interviewed reported having experienced sexual assault while incarcerated

In one particularly egregious example in Baltimore, [an 18-year-old trans woman and a foster youth was repeatedly harassed and belittled by correctional staff](#) while she was incarcerated in a male facility for over 40 days on charges for which she was later acquitted.

This violence can often lead to transgender individuals being placed into restrictive housing and other inhumane conditions because they are the victims of violence (rather than the perpetrators of it). [A survey of 1,118 LGBTQ incarcerated people](#) found that 85% of participants were held in solitary confinement at least once during their sentence. Half (50%) of the individuals in that study were placed in solitary confinement said this was done for their protection but against their will; trans women, two-spirit people, and cis gay men were put into solitary confinement against their will at the highest rate.

HB 453 works to prevent this discrimination by changing the intake process at Maryland’s correctional facilities to:

- Require the Department of Corrections and Rehabilitation to, in a private setting during intake and classification, ask each individual entering into the department's custody to specify their gender identity, pronoun, honorific, and whether they identify as transgender, nonbinary, or intersex
  - Bar the department from disciplining a person for refusing to answer or not disclosing complete information in response to these questions
- Authorize a person under the jurisdiction of the department to update this information
- Prohibit staff, contractors, and volunteers from failing to consistently use an individual's specified gender pronoun and honorific
- Require the department to only conduct a search of an inmate according to the search policy for their gender identity or according to the gender designation of the facility where they are housed
  - Require the department to house the person in a correctional facility designated for men or women based on the individual's preference, except as specified
- Mandate reassessment of housing assignment if new concerns arise with an inmate's health and safety

**Conclusion:** HB 453 works to improve Maryland's correctional facilities by making changes to the intake process that will ensure that everyone who is housed there is not subject to discrimination and violence as a result of who they are.

Thank you and I ask for a favorable report on HB 453.