



HUMAN  
RIGHTS  
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Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

March 15, 2023

**Re: Human Rights Campaign Support of MD SB 761**

Dear Chairman Smith and Members of the Committee,

The Human Rights Campaign (HRC) is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of HRC's more than three million members and supporters, many of whom live in Maryland, we thank you for the opportunity to submit testimony in favor of SB 761 and urge you to pass this important legislation.

Studies suggest that nearly one in every six transgender Americans has been to prison. For Black transgender people, the number is one in two.<sup>1</sup> This disproportionate contact with the criminal justice system means that these inmates are especially vulnerable to harassment, discrimination, and violence behind bars. The statistics on the abuses faced by incarcerated transgender people are alarming: according to federal data, transgender people are nearly ten times more likely to be sexually assaulted than the general prison population.<sup>2</sup> They are also medically neglected and denied access to routine and gender-affirming healthcare while serving their sentences.<sup>3</sup> Furthermore, there is evidence to suggest that most transgender people are placed in facilities that do not match their gender identity, and that puts them in very real danger.

There can be no doubt that the protections enumerated in SB 761 will save lives. Provisions requiring correctional facility staff to use correct pronouns and honorifics are only the tip of the iceberg. In an effort to reduce the violence that so many experience in prison, the bill will allow transgender inmates to be housed according to their gender identity and requires that their preferences and

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<sup>1</sup> Transgender Incarcerated People in Crisis, LAMBDA LEGAL (2012), <https://www.lambdalegal.org/knowyour-rights/article/trans-incarceratedpeople>.

<sup>2</sup> Beck, A. J. (2014). *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12: Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates*. Washington, DC: Bureau of Justice Statistics, available at [https://www.bjs.gov/content/pub/pdf/svpjri1112\\_st.pdf](https://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf); Beck, A. J., Berzofsky, M., Caspar, R., & Krebs, C. (2013). *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*. Washington, DC: Bureau of Justice Statistics. Available at: <https://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>

<sup>3</sup> Coleman, et al. *Standards of Care for the Health of Transgender and Gender Diverse People, Version 8*, *Int'l Journal of Transgender Health* (2022). Available at: <https://doi.org/10.1080/26895269.2022.2100644>



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perception of their safety and health are taken into account when housed with another person. Transgender prisoners are frequently singled out for violence and these commonsense provisions help ensure that some of our most vulnerable inmates are protected behind bars.

We also appreciate the bill's attention to creating accessible and written records. A distressing number of facilities, and especially those which are privately run, operate in a dangerous grey area with little real oversight and accountability. For vulnerable incarcerated populations, this can be deadly. Data collection relating to sexual orientation and gender identity, records of inmate objections to housing placements, scheduled reassessments of their denials, and ensuring that all incarcerated people have prompt access to their rights is an important first step in improving transparency. It is our hope that you will continue to legislate for increased monitoring and disclosure as it relates to these vulnerable populations, and that accountability and oversight of correctional facilities in the state of Maryland remain important objectives moving forward.

We thank you again for the opportunity to submit this testimony and for your consideration and time.

Sincerely,

Courtney Avant  
Legislative Counsel, HRC