

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO.
(410) 576-6584

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TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB761 – Correctional Facilities – Transgender, Nonbinary, and Intersex
Inmates (Transgender Respect, Agency, and Dignity Act) (**Support in
Concept**)

The Office of Attorney General supports the intent behind Senate Bill 761. This legislation prohibits correctional facility employees from discriminating against inmates “with regard to programs, services or activities, including harassing or retaliating against the inmate, on the basis of the inmate’s race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs.” Section 9-618(a). There is no question that transgender, nonbinary, and intersex inmates form a population that should be treated with respect, given equal access to programs and services, and should not be harassed.

We also recognize that the Department of Public Safety and Correctional Services may, at times, not be able to provide gender-appropriate housing and would urge caution about overly prescribing housing assignments in law.

For the foregoing reasons, we support Senate Bill 761’s emphasis on treating transgender, nonbinary, and intersex inmates with respect, agency, and dignity.

cc: The Hon. Jill Carter & Committee Members