

House Bill 426
Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act
February 17, 2023
Support

Dear Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee,

My name is Lily Amara Pastor; I am a nursing student at Anne Arundel Community College, a resident of District 40, and a 36-year-old transgender woman. This testimony is in support of House Bill 426, the Trans Respect, Agency, and Dignity Act, which would greatly improve conditions for incarcerated transgender Marylanders. Studies on treatment in jails and prisons have overwhelmingly showed that transgender persons are at a far higher risk than the general population for physical violence and sexual violence, harrasment and discrimination, denial of medical care, and extended placement in solitary confinement. HB426 can alleviate these harms and protect some of Maryland's most vulnerable populations.

Under current Maryland law and practice, incarcerated transgender Marylanders are often placed in facilities that match their assigned gender at birth, as opposed to their presented gender, making them a target for mistreatment and violence. However, the 2003 federal Prison Rape Elimination Act established that the safety of incarcerated individuals must be taken into account when placing those individuals. HB426 seeks to build on the mandates and recommendations of the Prison Rape Elimination Act and the large body of research since and ensure the safety of incarcerated transgender Marylanders. Incarcerated transgender persons are ten times more likely to be sexually assaulted while incarcerated as compared to the general population.

HB426 also protects the right of transgender Marylanders to access necessary, scientifically-supported healthcare. Gender-affirming care has a thorough basis in research and is supported by myriad medical associations, including the American Medical Association, the American Psychiatric Association, and the American Academy of Pediatrics. It improves our lives and drastically increases our ability to function within society. While incarcerated, 44% of transgender persons report being denied access to gender-affirming care. This has a deleterious effect on their mental health and increases their chance of being targeted for harassment, as they will have a much more difficult time presenting in their chosen gender.

Decades of research have concluded that transgender persons, especially transgender women, are at great risk if incarcerated in facilities that do not match their gender. Looking at statistics, it becomes clear that it is inaccurate that transgender women are a threat to other women who they are incarcerated with. For these reasons, I respectfully ask that the Judiciary Committee return a favorable report on HB426 and help ensure the safety of Maryland's vulnerable populations.

Thank you,
Lily Amara Pastor