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The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401
February 27, 2023

**Testimony of FreeState Justice in Support
SB0540: Human Relations - Civil Rights Enforcement - Powers of the Attorney General**

To the Honorable William C. Smith, Jr., Vice Chair Jeff Waldstreicher, and the esteemed committee: FreeState Justice is Maryland’s civil rights advocacy organization for lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) Marylanders. We also provide pro bono legal services each year to hundreds of LGBTQIA+ Marylanders who could not otherwise afford an attorney and we advocate more broadly on behalf of the LGBTQIA+ community.

We write today in support of Senate Bill 0540. This bill addresses the bottleneck of resources available to victims of civil rights violations to find recourse. We assist many clients as they file claims with the Maryland Commission on Civil Rights (“the Commission”) after being discriminated against in their places of employment based on their LGBTQIA+ status. Our employment discrimination clients often wait for months to see action from the government as the Commission works through its backlog of cases. Because the Commission has limited resources, when it does get to our clients’ cases, it often cannot investigate their claims as thoroughly or take as aggressive an action as it otherwise could if it were properly staffed and funded.

These same resourcing problems in turn impact LGBTQIA+ Marylanders seeking recourse for discrimination they experience in the housing, public accommodations, and commercial contexts. Many studies show that LGBTQIA+ people face heightened levels of discrimination “in virtually every setting surveyed,”¹ which, based on dozens if not hundreds of our clients’

¹ “... LGBTQIA+ individuals continue to experience significantly higher rates of discrimination than non-LGBTQIA+ individuals, a trend that holds true in virtually every setting surveyed—including health care, employment, housing, and public spaces. Such discrimination has substantial adverse effects on economic, physical, and mental well-being, and many LGBTQIA+ individuals alter their behavior to avoid experiencing discrimination.” [Discrimination and Barriers to Well-Being: The State of the LGBTQIA+ Community in 2022](#). Center for American Progress (Jan 12, 2023).

experiences, is a pattern that holds true in Maryland despite the myriad of laws enacted in this state to protect our community.²

We support SB0540 because it provides relief to the overburdened Commission, and by extension to our community, by allowing the Office of the Attorney General to “investigate, prosecute, and remediate” civil rights violations. The bill would help bridge the state’s civil rights enforcement gap, allowing the Attorney General to use its significant institutional resources in conjunction with the Commission to ensure every Marylander is provided sufficient recourse from any discrimination they might face as members of legally protected classes.

The Office would be able to commence civil actions against discriminators if it has “reasonable cause” to believe that a person violated the Federal or State Constitution, or any Federal or State anti-discrimination laws. The Attorney General’s ability to investigate, execute subpoenas, and compel the production of certain documents would help the Commission and the state ensure all discrimination claims are analyzed fully and fairly. Far from taking power away from the existing Commission, this bill establishes a joint fund for the Commission and the Attorney General for the sole purpose of combatting discrimination. It explicitly states that “nothing ... may be interpreted to impair rights and powers of the Commission,” and directs the Attorney General to implement regulations that “minimize duplication ... and promote collaboration” between the agencies.

We think that this legislation is a good solution to a significant resourcing problem that impacts every Marylander that faces discrimination based on their race, color, religion or creed, sex, age, ancestry or national origin, marital status, physical or mental disability, sexual orientation, or gender identity in employment, housing, public accommodations, and commercial contexts.

For these reasons, FreeState Justice supports Senate Bill 0540.

Camila Reynolds-Dominguez
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² State Government Article §§: 20-602 (Equal opportunity protections for sexual orientation and gender identity (SOGI)); 20-606 (Unlawful employment practices section includes protections for SOGI); 20-610 (Workplace protections, for interns, from discriminatory practices includes SOGI)