

House Bill 426
Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act
February 16, 2023
Support

The Gender Violence Clinic at the University of Maryland Francis King Carey School of Law represents criminalized survivors of violence – people who have been victims of gender-based violence (intimate partner violence, rape, sexual assault, human trafficking, and violence related to gender identity and/or sexual orientation) and whose incarceration (current or former) is related in some way to that violence. The clinic’s clients include transwomen who have experienced housing instability, discrimination, and sexual and physical violence in the Maryland prison system based on their gender identity.

The Gender Violence Clinic is submitting this testimony in support of HB 426, the Transgender Respect, Agency, and Dignity Act. This legislation would protect incarcerated transgender, nonbinary, and intersex people who face a staggering amount of discrimination and violence while incarcerated. Incarceration for transwomen in men’s prisons is particularly dangerous; one study found that 59% of the transwomen housed in men’s facilities had been sexually assaulted.¹ Moreover, issues with housing for transgender, nonbinary, and intersex people regularly lead to them being placed in segregation for prolonged periods of time despite having committed no offense within the prison. Such extended use of segregation has been deemed torture by the United Nations. And when transgender, nonbinary, and intersex people are placed in segregation as a result of housing issues, they can lose access to needed medical care.

This bill would make Maryland prisons and jails safer and more orderly by allowing eligible LGBTQ+ individuals to request a transfer to a gender appropriate facility based on their housing preferences and safety concerns. Additionally, absent statutory guidance, prison staff will continue to make housing decisions that lead to violence, administrative chaos, and wasted resources.

We respectfully urge this committee to return a favorable report on HB426.

¹ Valerie Jenness, Cheryl L. Maxson, Kristy N. Matsuda, and Jennifer Macy Sumner. Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault (2007).

