



February 21, 2023

The Honorable Luke Clippinger
Chair, Judiciary Committee
Room 101, House Office Building
Annapolis, Maryland 21401

House Bill 426 - Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act) - FAVORABLE

Dear Chair Clippinger and Judiciary Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, naloxone distributor, and syringe service program we have provided essential health care services to historically criminalized populations across the state for years. For this reason and more we support HB426, the Trans Respect, Agency, and Dignity Act.

HB426 will allow transgender, non-binary, and intersex individuals who are incarcerated to request transfers to gender appropriate facilities based on their housing preferences and overall safety concerns. Additionally, this bill will prohibit discrimination from an employee of a correctional facility against inmates on the basis of certain protected classes, such as ethnicity, disability, pregnancy status, age, sexual orientation, or gender identity.

Transgender and gender non-conforming people experience both disproportionately high rates of substance use and criminal legal system involvement when compared to cisgender populations. Nearly one in six transgender Americans (16%) have been incarcerated, and almost half of all Black transgender people (47%).¹ Based on a study by the California Department of Corrections and Rehabilitation, 50% of these transgender inmates may experience sexual assault while they are incarcerated, and 59% of transgender women within prisons. This is 13 times the rate of sexual assault in the general prison population.² Due to being victims of violence, 85% of LGBTQ inmates report being held in solitary confinement.³ Failing to protect transgender, non-binary, and intersex people is not a reason to punish them with solitary confinement. Maryland must do more to combat the unique dangers faced by transgender people inside the carceral system.

¹ Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 163. (2011)

² Jenness et al., Violence in California Correctional Facilities: an empirical examination of sexual assault (2007)

³ The Sentencing Project. Incarcerated LGBTQ+ Adults and Youth. (2022)

Passing this legislation will help ensure the safety, well being and livelihood of transgender, non binary and or intersex people while incarcerated. **For these reasons, we urge the House Judiciary Committee to give HB426 a favorable report.**

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at rajani@baltimoreharmreduction.org