



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 21, 2023

Testimony in SUPPORT of HB 426 - Transgender Respect, Agency, and Dignity Act

Summary: HB 426 creates a consistent intake process across Maryland's correctional facilities for transgender, nonbinary, and intersex individuals so that everyone in state custody is housed appropriately in a facility that matches their gender identity, working to protect everyone in the facility from violence.

The bill also requires correctional facilities to implement a written anti-discrimination policy that clarifies that an inmate may not be discriminated against on the basis of race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs.

Overview: Maryland has no consistent intake process for transgender, nonbinary, and intersex people who are incarcerated. This means that where a gender diverse individual is housed when in custody depends on which facility they happen to be sent to.

This is not only a logistical nightmare, but also a safety risk for the people incarcerated. The LGBTQIA+ population is at a much higher risk of being a victim of violence if they are incarcerated than the general population.

- [40% of trans women](#) have reported being sexually assaulted in prison—10 times the general prison population rate
- [85% of LGBTQ people](#) report spending time in solitary confinement while incarcerated

This violence can come not only from fellow inmates, but also from correctional officers. In one particularly egregious example in Baltimore City, a transgender inmate was [placed in a chokehold by correctional officers](#) and then dropped on her face.

HB 426 provides one intake process for use across all of Maryland's state correctional facilities to reduce this risk of violence and ensure that everyone incarcerated in Maryland is treated the same way.

Under the bill, inmates will be asked during the intake process in a private setting to specify their gender identity. The inmate would then be housed in a correctional facility for men or women depending on whether the inmate would prefer to be housed in a facility that matches their gender identity or the sex they were assigned at birth.

The bill has several key changes from the bill that was heard last year. Specifically, the bill adds:

- A definition of “gender identity” that is consistent throughout Maryland statute and clarifies that the identity be “consistent and uniform” or be based on other evidence that is “sincerely held”;
- A clause that clarifies that housing requests can be denied where there are safety or management concerns;
- Clarification that there is no ability to request housing that does not match a person’s gender identity; and
- A clause that prevents prison officials from placing someone in solitary confinement solely due to their housing transfer request.

HB 426 also specifies that correctional facility employees may not discriminate against inmates on the basis of race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs and requires this non-discrimination policy to be written and implemented by the managing official of the correctional facility.

This will ensure that every employee in Maryland’s correctional facilities has a clear understanding of what is expected of them while also protecting inmates’ rights.

Conclusion: The rights and dignity of transgender, nonbinary, and intersex individuals should not vary based on which correctional facility they are assigned to.

By providing a consistent intake process and a clear written non-discrimination policy in each of Maryland’s correctional facilities, HB 426 makes clear that all gender diverse individuals in Maryland should not be subject to violence or discrimination based solely on who they are.

Thank you and I ask for a favorable report on HB 426.