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TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Office of the Attorney General

RE: HB0426 – Correctional Facilities – Transgender, Nonbinary, and Intersex
Inmates (Transgender Respect, Agency, and Dignity Act) (Support in
Concept)

The Office of Attorney General supports the intent behind House Bill 426. This legislation prohibits correctional facility employees from discriminating against inmates “with regard to programs, services or activities, including harassing or retaliating against the inmate, on the basis of the inmate’s race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs.” Section 9-618(a). There is no question that transgender, nonbinary, and intersex inmates form a population that should be treated with respect, given equal access to programs and services, and should not be harassed.

We also recognize that the Department of Public Safety and Correctional Services may, at times, not be able to provide gender-appropriate housing and would urge caution about overly prescribing housing assignments in law.

For the foregoing reasons, we support House Bill 426’s emphasis on treating transgender, nonbinary, and intersex inmates with respect, agency and dignity.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General’s policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us