



**Testimony for the Senate Judicial Proceedings Committee
SB709: Criminal Law - Masked Intimidation –
Prohibition (Unmask Hate Act)**

February 26, 2025

UNFAVORABLE

The DC Metro Chapter of Jewish Voice for Peace strongly opposes this bill. If enacted, the bill would criminalize wearing a mask “with the intent to place another person in reasonable fear of their physical safety.” The proposed mask ban’s reliance on perceived threat raises serious concerns. By criminalizing masked harassment when someone is placed in “reasonable fear for their physical safety,” **the bill prioritizes an accuser’s perception over the masked individual’s actual intent, making fear the key metric of wrongdoing.** Intent, if proven at all, is often only proven after the fact, meaning innocent people could face arrest or detention before their innocence is clear.

Overall, **the bill’s vague language leaves too much room for misinterpretation,** forcing individuals to worry about whether their legitimate mask use could be perceived as threatening. **The burden of proof should not fall on those who are simply trying to protect themselves or others.** This creates an unnecessary barrier to public safety and undermines the utility of masks as a preventative measure. **No one should fear being criminalized simply for wearing a mask to protect themselves.**

[Over 90 disability rights organizations](#) across the U.S. have condemned mask bans and urged lawmakers not to adopt them in order to protect the right of people with disabilities to participate in community safety.

A prohibition on wearing masks at peaceful protests will subject protesters to harassment and intimidation in the form of doxxing as well as to punitive measures which can endanger their education, jobs and reputations and will thus act to chill free speech. [According to the ACLU](#), laws enacted such as this bill have already been responsible for criminalizing students who have protested the actions of the Israeli government in Ohio, Florida, North Carolina and Texas. Does Maryland really want to join this list?

Although the bill permits masks for health or religious reasons, it’s unclear how protesters who are wearing masks for these reasons will be able to prove that is true to police officers at a protest action, putting marginalized people especially at risk.

Masking is an important public health measure and people’s decisions to mask in order to protect themselves and those in their community should be between them and their medical care teams. Police are unqualified to assess health concerns.

Determining who 'deserves' to wear a mask is invasive and unfair, especially since many health conditions are invisible.

The bill's sponsors have been open about their intent to target speech critical of the state of Israel, by [describing this bill as a response to protests against Israel's genocide of Palestinians in Gaza](#). As such, the bill is effectively not content neutral and clearly has the goal of chilling specific political speech.

As Jewish Americans, we believe that if this bill is enacted, it would not protect our safety, but instead endanger us by making us vulnerable to harassment, doxxing and legal complications. Antisemitism is a type of racism, bigotry and xenophobia, and as such is closely related to, and often driven by similar motivations and forces as other forms of racism and bigotry. Enacting an unrelated and dangerous bill does nothing to solve it. Real change requires education and solidarity, not compromising our health and liberties.

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