

Opposition to bill HB1081
Submitted by Gary Guttman

I am Jewish, a member of B'nai Shalom of Olney, and I live in the 19th district.

I am undergoing cancer treatments and my immune system is terrible. I mask anytime I am in an indoor environment or in a crowded outdoor environment. I also have an adult son who has had Long COVID for more than 4 years. My son masks because the risk of getting COVID again could be devastating.

I am opposed to House Bill 1081. Upon reading the bill, it sounds very reasonable, but the actual application of the law becomes very problematic for four main reasons:

1. Who gets to decide "intentionally harass, intimidate or threaten a person?" Couldn't the presence of a masked individual be deemed harassment in certain environments?
2. If someone is outdoors at a protest and that protest is peaceful, but some protestors do not respond to police instructions. Now all protestors could be subject to this law.
3. I understand that section E provides an affirmative defense; however, that defense is only provided at trial. In the heat of the moment, that defense will not be addressed by a police officer. An individual, like me, who would use that defense, would have to unmask and be subjected to a health risk.
4. Some people who might mask for their own protection but don't have the immediate health concerns that my child and I have, will now by default, not mask. They will see the headline of the bill (Masking is Not Allowed) but not read or hear the exceptions. This will put more people at risk of disease during the current Quaddemic (COVID, RSV, Flu, and Norovirus). There are legitimate reasons for people to be health conscious.

The opportunities for racial profiling dramatically increase. Additionally, this law would give license to anyone to confront my son or me when we are masked to ask why we are masked and if they don't like my answer to call the police and say I threatened them.

I understand that protests prompted the development of this law. But there has to be better ways that don't create unintended consequences. In this uncertain environment of the Trump administration and the protests that we can anticipate with his unconstitutional activities, please don't give him license to assume, by default, that a masked person is bad or evil. Imagine a gathering in Maryland where government employees are protesting (and some are masked). Now imagine Maryland police not being aggressive in shutting down the protest. Trump would ensure very bad press for the county. Try to think of the next steps he could take. For example, he could send federal forces to quell a protest and if anyone is masked, he could use that as an excuse to respond with violence.

I ask you to identify the other laws that already exist that protect individuals from harassment, intimidation and threatening language. Promote the existence of these laws as the reason

House Bill 1081 is not needed. All this bill does is expose people like my son and me to harassment and to even more mask shaming than already exists.