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Judicial Proceedings Committee
Maryland State Senate

Dear Committee Members:

I am a disabled, Jewish attorney and community organizer writing in **strong opposition** to SB-0709, The Unmask Hate Act. Existing law already criminalizes harassment and intimidation. Expanding criminal law further to target people for wearing masks risks chilling the exercise of First Amendment rights, including the right to free association, the right to free expression, and the right to dissent and protest. Additionally, passage of this bill would pose a direct threat to the health and wellbeing of disabled and chronically ill people who remain at greater risk for serious complications and long-term disease and illness because of COVID-19 (which is circulating at high rates along with other emerging outbreaks such as avian flu).

Although the bill's language allows for an exception for those who are wearing masks for health-related reasons as well as religious reasons, the bill would require law enforcement officers to make a determination as to a mask wearer's intent. This is impossible to do. Any arrest and potential detention could also pose a serious risk of irreversible and irreparable harm for those with disabilities who are immunocompromised or immunosuppressed or have specific disabilities that pose a high risk of complications or death. Challenging an arrest, prosecution, or conviction after the fact does not reverse permanent health consequences.

People in various marginalized communities – including Black people, Jewish people, disabled people, and LGBTQIA+ people – are much more likely to face profiling and criminalization by police already. Criminalizing wearing masks would further entrench these practices and preclude full and equal participation in public life by many already marginalized people. In jurisdictions that have adopted similar mask bans, disabled and chronically ill people have reported no longer feeling safe to leave their homes and go about daily life. Even in jurisdictions that have not adopted such bans, however, those of us who regularly wear masks in public spaces to protect ourselves and others continue to face regular harassment and threatening, intimidating behavior from others.

I urge you to vote against SB-0709 as its passage poses a direct threat to the civil rights and civil liberties of the very marginalized communities that its sponsors claim to want to protect.

Sincerely,

Ly Xīnzhèn Zhǎngsūn Brown, J.D.
Baltimore County