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POSITION ON PROPOSED LEGISLATION

BILL: SB122 Criminal Law - Hate Crimes - Law Enforcement Officers

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: January 14, 2025

The Maryland Office of the Public Defender respectfully requests that this Committee issue an unfavorable report on SB122 because our state's hate crimes law is designed to protect vulnerable and previously abused populations; it is not designed or intended to provide protection to people for their chosen profession. There are other means available to address the same objective, and including law enforcement and others who hold positions of power under our state's hate crimes law dilutes the impact and purpose of such important protections.

America's original hate crimes law was passed in 1969 to provide protections for people who were victims of crimes based on a person's race, color, religion or national origin. In October 2009, the United States Congress passed the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. That law expanded the 1969 United States federal hate crimes law to include protections for victims of crimes based on their perceived gender, sexual orientation, gender identity, or disability. Mr. Shepard and Mr. Byrd were both brutally murdered for immutable characteristics — their sexual orientation or their race — by folks who either had phobias towards people who were gay or had been admitted white supremacists. Based on those brutal crimes, Congress responded by expanding our federal hate crimes law, and Maryland followed suit. Our state and federal hate crimes laws are designed to protect against crimes based on an immutable characteristic or a situation related to poverty that appears to be beyond a person's control. In other words, hate crime laws are designed to protect vulnerable people who have endured a history of discrimination and a history of abuse. A chosen profession, particularly a profession that provides significant power, is not an immutable characteristic or vulnerable circumstance that requires protection under our hate crimes law. Adding

people in power to the hate crime laws also dilutes the law's purpose and important policy implications.

If there is a demonstrated need to protect law enforcement officers, there are enhancements that this body could enact for crimes unrelated to the hate crimes law. Of course, the Office of the Public Defender does not advocate for enhancements, but there are enhancements in our state law already, and there are many enhancements in federal law for crimes directed toward law enforcement officers. Adding law enforcement to the list of vulnerable persons protected by our hate crimes law weakens our message and is misplaced.

Finally, similar legislation has been presented in Congress and has repeatedly been rejected, and we urge this body to do the same, while continuing to extend protections under our state hate crimes law to folks who are vulnerable, who have been discriminated against, who have been physically and verbally abused, and who are in particular need of protection.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB122.

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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