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TESTIMONY ON SB#0709 - POSITION: FAVORABLE
Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0709, Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

The FBI has released hate crime statistics for 2023: ¹

Victims of Hate Crime Incidents

- 11,447 single-bias incidents involved 13,857 victims
- There were 415 multiple-bias incidents that involved 559 victims

The American Psychological Association has determined: ²

In the bureau’s most recent report, released in March 2023, [hate crimes reported in the United States increased nearly 12%](#) in 2021 over the previous year. The FBI said close to 65% of victims were reportedly targeted because of their race or ethnicity, 15.9% were targeted for their sexual orientation, and 14.1% were targeted because of their religion. Prejudice and discrimination are typically the foundation of hate-based violence. This type of violence can take the form of verbal violence, which may include degradation, harassment, humiliation, and threats. Hate-based violence may also take the form of physical violence, such as bullying, sexual violence, and maiming, and can go as far as murder and genocide.

Experiences of racial discrimination are consistently linked with mental health issues such as [depression](#), [anxiety](#), and [posttraumatic stress disorder \(PTSD\)](#), as well as [physical ailments](#) such as diabetes, hypertension, and obesity.

Young adults who faced discrimination frequently—at least a few times per month—were around 25% [more likely to be diagnosed with a mental health disorder](#) and twice as likely to develop severe psychological distress than those who hadn’t experienced discrimination or did less often, according to a 2021 study in the journal *Pediatrics*.

¹ <https://www.justice.gov/hatecrimes/hate-crime-statistics>

² <https://www.apa.org/topics/gun-violence-crime/hate-crimes>

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This bill recognizes that a serious problem exists, and we can provide some solutions that, by removing anonymity from the commission of a hate crime, may lessen or prevent that hate crime from occurring.

This bill will prohibit a person from intentionally harassing, intimidating, or threatening another person while hiding or concealing their face. The sanction for this action will occur by providing that a person who violates the Act is guilty of a misdemeanor and on conviction is subject to imprisonment of up to 90 days or a fine of up to \$500 or both for a first offense, and for subsequent offenses, imprisonment of up to 180 days and a fine not to exceed \$1,000 or both. It will, however, establish certain affirmative defenses for a violation of the Act in the interest of justice and fairness.

I respectfully urge this committee to return a favorable report on SB0709.