

SB709 - Criminal Law - Masked Intimidation - Prohi

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Position: FAV

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Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District

Written Testimony
Senate Bill 709 - Criminal Law - Masked Intimidation - Prohibition
(Unmask Hate Act)
Judicial Proceedings Committee – February 26, 2025
Support

Background: Senate Bill 709 would prohibit a person from intentionally harassing, intimidating, or threatening another person while hiding or concealing their face and provide 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.

Written Comments: Since the start of the KKK and White Supremacist movements, known tactics used by these groups include wearing masks, face coverings, and hoods to harass and intimidate without accountability. This form of threatening behavior must be left in the past. This includes similar practices by some anti-Israel groups, whose members rely on anonymity to engage in masked harassment and intimidation.

Over the past several months, many masked protestors have purposefully used face coverings to conceal their identities while they cross the line into harassment, destruction and violence—allowing them to target Jews and other vulnerable communities without being identified.

With the resurgence of masked harassment in a post-pandemic world, including by anti-Israel groups that use anonymity to target and intimidate, it's crucial to restore and strengthen these measures to protect vulnerable communities, while allowing exceptions for health considerations and religious expression.

For these reasons, the Baltimore Jewish Councils asks for a favorable report on SB709.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

SB 709 Criminal Law - Masked Intimidation - Prohi

Uploaded by: deborah miller

Position: FAV



**Testimony in SUPPORT of Senate Bill 709 –
Criminal Law – Masked Intimidation – Prohibition
(Unmask Hate Act)
Judicial Proceedings Committee
February 26, 2025**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work throughout the region to advocate for our agencies that serve the most vulnerable residents and to campaign for important policy interests on behalf of the Jewish community and all Marylanders.

Senate Bill 709, also known as the *Unmask Hate Act*, prohibits a person from intentionally harassing, intimidating, or threatening another person while hiding or concealing their face. The Bill states that anyone who violates this Act is guilty of a misdemeanor, and if convicted, faces up to 90 days in jail and/or a fine of up to \$500 for a first offense, and for subsequent offenses up to 180 days and/or a fine up to \$1,000.

Since the October 7, 2023 Hamas attack in Israel, masked protestors have intimidated Jewish students on college campuses, people attending pro-Israel rallies, and congregants walking to synagogue. The JCRC understands the need to safeguard free speech, however, the presence of masked protestors can be frightening and has at times turned violent, crossing the line of peaceful protest as protected by the First Amendment.

This Bill specifically outlines exemptions where masks can be worn – for religious, health, or professional reasons. Nonetheless, intentionally targeting an individual or group of people while concealing one's identity is unacceptable behavior that cannot continue unchecked. According to the ADL, antisemitism has reached unprecedented levels, and in Maryland, the number of antisemitic incidents skyrocketed in 2023, up 211% from the previous year. SB 709 is one measure we can implement to help combat this scourge of antisemitism and secure the safety and well-being of the Jewish community. For these reasons, we ask for a favorable report on SB 709.

G Lambert Unmask Hate Legislation Testimony 02.202

Uploaded by: George Lambert

Position: FAV



Remarks By
George H. Lambert, Jr.
President and Chief Executive Officer
Greater Washington Urban League

Unmask Hate Act

February 24, 2025

Good afternoon,

I am George Lambert, President and Chief Executive Officer of the Greater Washington Urban League. As an affiliate of the National Urban League we are a historic civil rights and urban advocacy organization with 90 affiliates serving 300 communities. The footprint of the Greater Washington Urban League is Washington DC, Prince George's County Maryland and Montgomery County Maryland.

I am here to offer testimony in support of the proposed legislation prohibiting masked intimidation. Communities of color often face targeted violence from extremist groups that harbor racist ideologies. This violence can be manifested in physical attacks, hate crimes, and even mass shootings, creating an atmosphere of fear and insecurity.

Hate campaigns can exacerbate the marginalization of communities of color, reinforcing negative stereotypes and societal biases. This can lead to further discrimination in areas such as employment, education, and housing, perpetuating cycles of poverty and inequality. Moreover, the rise of hate and extremism can erode social cohesion, making it more difficult for diverse communities to come together to address common issues, advocate for their rights, and build a more inclusive society.



Addressing hate and extremism requires a comprehensive approach that includes education, community engagement, and POLICY CHANGES aimed at protecting vulnerable communities and promoting understanding and inclusivity. To be clear, I strongly support a bill that prohibits individuals (while concealing their face) from intentionally harassing, intimidating, or threatening a person AND “with the intent to place another person in reasonable fear of their physical safety.

In closing, I want to thank Senators Waldstreicher and Jackson as the Senate co-sponsors of this bill. Finally, I respectfully urge you to use your power to stop the resurgence of masked harassment in Maryland.

Thank you.

Mr. George H. Lambert, Jr.
President & CEO

ADL Unmask hate MD one pager.pdf

Uploaded by: Meredith Weisel

Position: FAV

#UnMaskHate

An Act to Create a New Maryland Law on Masked Harassment



Senate Sponsors: Senators Jeff Waldstreicher and Michael A. Jackson

House Sponsors: Delegates Adrian Boafu, Karen Simpson, Ryan Spiegel, Karen Toles, and Joe Vogel

Bill number: SB709 Introduced on January 31, 2025

Bill number: HB1081 Introduced on February 5, 2025

About the Issue

- Bad actors across the ideological spectrum are intentionally harassing, intimidating, and threatening others while deliberately wearing masks to place others in reasonable fear for their physical safety.
- For over a century, anti-masked harassment laws have been in place across the country to counter such tactics, including those historically used by the Ku Klux Klan during its reign of terror.
- Over the past several years, masked individuals in Maryland and across the country have once again used masks and face coverings to intentionally conceal their identities while engaging in hateful acts of harassment, destruction, and violence.
- It is crucial that we implement new anti-masked harassment laws to protect vulnerable communities from these tactics of intimidation fueled by bias and hate.

About SB 709 and HB 1081

- Marylanders are seeing a resurgence in masked harassment and intimidation.
- This bill seeks to hold individuals and groups, who are intentionally and purposefully concealing their identity with a mask or other device and with the intent to place another person in reasonable fear for their physical safety, accountable for the consequences of their conduct.
- This bill contains explicit carveouts for individuals who are wearing masks for health or safety reasons, or for the purpose of religious expression.
- The bill ensures that masked harassment is explicitly addressed under Maryland law by creating a new criminal statute.

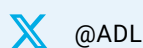
About #UnMaskHate

- #UnMaskHate is a coalition of diverse stakeholders led by ADL, in partnership with the Greater Washington Urban League and the Greater Baltimore Urban League, united in a common purpose to curb the rising tide of masked harassment and intimidation in our communities.
- We know that this issue affects every single Marylander, especially minorities and marginalized groups. It is long overdue for our state to prioritize public safety and ensure that our laws adequately protect individuals of all races, ethnicities, faiths and creeds from this tactic of hate.

For more information or to get involved, please contact Washington-DC@adl.org

adl.org

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SB709 ADL written testimony - Unmask Hate act.pdf

Uploaded by: Meredith Weisel

Position: FAV



**Maryland General Assembly
Senate Judicial Proceedings Committee
February 26, 2025**

Testimony of Meredith R. Weisel
ADL Vice President, State and Local Advocacy

ADL (the Anti-Defamation League) is pleased to submit this written testimony in strong support of SB709, “*Criminal Law – Masked Intimidation – Prohibition (Unmask Hate Act)*.”

As the leading anti-hate organization in the world, founded in 1913, ADL’s mission remains to stop the defamation of the Jewish people and to secure justice and fair treatment to all. Today, we persist in tackling all forms of antisemitism and bias, leveraging innovation and partnerships to drive effective change. ADL works vigilantly to protect democracy and foster a just and inclusive society for everyone, is known as a global leader in fighting antisemitism, exposing extremism, delivering anti-bias education, and fighting the spread of hate in our communities and online.

Starting over a hundred years ago, anti-masking laws were on the books in many states across the country. These laws were put in place to protect our communities from masked intimidation by the KKK. Our work on this issue dates back to the late 1940s, when ADL published a pamphlet titled “*How to Stop Violence! Intimidation! in Your Community.*” This publication included model language for state statutes and local ordinances aimed at preventing members of the KKK from engaging in tactics of harassment and intimidation while concealing their identities behind hoods and masks.

ADL’s efforts led to the passage of anti-Klan legislation, including anti-mask and anti-cross burning laws in states and communities across the United States. We know from history that these laws helped to end the KKK’s reign of terror, as they could no longer intimidate and threaten Black, Jewish, Catholic communities, and other marginalized communities using hoods and masks to hide who they were.

Unfortunately, we are once again seeing a resurgence in masked harassment and intimidation, with individuals across the political spectrum engaging in harassment and intimidation while wearing masks to conceal their identity and intentionally place others in fear of physical harm. This is an important moment to revisit masked harassment and intimidation laws to ensure that they are comprehensive, appropriately tailored, and constitutionally sound. It is also crucial to restore and strengthen these measures to protect our vulnerable and marginalized communities, while allowing exceptions for health considerations and religious expression. We all agree on the importance of the right to protest. Masked harassment and intimidation laws can (and must) be narrowly tailored to preserve freedom of speech and assembly. However, the exercise of free speech and assembly must not infringe upon the rights and physical safety of others.

Similarly, we all agree that individuals should be able to mask for health and safety reasons. Our proposal will not interfere with that right, nor the right of individuals to wear religious garb. **Our goal is simple: individuals and groups who intentionally engage in harassment and intimidation, fueled by bias and hate, must not be able to hide behind masks to avoid consequences for their conduct.**

ADL supports Senate Bill 709, which **ONLY** criminalizes intentional, masked harassment and intimidation. The law should only be applicable to individuals who intentionally harass, intimidate, or threaten another person while purposefully concealing their identities and intentionally placing others in reasonable fear for their physical safety. The Unmask Hate Act is supported by a coalition of diverse stakeholders, united in a common purpose to end the use of masks for harassment and intimidation.

It is long overdue for Maryland to prioritize public safety and ensure that our laws adequately protect individuals of all races, ethnicities, faiths and creeds from masked harassment and intimidation. Thank you for considering ADL's position on this crucial legislation and working to ensure that bad actors will face consequences for their actions.

**We urge the Judicial Proceedings Committee to give
Senate Bill 709 a favorable report.**

Support SB709.pdf

Uploaded by: Nancy Shih

Position: FAV

I am writing in strong support of SB709, legislation that seeks to prohibit masked intimidation and harassment in Maryland. In a time when public safety and civil discourse are increasingly under threat, this bill is a necessary step in ensuring that individuals cannot use anonymity as a shield to engage in harassment, threats, or acts of intimidation.

The right to free expression is fundamental to our democracy, but when individuals conceal their identities to intimidate others—whether in public spaces, at protests, or online—this right crosses into harmful territory. Historically, masked intimidation has been used by hate groups and bad actors to spread fear and suppress the voices of vulnerable communities. By prohibiting this behavior, SB709 helps to uphold Maryland’s commitment to safety, respect, and open dialogue.

This bill does not target peaceful demonstrators or those wearing masks for health or cultural reasons. Instead, it specifically addresses those who use masks to evade accountability while engaging in acts of intimidation and harassment. It provides law enforcement with the necessary tools to deter such behavior while ensuring that Maryland remains a place where all individuals can safely express themselves without fear of masked threats.

For these reasons, I urge a favorable vote on SB709.

Nancy Shih

Howard County

Agudah testimony - SB709 - MASK - FAV.pdf

Uploaded by: Rabbi Ariel Sadwin

Position: FAV



SENATE JUDICIAL PROCEEDINGS COMMITTEE

FEBRUARY 26, 2025

SENATE BILL 709

CRIMINAL LAW - MASKED INTIMIDATION - PROHIBITION (UNMASK HATE ACT)

FAVORABLE

Agudath Israel of Maryland, the Mid-Atlantic regional office of Agudath Israel of America – a renowned national Jewish advocacy organization with chapters across the country - speaks on behalf of the Orthodox Jewish communities across Maryland and on the behalf of the many (+60) Orthodox synagogues within our state, as well as the many other religious facilities utilized by our faith community. We stand today in support of Senate Bill 709.

SB 709 would make it a criminal offense to intentionally harass, intimidate, or threaten another person while concealing one's face and with the intent to cause fear of physical harm. This bill addresses a critical issue of public safety, ensuring that individuals who engage in harmful behavior cannot use anonymity to avoid responsibility. The act of concealing one's face to harass and threaten others is a tactic often used to create fear and avoid accountability. Importantly, the bill also recognizes legitimate uses of face coverings and provides affirmative defenses to ensure that the law remains balanced and is not used to prosecute innocent usages.

Famously, this masking tactic was utilized by the Ku Klux Klan in its attempts to stoke racial hatred and prevent the emergence of civil rights for all Americans, regardless of skin color. Face masking is used today, not only by white supremacist groups, but also by antisemitic groups who attempt to intimidate and harass Jewish communities.

Those whose hate brings them to attempt to cowardly intimidate and threaten others should not be allowed to hide behind masks in order to create an atmosphere of fear and danger. We respectfully ask that you issue a favorable report on Senate Bill 709.

Thank you.

Testimony in support of SB0709 - Criminal Law - Ma

Uploaded by: Richard KAP Kaplowitz

Position: FAV

02/26/25

Richard Keith Kaplowitz
Frederick, MD 21703-7134

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>

SB0709_RichardKaplowitz_FAV

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.

Mid-Atlantic Area & Israel Jewish War Veterans of

Uploaded by: Scott Schlesinger

Position: FAV

Submission of Testimony regarding the Unmask Hate Act (SB709)

Judicial Proceedings Committee

Honored Senators,

As a concerned resident of Maryland and as the Commander of the Maryland Department of the Jewish War Veterans of the United States (JWV), I urge you to support the Unmask Hate Act (SB709) to ensure that individuals engaging in harassment and intimidation can no longer hide behind masks. Extremists across the ideological spectrum have used masks to terrorize and intimidate vulnerable communities while obscuring their identities. This legislation is crucial for the safety and security of our communities, particularly for minorities and marginalized groups who are most impacted by these tactics of hate.

The JWV Maryland Department has a long history of addressing the issue of antisemitism in the state. Nationally, JWV, the nation's oldest active veteran's organization, was formed in 1896 as a response to antisemitic tropes concerning Jewish service during the Civil War. Our focus on this scourge remains equally strong today.

Unfortunately, antisemitism is increasing in the state. In their annual Audit of Antisemitic Incidents, the Anti-Defamation League (ADL) reported that in Maryland, 339 antisemitic incidents were reported in 2023, a 211 percent increase from the 109 incidents in 2022, and a 516 percent increase from the 55 incidents reported in 2021. Maryland registered with the 7th highest number of antisemitic incidents reported in the country for 2023.

The time is now for Maryland to lead by prioritizing public safety and ensuring our laws adequately protect individuals of all races, ethnicities, faiths, and creeds from masked harassment and intimidation. As a concerned resident of Maryland, I urge you to support this critical legislation.

Thank you again for allowing me to submit this testimony.

Scott Schlesinger
Commander
Department of the Mid-Atlantic Area and
Israel Jewish War Veterans of America

Untitled document (2).pdf

Uploaded by: Adah Nordan

Position: UNF

Testimony in Opposition to HB1081 / SB709

Presented to the Maryland General Assembly

By Adah Nordan, Sophomore at American University

Monday, February 4, 2024

Chair, Vice Chair, and Members of the Committee,

My name is Adah Nordan, and I am a student at American University. I am here to strongly oppose HB1081 / SB709, a bill that unjustly restricts the right to wear masks in public spaces. I have personal health-related reasons for wearing a mask, and I am an ally to disabled people, many of whom rely on masks to navigate public life safely. I also have friends and family in Maryland who would be directly harmed by this legislation.

This bill presents significant dangers to public health and civil liberties. It creates an enforcement mechanism that is both invasive and unworkable, requiring law enforcement to determine an individual's "intent" when wearing a mask. This standard is impossible to fairly enforce and opens the door to discrimination and harassment, particularly against disabled people, immunocompromised individuals, and people of color.

For many, wearing a mask is not a choice—it is a medical necessity. Immunocompromised individuals and those with chronic illnesses need masks to safely access essential services, attend school, and participate in daily life. By casting suspicion on mask-wearing, this bill discourages those who need protection from participating in public life at all, forcing them into further isolation.

Moreover, this bill's enforcement mechanism raises serious civil rights concerns. The subjective nature of determining "intent" allows for racial profiling and selective enforcement. It also puts law enforcement in the position of interrogating people about private health matters, an unnecessary and invasive practice that violates personal dignity and medical privacy.

If the goal is public safety, HB1081 / SB709 does the opposite. It criminalizes necessary health precautions, penalizes disabled and immunocompromised people, and erodes civil liberties without any measurable benefit. Maryland should be protecting its most vulnerable residents, not putting them at further risk.

I urge you to reject HB1081 / SB709 and protect the right to wear masks freely and without fear. Thank you for your time and consideration.

Sincerely,

Adah Nordan

Student, American University

sb0709.pdf

Uploaded by: Alexander DeTrano

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law – Masked Intimidation – Prohibition (Unmask Hate Act)) –
UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Alexander DeTrano, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

My wife is chronically ill with a compromised immune system. Wearing a mask for health reasons at a protest or other lawful gathering could put a target on our backs. It could discourage us from attending in the first place and we would not be able to safely exercise our first amendment rights.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

It will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). And this legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

HB 1082_SB709 (Anti-Masking) - JVPA Baltimore Lead

Uploaded by: Allie Wainer

Position: UNF



LEGISLATIVE POSITION: HB 1081 (Boafo, Simpson, Spiegel, Toles, and Vogel) / SB 709 (Waldstreicher and Jackson) - Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

Jewish Voice for Peace Action (JVPA) is a national grassroots Jewish organization in support of Palestinian rights. We have over 10,000 supporters in Maryland, and chapters in Baltimore City, the DC Metro area, and University of Maryland College Park.

JVPA Local Leaders in Maryland **strongly oppose** this bill. While we oppose harassment and intimidation, this bill could function as a **blanket prohibition on wearing masks** at protests and could be used to punish protesters for disfavored speech. As such, it directly **undermines the rights of individuals to peacefully assemble and express their views**, particularly in contexts where they may need protection from respiratory illness, doxxing, harassment, or violence. [As Jews](#), we believe this bill does not protect us, but actively endangers us and our allies.

KEY POINTS

- The prohibition of masks at protests could result in a **chilling effect on free speech**. Individuals may feel discouraged from participating in political demonstrations if they believe their identities will be exposed by state or private actors seeking to squash that political opinion, leading to a reduction in diverse voices and perspectives in public discourse. As a result, [the ACLU has opposed such mask bans](#).
- **Masks serve as a critical layer of protection** for individuals who fear retaliation or harassment due to their beliefs or activism. In recent months, many peaceful activists and protestors, including many Jews in support of Palestinian rights, have faced severe repercussions for their participation in demonstrations, including doxxing—where personal information is shared publicly to incite harassment and in some cases death threats. As stated by the [ACLU](#), *“At a time when both public and private actors are increasingly turning to invasive surveillance technologies to identify protesters, mask-wearing is an important way for us to safeguard our right to speak out on issues of public concern.”*
- 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 to police officers at a protest, **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 at a protest are unqualified to assess health concerns.
- 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.



- Maryland already has laws in place to address harassment and intimidation. Adding this bill to the legal framework will **create redundancy** rather than effectively addressing the underlying issues of violence and intimidation.

This bill is intended to suppress criticism of Israel and will chill legitimate political speech while exposing citizens to health risks as well as risks of doxxing, harassment, and violence.

Isberg A Opposition SB0709 Written Testimony.pdf

Uploaded by: Allison Isberg

Position: UNF

Maryland General Assembly
Senate Committee on Judicial Proceedings
2 East Miller Senate Office Building
Annapolis, MD 21401
February 26, 2025

To the Members of the Maryland General Assembly Senate Committee on Judicial Proceedings,

I am writing in opposition to SB0709, the “Unmasking Hate Act”. This bill promises protection. But that is not what it provides. Instead, it only increases the danger of disease and unfair police targeting for already vulnerable communities, including some of the same people its sponsors are trying to defend.

Scientific research overwhelmingly tells us that masking is one of the most effective ways to protect ourselves and others from the spread of diseases like Covid-19, flu, and RSV, all diseases that are currently filling hospitals across the country.¹ Healthy vaccinated adults still run an approximately 3% chance of developing Long Covid, a disabling condition, every time they are infected.² Many healthy people mask because they do not want to roll those dice.

Masking is especially important for the chronically ill and immunocompromised and those who care about us. For us, catching Covid is not merely an inconvenience. It often permanently worsens our existing conditions in a time when the cost of medical care is ever increasing. We, both figuratively and literally, cannot afford to become sicker than we already are. The more people mask, the safer we are and the closer we can get to living normal lives.

As written, this bill does not adequately define harassment or discriminatory behavior. It is easily misinterpreted as a default ban on masking. It puts the onus on mask-wearers to prove to police officers that they are wearing masks for health or religious reasons, officers who are experts in neither medicine nor religion. It can easily force mask-wearers to divulge private medical information of themselves or others to avoid legal consequences.

¹ One recent example is Lai, Jianyu et al. Relative efficacy of masks and respirators as source control for viral aerosol shedding from people infected with SARS-CoV-2: a controlled human exhaled breath aerosol experimental study. *eBioMedicine*, Volume 104, 105157. Accessed 2/24/2025
<[https://www.thelancet.com/journals/ebiom/article/PIIS2352-3964\(24\)00192-0/fulltext](https://www.thelancet.com/journals/ebiom/article/PIIS2352-3964(24)00192-0/fulltext)>

² “Long COVID Dispatches from the Front Lines with Lisa Sanders, MD”. *Yale Medicine*. Accessed 2/24/2025.
<<https://www.yalemedicine.org/news/covid-vaccines-reduce-long-covid-risk-new-study-shows>>

The Black community, in particular, already faces higher rates of chronic illness, including Long Covid, and worse health outcomes than other racial groups and therefore have more reason to mask in public.³ They also face higher rates of unjust police targeting. This bill not only harms that community's health but also creates another pretense for police targeting.

Additionally, hate crimes against the Asian-American community have increased since 2020. Evidence indicates that anti-masking attitudes play a role in this.⁴ Thus any bill discouraging masking could increase the risk of hate crimes by encouraging anti-Asian attacks.

Harassment and assault are already illegal. There are already increased penalties for these crimes when they are committed because of religious or racial hatred. If combating hate is the goal here, we need to examine these existing statutes. We need to examine strategies for increasing education and social solidarity.

We must not allow our right to participate safely in society to rely on this vaguely written and ineffective bill and the assurances of its sponsors that it will never be misinterpreted by those enforcing it.

My Jewish ancestors fled Imperial Russia for the United States so that they could live freely and safely. In rejecting this bill, you are protecting their descendants' right to do the same.

Sincerely,

Allison Isberg
37 N Prospect Ave
Catonsville, MD 21228
(410) 404 - 9265

³ National Academies of Sciences, Engineering, and Medicine. 2024. Ending Unequal Treatment: Strategies to Achieve Equitable Health Care and Optimal Health for All. Washington, DC: The National Academies Press. <https://doi.org/10.17226/27820>. Accessed 2/24/2025.

<<https://nap.nationalacademies.org/catalog/27820/ending-unequal-treatment-strategies-to-achieve-equitable-health-care-and>>

⁴ Choi HA, Lee OE. To Mask or To Unmask, That Is the Question: Facemasks and Anti-Asian Violence During COVID-19. J Hum Rights Soc Work. 2021;6(3):237-245. doi: 10.1007/s41134-021-00172-2. Epub 2021 Jun 16. PMID: 34150988; PMCID: PMC8206186. Accessed 2/24/2025.

<<https://pmc.ncbi.nlm.nih.gov/articles/PMC8206186/#Sec5>>

Testimony anti-mask bill.pdf

Uploaded by: Amy Muerdler

Position: UNF

February 24,2025

The Honorable chair senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709

(Criminal Law- Masked Intimidation- Prohibition (Unmasked Hate Act)-
UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Amy Muerdler, I am a Maryland resident and i am writing to urge you to vote unfavorably on House Bill 1081/Senate bill 0709

Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask wearers.

As a chronically ill resident of Maryland, I can speak on masking before the pandemic. I am physically allergic to the point of anaphylaxis from certain smells like cologne, perfume, and cigarettes. To limit the risks of anaphylaxis I masked everywhere I went for the past 5-6 years. Also being medically fragile, getting sick can play a big role in flares of my chronic illnesses. Not just from covid- a simple flu or cold! Criminalizing health safety equipment like masks from public use is discriminatory against the disabled/chronically ill community. Making masking feel harder for the general public makes my community more vulnerable. Not masking puts everyone at risk for re-entering lock down territory of the pandemic. Covid disproportionately affects people of color, the best thing you can do for Covid is prevent it, by masking. making masking a target for increased police surveillance, risks the health and safety of many vulnerable populations.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0709 an unfavorable report.

Opposition to SB0709.pdf

Uploaded by: Andrew Brewster-Geisz

Position: UNF

To the Judicial Proceedings Committee,

My name is Andrew Brewster-Geisz, and I live in Greenbelt, MD. I'm writing as a concerned resident of the state of Maryland about the recently proposed "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)" - SB0709 sponsored by Senator Waldstreicher. I am someone who, since 2020, has worn a mask in all public spaces, both indoors and outdoors, to protect myself and others from COVID-19. As such, I find this legislation very concerning and urge it to be immediately retracted.

First, Maryland has very high levels of COVID-19. In January, Maryland's Department of Health recommended universal masking in all healthcare settings because of surging rates of respiratory illnesses in the state. The CDC, FDA, WHO, and OSHA all say that KN95 and N95 masks are the best evidence-based tools to prevent people from acquiring COVID-19 or the flu. This bill criminalizes mask wearing and conflates it with criminality, which is dangerous because it will only further add to an already existing public health crisis.

This leads me to my final point, which is that this bill will do little to prevent "masked intimidation" by protestors. It will instead lead to further discrimination against people of color as well as people who are immunocompromised and/or disabled. This bill leaves it up to the police to define what constitutes "masked intimidation", leaving the door open to racial profiling. Under this law, someone could be arrested simply because they were wearing a mask at a protest. And forcing immunocompromised and disabled people to remove masks is a grave risk to their health.

In conclusion, this bill is a danger to public health, will lead to greater racial profiling, and will not actually make anyone safer. I strongly urge you to vote against Senate Bill 0709.

Sincerely,

Andrew Brewster-Geisz

SB0709 Written Testimony.pdf

Uploaded by: Andrew Edwards

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act))
- UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Andrew Edwards, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

It will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). And this legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

For these reasons and more, I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

WRITTEN TESTIMONY.pdf

Uploaded by: Anne Smith

Position: UNF

Hello my name is Anne Smith from St Mary's County and I am asking the Judicial Proceedings Committee to give SB 0709 an unfavorable report.

I am testifying AGAINST SB0709.

My 30 year old daughter and her husband are currently living with my husband and I. They moved in with us after having to interrupt their plans to complete their graduate program degrees in Iceland. They had both had their first bout of COVID in December 2023. My daughter, who has had fibromyalgia for 10 years, and my son-in-law, who has had ulcerative colitis for almost the same amount of time, were completely incapacitated by the COVID and then long COVID. My daughter caught COVID from a medical practitioner in Iceland. Who, like her USA counterparts, did not wear a mask. My daughter was wearing a mask, but the duration and proximity of the appointment was too much for her one mask, and she left the appt with COVID.

Now that both are in our home, my husband and I wear masks to all public activities: the grocery store, church, work, the gym, etc. The ability to wear a mask without having to justify it is something I was taking for granted. Until now. This bill will set-up law enforcers and the general citizens to question anyone wearing a mask. The bill is questionably worded in such a way that I would not be sure that wearing a mask to Walmart would be legal. This just makes an already stressful situation even more so.

People committing a crime or public harassment should be held to laws addressing those things. Whether someone is wearing a mask or not is unimportant. In a similar line of thinking, will wearing a hoodie also be considered a crime, as they are sometimes used to "hide" behind as well. Or coloring someone's hair. Will that be a crime? Because criminals often do that to hide their identity. Or shaving facial hair. Or getting a haircut. Obviously these are all silly things that we would not question. In the same way, we shouldn't question a medical mask being worn by any individual. The wearing of a mask in public is already stigmatized enough and does not be stigmatized any further.

The Maryland Department of Health recently recommended bringing back universal masking in healthcare settings, too. Given the significant public health concerns, any attempt to dissuade people from masking is not in the best interest of anyone. Supporters of this bill fail to understand the broader implications for the health and constitutional rights of all Marylanders.

It is my hope that after reading this testimony, that you drop/oppose S.B. 0709.

Thank you.

SB0709 Opposition Hill.pdf

Uploaded by: Annie Hill

Position: UNF

Please do not advance the mask criminalization bill, SB0709. This bill is modeled on [legislation](#) written by the Manhattan Institute, a right-wing think tank more interested in quelling protest than in combating hate.

Intimidation and harassment – and hate crimes -- are already crimes carrying penalties in Maryland. Adding this additional penalty will not deter someone intent on spreading hate. What it will do is exclude disabled people and others avoiding infectious disease from lawful protest. And it will further stigmatize mask wearing during a still-ongoing pandemic. The Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV. One in every 10 COVID infections results in chronic and debilitating health conditions, and COVID disproportionately harms people of color and women. My family and I still wear masks to avoid catching or spreading COVID and the flu – please don't make that harder to do than it already is.

As last week's House hearing, sponsors argued that someone wearing a mask at a protest or other public gathering could try to prove that they were doing so for health or religious reasons – but how one could do so is unclear. Courts have not yet established a right to avoid infection or to avoid spreading infection to others.

This bill will also disproportionately endanger people of color, who we know are likely to be racially profiled. Criminalizing masking or protesting in any way is a really bad idea right now given political volatility and the potential for retaliation by the Trump Administration. Please uphold Marylanders' right to public assembly and abandon this bill.

Annie Hill
204 Wayne Avenue
Silver Spring, MD 20910

Mask ban testimony.pdf

Uploaded by: Catherine LaCourse

Position: UNF

To whom it may concern,

I am writing both as a scientist who studies Coronaviruses and is about to graduate with a PhD from Johns Hopkins in Cellular and Molecular Medicine, and as a disabled person. I wear a mask because I know enough about airborne viruses, disease prevalence, and community spread to understand that everyone should wear one, and I know that I especially need to wear a mask for my own health.

If this bill passes, nobody is going to decide not to commit a crime because doing it in a mask is “extra” illegal. It will not deter crime at all. It will, however, deter people like me from going out in public for fear of someone calling the cops and erroneously claiming harassment. Only I know why I’m wearing a mask, whether it’s with the intent to be threatening or not, and a cop will make me take off my mask and risk my health with potentially irreversible consequences while they decide why I’m wearing it. Intent cannot be criminalized, and rights are stripped away in the attempt.

This bill relies entirely on the interpretation of “harassment” or “threatening” – and there are existing laws that better address those crimes. People falsely claim to be harassed or threatened by marginalized communities to weaponize the law all the time, and this unnecessary bill would be no different. It would be used to target minorities including disabled people and especially disabled people of color.

Furthermore, this bill would hand a convenient tool to suppress dissent directly to the Trump administration. Masks are a public health device that must be allowed in peaceful public protests, or people like me will be unable to exercise our rights. The current political climate is certainly not one in which protesting should be made more difficult.

Mask bans do not reduce crime, but they do make it easier to criminalize the innocent.

Thank you,

-Catherine LaCourse

Louisell_SB0709.pdf

Uploaded by: Chandler Louisell

Position: UNF

Unfavorable Testimony - SB0709 (“Unmask Hate Act”)

Delivered by Chandler Louisell (Maryland Resident) to the Maryland Senate Judiciary Committee, 26 Feb 2025.

The “Unmask Hate Act” is a redundant law that is obtusely vague and violates First Amendment civil liberties. Harassment and intimidation are both already prohibited and have laws written around them. By signing the “Unmask Hate Act” into law you are tying an unproven and speculative idea that masking is tied to harassment and intimidation. This puts individuals who mask at risk of profiling and potential criminal charge. As Vic Wiener, staff attorney from the Juvenile Law Center was quoted regarding Philadelphia’s recent mask ban, “It creates a new crime that people can be charged with. It creates a justification for police to stop a larger group of people...It creates a tremendous risk of harassment and more over-policing, especially of young Black people.”

At the HB1081 hearing, Delegate Scott Phillips raised concern about this bill being used by police proactively at protests against people wearing masks. Meredith Weisel (regional director of the ADL, who sat with bill sponsor Adrian Bofo) insisted that this bill would not target those engaging in protest. When referencing other states and instances where these bans have been used, there are clear and countless instances of these laws being used for the express purpose of deterring and criminalizing protest. As recently as 2019, anti-mask laws were used against Occupy Wall Street protesters, anti-racism protesters, and police violence protesters. In the past year, these mask bans have been used at various universities including University of North Carolina, University of Florida, and University of Texas at Austin. At UT Austin, state troopers were called to violently break up protests after the school rescinded permission for a rally on the grounds that protesters had a “declared intent to violate our policies and rules.” One of the rules the administrators cited was a university ban on wearing face masks “to obstruct law enforcement.” (ACLU)

The sponsor of the bill has made claims the bill’s purpose is to protect marginalized communities, referencing groups like the KKK to add validity to their argument. There is documented empirical evidence showing the contrary. In California Law Review’s “Masking Up: A COVID-19 Face-off Between Anti-Mask Laws and Mandatory Mask Orders for Black Americans” that: “anti-mask laws were only superficially intended to protect Black Americans, have continued to harm minorities during COVID-19, and should be repealed.” This bill’s authors have acknowledged that this bill will negatively affect individuals who wear masks for health reasons by including an “affirmative defense in a proceeding under this section” for people “wearing a mask to limit the spread of airborne illnesses” in order to preemptively squash the valid concerns of mask wearing for health and religious reasons. But in practice, this exemption does nothing besides create a façade of non-discrimination. When someone is arrested and processed, they are forced to remove their mask regardless of the reason they are wearing one. As the CDC has noted, “[b]ecause of the congregate living arrangements in...detention facilities, the risk of COVID-19 transmission is higher in these settings compared with the general population[.]” A court case months after an improper arrest resulting in an innocent verdict does not undo the harm that can and will be done by forcing at-risk individuals to unmask. Individuals who mask to avoid serious health impacts—especially at a time when the US is experiencing record influenza numbers and deaths, H5N1, tuberculosis,

measles, and covid-19 outbreaks—will undoubtedly be less likely to exercise their Constitutionally protected right to assemble when forcible mask removal and harsh penalties are the outcomes.

As initially brought up in this testimony the law in and of itself is redundant. In the 2/18 HB1081 hearing, Delegate Robin L. Grammer, Jr. asked, “I think a lot of the activities we’re describing fall under this (harassment). In your cases, this would clearly fall under harassment, so why wouldn’t it be charged as that?” Chairman Luke Clipper asked, after being given an example by Weisel and Bofo where the proposed penalties would be used, “Why isn’t the example you gave an assault?” No real rebuttal was provided in response to these concerns. This bill is at best useless, and at worst, targeted. There is no need for a bill which will only create more complications in the courts as the arresting officer must prove “intent” of the defendant, and treads the territory of violating citizens’ First Amendment rights. The possibility of such harm, which affirmative defenses cannot help people avoid, leads them instead to sacrifice other protected rights. This bill seeks to create a loophole to violate First Amendment rights for which cases like *Healy v. James*, *Snyder v. Phelps*, *Hess v. Indiana*, and *Brandenburg v. Ohio* have already set precedent. No just law can promise to avoid irreversible harm at time of enforcement by providing a remedy individuals may only rely on in court. No just law can force Marylanders to trade one fundamental interest (their right to protect their health) against another (their right to assembly).

Thank you,

Chandler Louisell

Testimony in Opposition to SB0709 - Criminal Law –

Uploaded by: Chynnah McFadden

Position: UNF

Testimony in Opposition to SB0709 - Criminal Law – Masked Intimidation – Prohibition (Unmask Hate Act)

My name is Chynnah McFadden and I am a Baltimore City resident testifying today on behalf of Fight for the Future, a privacy and human rights organization, in opposition to Senate Bill 0709- the Masked Intimidation Prohibition or Unmask Hate Act.

Fight for the Future is an organization concerned with fighting surveillance and censorship with over 2.5 million members nationwide, including nearly 45,000 in Maryland alone.

We strongly oppose mass surveillance and suppression of free speech and have been tracking a number of mask ban bills like SB0709 across the country. Despite being pitched as ‘anti-crime’ bills, it is our conclusion that these bills are a mass effort to threaten, intimidate, and ultimately censor Americans exercising their right to protected free speech.

Proponents of the bill claim “masked intimidation” at protests as their justification citing the importance of “Black-Jewish solidarity” in the face of intimidation by Proud Boys, neo-Nazis, etc but this claim largely ignores the fact that Senate Bill 0709 will undoubtedly be weaponized against many Maryland residents, including Jewish people but especially Black and Brown people, who attempt to exercise their right to protected free speech or simply wear a mask while going about their daily lives. We’ve already seen evidence of this in Nassau County, New York and beyond as mask bans are used to target protestors and chill protected speech.

Making masking illegal in any context encourages unwanted surveillance, profiling and harassment from police, and stigma against protecting one’s health and privacy, which is unacceptable. In an era where our faces are increasingly scanned, sold, and stored in insecure databases, covering one’s face for any reason should never be criminalized.

Fight for the Future also recognizes that legislation banning mask wearing in public serves to reinforce systemic inequalities, especially for marginalized people like myself, a disabled resident living in a metropolitan, high pathogen exposure area near the University of Maryland and UMD St. Joseph Medical center. To criminalize masking during a time of a constitutional crisis, while the current administration is defunding federal programs aimed at keeping public health a priority, is to put people like myself at great risk.

For these reasons, I am urging the Judicial Proceedings Committee to protect Maryland residents' privacy, freedom of speech and public health by opposing Senate Bill 0709 and any other legislation that criminalizes masking in public. Mask ban legislation like Senate Bill 0709 does not ‘unmask hate’, it does not keep our Maryland communities safe and in fact is a threat to our civil liberties at a time when it’s more crucial than ever to defend them.

Thank you,

Senate Bill 07091 - Clifford Casey.pdf

Uploaded by: CLIFFORD CASEY

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) -

UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is *Clifford Casey*, I am a MD resident and I urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous

consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

It will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). And this legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

DRM_SB709_Oppose.pdf

Uploaded by: Courtney Bergan

Position: UNF



Empowering People to Lead Systemic Change

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

DisabilityRightsMD.org

Senate Judicial Proceedings Committee

Senate Bill 709: Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

Wednesday, February 26, 2025

Position: Oppose

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. Many people with disabilities use masks to mitigate the impacts of a disability and fully participate in community life. DRM opposes SB 709 because it would stigmatize this critical disability aid and put people with disabilities at increased risk of criminalization.

While SB 709 does not all out ban the use of masks, it would require people with disabilities to prove that their need to wear a mask is legitimate if they are perceived to be intimidating or harassing. Importantly, disabled people are at increased risk of criminalization and police violence because strangers may misperceive certain disability-related behavior as harassing or intimidating, even though the individual with a disability may not intend this or even be aware that their behavior is perceived this way. To address these types of concerns, Maryland's existing criminal harassment laws require communication of a reasonable warning or request to cease the perceived harassing behavior before an individual can be put at risk of criminal prosecution. Yet, SB 709 would authorize prosecution for masked intimidation without any warning or request to cease the alleged harassing behavior. DRM is concerned that the absence of any requirement to communicate at least a reasonable warning along with the element of specifically targeting masks, risks creating a criminal statute that would uniquely target the disability community and put people with disabilities at increased risk of criminalization.

DRM is also concerned that SB 709 would require an individual with a disability to prove their need for a mask is for health-related reasons as an affirmative defense. An affirmative defense shifts the burden of proof to the defendant to prove that their conduct lacked criminal intent. In this case, SB 709 would require a disabled defendant to prove that their use of a mask was not for the purpose of concealing identity and instead was for the purpose of mitigating a disability. This framework is likely violative of the Americans with Disabilities Act (ADA), the First Amendment to the United States Constitution, and Article 40 of the Maryland Declaration of Rights by infringing on one's rights to be free from discrimination along with one's rights to privacy, anonymity,¹ and free association² by compelling disclosure of both identity and disability status.

Disabilities are often not apparent, so if law enforcement is permitted to assume that the use of a mask is to conceal identity, unless and until proven otherwise, people with disabilities will be at risk of arrest merely for utilizing a disability related aid. Such an assumption likely constitutes impermissible stereotyping in violation of the ADA. To assert an affirmative defense under the proposed masked intimidation law, people with disabilities would ostensibly then be forced to obtain documentation of

¹ *Independent Newspapers, Inc. v. Brodie*, 966 A.2d 432 (Md. 2009) (right to anonymous speech protected under Article 40 of the Md. Declaration of Rights).

² *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958)(compelling disclosure of members' identities violated their rights to free association).

their need to mask and disclose this private health information to police or prosecutors after having already experienced the harm of arrest and detention. DRM is concerned that SB 709's presumption that masking is for nefarious purposes could also inadvertently cause masks to be further stigmatized for those who need them and could potentially put disabled constituents who use masks at greater risk of harassment.

Fear is frequently weaponized to justify exclusion, as various disability aids are deemed to be intimidating or fear inducing. For example, businesses often attempt to use fear to justify the exclusion of disabled Marylanders who rely on service animals to navigate public spaces. However, the Americans with Disabilities Act doesn't allow service animals or other disability aids to be excluded from public spaces based on fear or stereotypical assumptions. Masks are no different; mere fear of an individual with a disability who is wearing a mask, cannot be used to justify criminalizing masks. Historically, "ugly laws" weaponized similar fears to criminalize disability, excluding disabled people from public life, as disability was deemed "unsightly." MacArthur Fellow and disability justice activist, Alice Wong states, "Today, the mask is the unsightly marker of deviant individuals: the sick, the immunocompromised, the disabled, and the protester who wishes to keep their identity anonymous.... We're told such masked individuals threaten the moral order of society, and these bans are meant to keep the public "safe.""³ SB 709 would create a modern day "ugly law" by stigmatizing masks and associating them with criminal conduct, despite the ADA's purpose of preventing this exact type of discrimination from recurring.

DRM urges the committee to oppose SB 709 so that people with disabilities can continue to use masks to mitigate disabilities without harassment, stigmatization, or criminalization. If society is conditioned to believe that masks are a threat, then seeing someone wearing a mask is likely to be perceived as threatening, leading to a self-reinforcing cycle that will inevitably cause people with disabilities who require masks to be segregated and criminalized.

Please contact Courtney Bergan, Disability Rights Maryland's Equal Justice Works Fellow for more information at CourtneyB@DisabilityRightsMd.org or 443-692-2477.

³ Alice Wong, *Mask Bans Insult Disabled People, Endanger Our Health, and Threaten Our Ability to Protest*, TEEN VOGUE (July 25, 2024).

Opposition to SB0709.pdf

Uploaded by: Daniel Broder

Position: UNF



Testimony in Opposition to SB0709
Presented by Prince George's 4 Palestine

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

I am writing on behalf of **Prince George's 4 Palestine**, a grassroots community organizing group based in Prince George's County, Maryland. We are a 500-member strong organization committed to advocating for Palestinian liberation and justice.

We are deeply concerned about SB0709, a bill that criminalizes public masking on the grounds that masked persons may assault or harass others with impunity.

Bills like this have been attempted all over the country, not to protect the public from dangerous hate speech –Proud Boy and KKK events, for instance—but to specifically target peaceful activists asking the US Government to stop sponsoring a genocide in Palestine.

Members of our group come from all walks of life. Many of us are Jews horrified by a genocide being sponsored by our tax dollars and in our name. Others are retired teachers and academics, representatives of Christian and Muslim faith communities, civil servants, lawyers, social justice advocates, and students. We use our first amendment rights to speak for peace and human rights, and we often do so wearing masks. We do not do this to commit assaults with impunity! We do this to protect ourselves from disease, or to prevent malicious personal targeting –which we have seen occur to others – by pro-Israel activists.

Bills like this will criminalize our activism - peaceful, legal activism – and undermine our ability to exercise our free speech rights.

The bill gives police discretion to determine when and how to enforce the law. Given historical patterns of police discrimination, we have no confidence that this bill will be enforced equitably. It seems likely that enforcement will be focused on people of color – as all police action tends to be. It will also, necessarily, penalize those who are disabled or immunocompromised. Bills that give law enforcement the ability to charge Black and brown citizens wearing masks *in the age of pandemics* are going to end with persecution of Black and brown people, and particularly of Black and brown disabled people.

As one of many Jewish members of the group, I also want to stress that the Anti-Defamation League (ADL), which supports this bill, does not speak for me. It does not speak for any of us.

We urge you to reject SB0709 and to stand up for the principles of free speech, human rights, and justice. Our group will continue to advocate for Palestinian rights, and we will not be silenced by laws that seek to criminalize our activism. It is critical that Maryland does not follow in the footsteps of other states that have passed similar laws designed to suppress dissent.

Thank you for your time and consideration of this important issue. We trust that you will stand with your constituents, protecting their right to peacefully protest and speak out against injustice.

Sincerely,
Dan Broder
Prince George's 4 Palestine

Untitled document.pdf

Uploaded by: Dora Nunez

Position: UNF

To whom it may concern,

I am a long-time visitor and recently resident of Maryland. Since I was young, I have had a vast network of elderly family that live in Maryland and over the past couple of years I have moved closer to them. I fundamentally oppose any legislation that restricts the ways in which people present themselves through masks. Specifically, as a caretaker for members of the disabled community, masking is a fundamental way in which I and the people who surround me are able to be part of the Maryland community. To add masking mandates would mean the restriction of mine and my family's ability to move freely and buy the basic necessities that we need to survive. Adding bans to masks does nothing more than continue to marginalize a community that is already shut out of public life.

All the best,
Dora Nunez

Racine_Testimony_edited.pdf

Uploaded by: Elise Racine

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: OPPOSITION to Senate Bill 0709

Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) — **UNFAVORABLE**

Dear Chair Smith and Distinguished Members of the Judicial Proceedings Committee:

As a Maryland resident, public health researcher specializing in infectious disease surveillance, and disability rights / patient advocate, I write to express my strong opposition to Senate Bill 0709. While I recognize the legitimate concerns about public safety that may have motivated this legislation, the bill would severely undermine public health protections, infringe upon civil liberties, and disproportionately harm already marginalized communities.

COVID-19 continues to claim over 900 American lives weekly and has created an unprecedented public health crisis. According to the most conservative estimates, approximately 1 in 13 Americans—a prevalence on par with Type 1 diabetes—now live with Long COVID, with many experiencing disabling symptoms. In total, about 1 in 4 American adults reported living with a disability as of 2022, with post-viral conditions contributing significantly to this number. For these individuals and countless others, masks represent not merely a preference but a vital protection against further harm and essential accessibility tool. They are a necessity for wellbeing and public participation.

This bill would strip all Marylanders of the freedom to protect themselves from potentially disabling viruses. Even those who aren't currently disabled or immunocompromised deserve the right to take reasonable precautions against airborne pathogens without fear of criminalization or harassment. Masking remains one of our most effective and accessible tools for preventing the transmission of respiratory illnesses, with high-quality masks reducing COVID-19 infection risk up to ninefold when widely worn.

SB0709 would create significant barriers for multiple vulnerable communities:

First, it would intensify stigmatization of mask-wearing, subjecting members of the senior, disabled, and chronically ill communities to increased harassment and discrimination. Many of these individuals already face significant barriers to public participation, with pandemic precautions being rolled back and accessible options like remote work, telehealth appointments, virtual events, and curbside services disappearing. For older adults and those living with disabilities, chronic illness, or immunocompromised status, masks represent one of the few remaining tools allowing them to more safely navigate public spaces. This bill would create yet another barrier to community engagement, forcing people to either risk their health or face increasing isolation. Additionally, individuals would be compelled to disclose private medical information to justify their need for basic health protection—a burden that no Marylander should have to bear.

Second, the bill contradicts current public health guidance. The Maryland Department of Health continues to recommend masking during periods of high transmission of respiratory illnesses. As of this writing, our state is experiencing elevated hospitalization rates from COVID-19, influenza, and RSV. Implementing mask restrictions during ongoing public health concerns sends a dangerous and contradictory message to the public.

Third, enforcement of this legislation would disproportionately impact communities already facing systemic health inequities and oppression. Disabled individuals, LGBTQIA+ people, and Black, Indigenous, and People of Color (BIPOC) communities have been hit hardest by COVID-19 and face higher risks of biased policing and discrimination. BIPOC individuals, particularly Black men, have reported that wearing masks—or not wearing them—creates impossible choices between health protection and safety from racial profiling. During the pandemic, many expressed that masks made them "a bigger threat than the virus itself" in the eyes of law enforcement. Similarly, LGBTQIA+ individuals already face heightened scrutiny, harassment, and discrimination in public spaces. This bill would exacerbate these disparities by giving authorities additional pretexts to target already marginalized communities, potentially forcing people to choose between protecting their health and avoiding unwanted attention or confrontation.

Finally, the bill introduces troubling legal ambiguities that could have a chilling effect on legitimate mask use. The vague standards for determining "intent to intimidate" could lead to subjective enforcement and discourage people from protecting themselves and others from airborne illnesses. Other states that have implemented similar restrictions have faced significant legal challenges under the Americans with Disabilities Act and other federal protections.

For these compelling reasons, I strongly urge the Senate Judicial Proceedings Committee to issue an **UNFAVORABLE** report on SB0709. Public health, disability rights, and civil liberties should not be compromised in pursuit of security measures that ultimately harm vulnerable Marylanders and undermine accessibility in our communities. This bill would not only threaten the health of countless individuals but would also represent a significant step backward in Maryland's commitment to equity, inclusion, and personal freedom.

Thank you for your consideration of these concerns.

Respectfully submitted,
Elise Racine, MSc, MPA

Doctorate Candidate, Population Health, University of Oxford
Master of Science, Health and International Development, London School of Economics
Master of Public Administration, Hertie School
Bachelor of Arts, Sociology, Stanford University

Testimony on SB0709_MCJC.pdf

Uploaded by: Elissa Laitin

Position: UNF

Montgomery County Jewish Collective Testimony in Opposition to SB0709

Dear Honorable Chair Smith and members of the Maryland Senate Judicial Proceedings Committee:

The [Montgomery County Jewish Collective \(MCJC\)](#) is a community of Jews in Montgomery County, Maryland who are committed to collective liberation as the cornerstone of a vibrant, safe, and supportive Jewish community.

We are providing this testimony to state our opposition to SB0709.

The Maryland bills that are cross-posted as SB0709 and HB1081 would infringe on free speech and expression, will not actually address antisemitism or racism, and will have a chilling effect on the wearing of masks for public health reasons, even with the supposed "carve out."

We are aware that the language in the bills prohibit "intentionally harassing, intimidating, or threatening another person while hiding or concealing their face. However, this is so vague that absolutely anything could be determined to be "intimidating" or "harassing," including normal protest behavior like chanting, singing, marching, etc. The sponsors of the bill know that many protestors choose to hide their identities because we live in a country that often criminalizes protest despite our First Amendment rights. And the sponsors must know that if these bills become law, they will be used against Black, muslim, and other minority populations at a much higher rate.

These bills are embarrassing and are unbecoming of Maryland and frankly anywhere in the United States. We understand that they are meant to assuage those who are upset and uncomfortable about protests against the ethnic cleansing of Palestinians. But causing discomfort does not equal antisemitism, and the introduction of such bills that will lead to the chilling of free speech and the weaponization of law enforcement against certain populations is unconscionable.

Thank you for your time. We welcome any opportunity to meet to share our concerns and provide you more information about our group.

Elissa Laitin
Montgomery County Jewish Collective
mocojewishcollective@gmail.com

Estochen_SB0709 testimony.pdf

Uploaded by: Elizabeth Estochen

Position: UNF

Unfavorable Testimony- SB0709 (“Unmask Hate Act”)

Delivered by Elizabeth Estochen (Maryland Resident) to the Maryland Senate Judiciary Committee, 26 Feb 2025.

The “Unmask Hate Act” violates First Amendment civil liberties and criminalizes the use of PPE to protect one’s health. This bill over-regulates conduct that is already prohibited (harassment and intimidation), tacking on additional criminal penalties for masked individuals. The effect of this bill, should it become law, would be that a masked individual could be charged with the same penalties already available to law enforcement for the same conduct but more easily, with less warning, and with additional penalties, simply because the individual wore a mask. This bill uses “harassment” and “intimidation” as pretext; it ultimately reduces to a clear animus against people who wear any mask in public. As Vic Wiener, staff attorney from the Juvenile Law Center was [quoted](#) regarding Philadelphia’s recent mask ban, “It creates a new crime that people can be charged with. It creates a justification for police to stop a larger group of people...It creates a tremendous risk of harassment and more over-policing, especially of young Black people.”

At the HB1081 hearing, Delegate Scott Phillips raised concern about this bill being used by police proactively at protests against people wearing masks. Meredith Weisel (Vice President, State and Local Advocacy of the ADL, who sat with bill sponsor Adrian Bofo) insisted that this bill would not target those engaging in protest. When referencing other states and instances where these bans have been used, there are clear and countless instances of these laws being used for the express purpose of deterring and criminalizing protest. As recently as 2019, anti-mask laws were used against Occupy Wall Street protesters, anti-racism protesters, and police violence protesters. In the past year, these mask bans have been used at various universities including University of North Carolina, University of Florida, and University of Texas at Austin. At UT Austin, state troopers were called to violently break up protests after the school rescinded permission for a rally on the grounds that protesters had a “declared intent to violate our policies and rules.” One of the rules the administrators cited was a university ban on wearing face masks “to obstruct law enforcement.” ([ACLU](#))

The sponsors of this bill claim its purpose is to protect marginalized communities, citing hate groups like the KKK to add validity to their argument. However, there is documented and empirical evidence, as shown in [California Law Review’s](#) “Masking Up: A COVID-19 Face-off Between Anti-Mask Laws and Mandatory Mask Orders for Black Americans” that: “anti-mask laws were only superficially intended to protect Black Americans, have continued to harm minorities during COVID-19, and should be repealed.” Meanwhile, there is no statistical or empirical evidence that such mask bans deter criminal activity. Ernesto Lopez from the Council of Criminal Justice stated when asked about the correlation between masks and criminality, “For

what it's worth, there are too many confounding variables and too little data to be sure if mask-wearing is associated with crime." ([Slate](#))

This bill's authors have acknowledged that this bill will negatively affect individuals who wear masks for health reasons by including an "affirmative defense in a proceeding under this section" for people "wearing a mask to limit the spread of airborne illnesses" in order to preemptively squash the valid concerns of mask wearing for health and religious reasons. But in practice, this exemption does nothing besides create a façade of non-discrimination. When someone is arrested and processed, they are forced to remove their mask regardless of the reason they are wearing one. As the CDC has noted, "[b]ecause of the congregate living arrangements in...detention facilities, the risk of COVID-19 transmission is higher in these settings compared with the general population[.]" A court case months after an improper arrest resulting in an innocent verdict does not undo the harm that can and will be done by forcing at-risk individuals to unmask. Individuals who mask to avoid serious health impacts—especially at a time when the US is experiencing record influenza numbers and deaths, H5N1, tuberculosis, measles, and covid-19 outbreaks—will undoubtedly be less likely to exercise their Constitutionally protected right to assemble when forcible mask removal and harsh penalties are the outcomes.

The redundancy of such a bill as this one is worth reiterating. In the 2/18 HB1081 hearing, Delegate Robin L. Grammer, Jr. asked, "I think a lot of the activities we're describing fall under this (harassment). In your cases, this would clearly fall under harassment, so why wouldn't it be charged as that?" Chairman Luke Clipper asked, after being given an example by Weisel and Boafu where the proposed penalties would be used, "Why isn't the example you gave an assault?" With no real rebuttal provided in response to these concerns, it seems clear that this bill is at best useless, and at worst, targeted. There is no need for a bill like this, which will only create more headache in the courts as the arresting officer must prove "intent" of the defendant, and treads the territory of violating citizens' First Amendment rights.

Health and religious exemption carveouts do not deter the harm passing and enforcing this bill will cause. This bill seeks to create a loophole to violate First Amendment rights for which cases like *Healy v. James*, *Snyder v. Phelps*, *Hess v. Indiana*, and *Brandenburg v. Ohio* have already set precedent. No just law can promise to avoid irreversible harm at time of enforcement by providing a remedy individuals may only rely on in court. No just law can force Marylanders to trade one fundamental interest (their right to protect their health) against another (their right to assemble).

Thank you,
Elizabeth Estochen

Testimony against SB 0709 EJRS.pdf

Uploaded by: Emily Richey-Stavrand

Position: UNF

My name is Emily Richey-Stavrand. I live in St. Mary's County and masking keeps me alive.

I am testifying against S.B. 0709 and am asking the Senate to give S.B. 0709 an unfavorable report. I have Long Covid and Myalgic Encephalomyelitis after being disabled by a single Covid infection, which I got from my doctor. 14 months ago, before I got Covid, I was a long-distance runner, swimming or running every day, learning a new language, and in grad school for public policy. Now I live with my parents and can really only leave my house for doctors' appointments, which is why I have to submit a written testimony. It's too dangerous for me to come in-person without wide-spread masking, and the energy testifying in-person would take would likely cause me to be bedbound for weeks. If I get Covid again, I could become permanently bedbound or die.

Again, I am asking the Senate to stop S.B. 0709. This bill is a violation of my personal freedoms to protect my health and liberty and is an incredibly dangerous bill for all Marylanders. This bill further stigmatizes masking while we are in an airborne pandemic and at a time when there are so many other dangerous airborne diseases at record levels that experts are calling it a Quademic.

The supporters of this bill may cite the many carve outs- all which are effectively "approved" on a case-by-case basis by police- but similarly worded bills in NC and NY have led to an increased harassment and policing of people wearing masks even for medical reasons. *All the carve outs in the world wouldn't make this bill less dangerous for disabled people like myself.* I am incredibly concerned for my disabled Black, Latino, and Native friends, who all wear masks to protect themselves and their communities, and already face disproportionate harassment from police.

I find it critical to note that this bill is NOT based on science. You may remember that just a few weeks ago, the Maryland Department of Health recommended mask mandates in healthcare settings due to the incredibly high rates of Covid.

Listen to your constituents, care about intersectionality and disability justice, protect our health and personal freedoms, and vote against this bill please. Truly people's lives are depending on it. Mine is.

Opposition to bill HB1081.pdf

Uploaded by: Gary Guttman

Position: UNF

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.

Judicial Proceedings Committee.pdf

Uploaded by: Gonzalo Guerra

Position: UNF

Dear Judicial Proceedings Committee

I'm writing as a concerned Marylander about the recently proposed anti-masking legislation, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) - HOUSE BILL 1081 (SB0709)," sponsored by Delegates Bofo, Simpson, Spiegel, Toles, and Vogel. As someone who masks in all public spaces - both indoor and outdoor - to protect themselves from respiratory viruses including Covid-19, RSV, and the flu, I find this bill extremely concerning for multiple reasons and urge its immediate retraction.

Though the bill has a supposed carve out for those who wear masks or face coverings for health/religious reasons, it is not clear how individuals will be able to prove this. The decision of what constitutes "masked intimidation" and who has "legitimate" needs will be left up to police officers who are responding to "violations" and it puts many individuals at significant risk, especially people of color and immunocompromised/disabled folks. This bill will increase racial profiling and harassment of people of color, and ultimately increase racial medical disparities. Those who are immunocompromised and disabled also face great threats to their health with this bill, especially if they are forced to remove their mask, which would increase their chance of catching airborne viruses (e.g., Covid or Flu) and developing long-term conditions (e.g., Long Covid or Long Influenza).

In January of this year, the Maryland Department of Health re-recommended universal masking in all healthcare settings because of surging rates of respiratory illnesses in the state

(https://www.mbp.state.md.us/forms/Clinician_Letter_Source%20Control_1.14.2025.pdf)

. Currently, flu rates are at a 25-year record high and over 1 in 10 emergency room visits in Maryland have been because of the flu (as of Feb 8, according to the Maryland DOH).

Based on publicly available hospital and wastewater data, Maryland has very high levels of Covid-19 as of February 11th.

According to the CDC, FDA, WHO, and OSHA, the best evidence-backed tools we have to keep people safe from airborne illnesses (e.g., Covid-19 and flu) are masks such as KN95s and N95s. By allowing this bill to move forward and essentially criminalizing mask-wearing,

you are inadvertently adding to an already existing public health disaster.

This dangerous bill will do little to stem supposed "masked intimidation" by protestors, and instead will contribute to the further discrimination of already marginalized groups such as Black and Brown and/or disabled/immunocompromised Marylanders. By conflating mask-wearing with criminality, you are sending a dangerous message to Marylanders and further contributing to the politicization of a key tool that keeps people safe from respiratory illnesses, disability, and death. I strongly urge you to vote against Senate Bill 0709.

I strongly urge you to expend the resources of this committee to enforce checks and balances on the increasingly dysfunctional executive branch.

Thank you for your consideration,

Gonzalo Guerra, MA, LGPC

7916 Quidditch Lane Elkridge, Maryland 21075

9565923187 gguerra0330@gmail.com

SB0709 Witness Statement.pdf

Uploaded by: Hillary Gonzalez

Position: UNF

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act))
- UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Hillary Gonzalez. I am a MD resident, and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

As an immunocompromised person, I haven't stopped masking since the beginning of the Covid pandemic. In the time I have been masking, I have received harassment not from others wearing masks, but from people who aren't masking, on multiple occasions, and to the extent that I now avoid certain towns/counties in Maryland due to feeling unsafe. Stigmatizing wearing a mask, will only further the current prejudices many people in the public have towards those of us concerned about our health, and the health of those close to us.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, RSV, and now the threat of bird flu.

Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

It will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). And this legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

For these reasons and more, I ask that the Senate Judicial Proceedings Committee give SB0709 an unfavorable report.

Thank you,

Hillary Gonzalez

2.25 OPPOSITION of Senate Bill 0709.pdf

Uploaded by: Isabela McClintock

Position: UNF

February 24, 2025
The Honorable Chair Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

**RE: OPPOSITION of Senate Bill 0709
(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

I am a Maryland resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

My partner and I have faced harassment for wearing masks to protect ourselves from COVID-19 several times in Montgomery County. One of the scariest interactions took place in a grocery store parking lot this summer. As I approached my vehicle with my partner, a driver rolled down their window, increased their speed in our direction and shouted “take your f*cking masks off.” This incident took place as the North Carolina legislature discussed legislation that would ban masks in their state. Could our harasser have been emboldened by coverage of that legislation? I cannot be certain.

But I am certain my household is not alone in the harassment we have faced. After [North Carolina’s](#) legislation was introduced in May 2024, a Stage 4 breast cancer patient in NC was [intentionally spat on by someone who said he “hoped the cancer would kill her.”](#) During the Nassau County, New York mask ban hearing, [disabled and immunocompromised attendees were subject to severe harassment](#), including derogatory remarks, stalking, and heckling. Some immunocompromised individuals were intentionally coughed on.

Anti-mask legislation, which is precisely what HB1081/SB 0709 is, endangers marginalized people. It puts us at risk for harassment in our communities and profiling from police.

As a member of the LGBTQIA+ and BIPOC communities, I will not be made safer by the “Unmask Hate Bill.” It will make me a target for more hate. It will make it harder for me to safely exist in public space.

If I reacted to the man who dangerously drove towards me and the person I love most in a way that may be conceived as intimidating, could I have been arrested under this legislation had it been in place? Studies have shown BIPOC New Yorkers [face higher threats](#) from police and the public when wearing masks.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Untitled document.pdf

Uploaded by: James Schaefer

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is James Schaefer and I am a resident of Baltimore, MD. I urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. My wife has a doctorate in public health, and her and many of her colleagues are presently very concerned about any legislation that may stigmatize medical mask use. This is due to high current hospitalizations from flu and covid, and in particular in light of the current worrying trend in avian flu cases across the country.

Beyond public health impacts, this bill will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). And this legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Mask Ban testimony.pdf

Uploaded by: Jessie Haviland

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - **UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Jessie Haviland, I am a MD resident, and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV. As a chronically ill and disabled person, I fear the repercussions of a mask ban in our great state of Maryland for both me and those with weakened immune systems like me.

As a master's-level social work student focusing on policy and advocacy, I know health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

HB 1082_SB709 (Anti-Masking) - JVP Baltimore - Leg

Uploaded by: Jon Monfred

Position: UNF



LEGISLATIVE POSITION: HB 1081 (Boafo, Simpson, Spiegel, Toles, and Vogel) / SB 709 (Waldstreicher and Jackson) - Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

Jewish Voice for Peace Action (JVPA) is a national grassroots Jewish organization in support of Palestinian rights. We have over 10,000 supporters in Maryland, and chapters in Baltimore City, the DC Metro area, and University of Maryland College Park.

JVPA Local Leaders in Maryland **strongly oppose** this bill. While we oppose harassment and intimidation, this bill could function as a **blanket prohibition on wearing masks** at protests and could be used to punish protesters for disfavored speech. As such, it directly **undermines the rights of individuals to peacefully assemble and express their views**, particularly in contexts where they may need protection from respiratory illness, doxxing, harassment, or violence. [As Jews](#), we believe this bill does not protect us, but actively endangers us and our allies.

KEY POINTS

- The prohibition of masks at protests could result in a **chilling effect on free speech**. Individuals may feel discouraged from participating in political demonstrations if they believe their identities will be exposed by state or private actors seeking to squash that political opinion, leading to a reduction in diverse voices and perspectives in public discourse. As a result, [the ACLU has opposed such mask bans](#).
- **Masks serve as a critical layer of protection** for individuals who fear retaliation or harassment due to their beliefs or activism. In recent months, many peaceful activists and protestors, including many Jews in support of Palestinian rights, have faced severe repercussions for their participation in demonstrations, including doxxing—where personal information is shared publicly to incite harassment and in some cases death threats. As stated by the [ACLU](#), *“At a time when both public and private actors are increasingly turning to invasive surveillance technologies to identify protesters, mask-wearing is an important way for us to safeguard our right to speak out on issues of public concern.”*
- 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 to police officers at a protest, **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 at a protest are unqualified to assess health concerns.
- 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.



- Maryland already has laws in place to address harassment and intimidation. Adding this bill to the legal framework will **create redundancy** rather than effectively addressing the underlying issues of violence and intimidation.

This bill is intended to suppress criticism of Israel and will chill legitimate political speech while exposing citizens to health risks as well as risks of doxxing, harassment, and violence.

HB 1082_SB709 (Anti-Masking) - JVP Baltimore - Leg

Uploaded by: Jonathan Rochkind

Position: UNF



LEGISLATIVE POSITION: HB 1081 (Boafo, Simpson, Spiegel, Toles, and Vogel) / SB 709 (Waldstreicher and Jackson) - Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

Jewish Voice for Peace Action (JVPA) is a national grassroots Jewish organization in support of Palestinian rights. We have over 10,000 supporters in Maryland, and chapters in Baltimore City, the DC Metro area, and University of Maryland College Park.

JVPA Local Leaders in Maryland **strongly oppose** this bill. While we oppose harassment and intimidation, this bill could function as a **blanket prohibition on wearing masks** at protests and could be used to punish protesters for disfavored speech. As such, it directly **undermines the rights of individuals to peacefully assemble and express their views**, particularly in contexts where they may need protection from respiratory illness, doxxing, harassment, or violence. [As Jews](#), we believe this bill does not protect us, but actively endangers us and our allies.

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- **Masks serve as a critical layer of protection** for individuals who fear retaliation or harassment due to their beliefs or activism. In recent months, many peaceful activists and protestors, including many Jews in support of Palestinian rights, have faced severe repercussions for their participation in demonstrations, including doxxing—where personal information is shared publicly to incite harassment and in some cases death threats. As stated by the [ACLU](#), *“At a time when both public and private actors are increasingly turning to invasive surveillance technologies to identify protesters, mask-wearing is an important way for us to safeguard our right to speak out on issues of public concern.”*
- 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 to police officers at a protest, **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 at a protest are unqualified to assess health concerns.
- 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.



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This bill is intended to suppress criticism of Israel and will chill legitimate political speech while exposing citizens to health risks as well as risks of doxxing, harassment, and violence.

SB0709 testimony.pdf

Uploaded by: Julia Boscov-Ellen

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - **UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Julia Boscov-Ellen, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Masks are a shield, not a weapon. There are no revisions to this bill or exemptions that could be made that would effectively mitigate the harm it will cause, especially to the disabled community. No version of a punishment for wearing masks is acceptable. Anti-mask laws will only increase mask stigma, where there is already an enormous amount of harassment and discrimination against mask-wearers—who are statistically more likely to be from from vulnerable groups (disabled, queer, and BIPOC communities).

Everybody has a right to protect their health regardless of their current medical status, but no version of this bill can guarantee that all reasons will be equally respected. You don't need an existing medical condition to want to avoid a disabling infection. Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis. "Affirmative defenses" cannot undo the harm caused by asking someone to unmask and risking infection. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV. Long Covid has already disabled millions of Americans, and we are entering dangerous territory with H5N1.

The proposed bill will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). It will not keep any group safer from harassment than the laws already in place do. And this legislation will create a chilling effect on anyone who simply wants to protect themselves from illness or pollution as they go about their lives. Many already admit to unmasking out of social pressure, because the animosity is so strong. Masked people aren't emboldened to harass others; they're harassed.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Unfavorable Testimony for SB0709 (2).pdf

Uploaded by: Kamiye Runsewe

Position: UNF

Unfavorable Testimony for SB0709

To Whom It May Concern:

I am writing as a lifelong resident of Maryland and current resident of Marriottsville (western Howard County) to express my vehement opposition to SB0709 or the “Unmask Hate Act.”

I am a Black woman in this state who wears a mask in my daily life. I wear a mask to protect against airborne illnesses. Many mask-wearers already experience hostility from those who don't mask including but not limited to unsolicited, negative comments and being purposefully coughed on. Passing this act would further stigmatize mask-wearing.

Additionally, there exists in the ranks of police officers nation-wide an *act now, ask questions later* attitude. If a police officer arrests an individual who wears a mask to protect their health, that individual would be forced to remove their mask and be exposed to airborne illnesses such as COVID-19, RSV, Influenza, and more. Regarding COVID-19, [10% to 30% of even “mild” infections lead to Long COVID, which can include but is not limited to developing Type 2 diabetes, neurocognitive impairment, encephalitis, and lymphocytopenia.](#) In a situation like this, there would be no redress for that individual being forced to unmask. Many chronic illnesses like the ones listed are irreversible and incurable.

According to the American Civil Liberties Union of Maryland, “Black residents make up 63 percent of those killed by police in Maryland, even though only 31 percent of Marylanders are Black.”¹ The Maryland ACLU also reported that [out of 22,884 use of force incidents from 2015-2019, 91% were committed against Black residents.](#)

This act puts Black and otherwise marginalized Marylanders at heightened risk for police violence by establishing pretext for increased encounters with police officers.

I am opposed to the “Unmask Hate Act” in its entirety. It aims to criminalize and further stigmatize mask-wearing at a time when a) airborne illnesses are rampant and b) the newly confirmed Secretary of Health and Human Services has made clear his desire to limit access to and information regarding vaccines and other health protections.

SB0709 is ill-conceived, and the solution is not to revise it, but rather to not pass it in this form or any other.

Sincerely,
Kamiye R.

¹ https://www.aclu-md.org/sites/default/files/field_documents/aclu-md_chasingjusticereport_aug2021.pdf

Testimony in Opposition to SB0709_Blaha_JVP.pdf

Uploaded by: Katherine Blaha

Position: UNF

Monday, February 24, 2025



Dear Committee Members,

I am submitting this testimony as a member of Jewish Voice for Peace (JVP) Baltimore, is a national grassroots Jewish organization in support of Palestinian rights with over 10,000 supporters in Maryland, as well as chapters in Baltimore, the DC Metro area, and at University of Maryland College Park. I am a resident of Baltimore City and District 41. I am testifying in **opposition** to **SB0709 “Criminal Law - Masked Intimidation - Prohibition”**.

JVP leaders and members alike in Maryland strongly oppose this bill. While we of course oppose harassment and intimidation, this bill could be exploited as a blanket prohibition on wearing masks at protests and to punish protesters for disfavored speech. As such, it directly undermines the rights of individuals to peacefully assemble and express their views, particularly in contexts where they may need protection from respiratory illness, doxxing, harassment, or violence themselves.

The American Civil Liberties Union has opposed mask bans such as this. The prohibition of masks at protests could result in a chilling effect on free speech. Individuals may feel discouraged from participating in political demonstrations if they believe their identities will be exposed by state or private actors seeking to quash their political opinions, leading to a reduction in diverse voices and perspectives in public discourse.

In recent months, many peaceful activists and protestors, including many Jews in support of Palestinian rights, have faced severe repercussions for their participation in demonstrations, including doxxing—where personal information is shared publicly to incite harassment and in some cases death threats.

As stated by the ACLU, “At a time when both public and private actors are increasingly turning to invasive surveillance technologies to identify protesters, mask-wearing is an important way for us to safeguard our right to speak out on issues of public concern.”

This bill is also deeply ableist and a threat to public health. Although the bill technically 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 to police officers at a protest, putting marginalized people especially at risk and endangering the public at large in a world where easily communicable viruses still present a serious public health 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 at a protest are unqualified to assess health concerns, and the requirement of individuals to provide private health information to officers to justify wearing masks for health reasons is an outrageous and inappropriate invasion of individuals' privacy.

It's clear that the true intent of this bill is not public safety, but oppressing freedom of speech and increasing the vulnerability of people willing to exercise their freedoms of speech and peaceful assembly. This bill's sponsors have been open about their intent to target speech critical of the State of Israel, describing it bill as a response to protests against Israel's genocide of Palestinians in Gaza.

Finally, Maryland already has laws in place to address harassment and intimidation. Interpreting this bill as charitably as possible, it would therefore at best be redundant rather than effectively addressing the underlying issues of violence and intimidation.

We believe this bill **does not protect the Jewish community**. Instead, we believe it **actively endangers us and our allies**. It is for all these reasons that I am encouraging you to **oppose** to **SB0709 “Criminal Law - Masked Intimidation - Prohibition”**.

Thank you for your time, service, and consideration.

Sincerely,
Dr. Katherine Blaha
5706 Cross Country Blvd
Baltimore, MD 21209
Jewish Voice for Peace (JVP) Baltimore

SB709

Uploaded by: Krystal Williams

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

BILL: SB 709 Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)
FROM: Maryland Office of the Public Defender
POSITION: Unfavorable
DATE: February 26, 2025

The Maryland Office of the Public Defender respectfully requests that the Judicial Proceedings Committee issue an unfavorable report on Senate Bill 709.

SB 709 prohibits a person from intentionally harassing, intimidating, or threatening another person while hiding or concealing their face, and imposes a misdemeanor penalty of up to 90 days imprisonment and up to \$500 fine for a first offense and up to 180 days imprisonment and up to \$1000 fine or both for subsequent offenses. This bill also provides the following affirmative defenses:

- wearing a mark or face covering in celebration of a holiday, celebration, or other event where masks or face coverings are traditionally worn;
- wearing a mask, hood, article, or other device as personal protective equipment as part of the person's occupation, trade, or profession;
- wearing a mask, hood, article, or other device for the purpose of protection from weather elements or while participating in a winter sport;
- wearing a mask, hood, article, or device in an artistic or theatrical production or celebration;
- wearing a gas mask or other protective facial covering for the purposes of protection during or relating to an emergency situation or during an emergency management drill;
- wearing a mask to limit the spread of airborne illnesses; or
- wearing any garment for religious purposes.

The stated purpose of the bill is to hold individuals who conceal their faces accountable for engaging in harassment, intimidation, or hate crimes while wearing a mask. However, rather than achieving this end, this bill is highly problematic and concerning for numerous reasons.

Laws Already Exist to Criminalize Conduct for Assault, Harassment and Hate Crimes

Including but not limited to the potentially vague and broad applications that could result in more harm to law-abiding citizens than any real deterrence in crime, this bill seeks to further criminalize conduct that is already met with penalties that hold individuals accountable for assault, harassment and hate crimes. Currently in Maryland, there are several laws that already would apply to the conduct of intentionally harassing, intimidating, or threatening another person. Namely, the following offenses all sufficiently address conduct deemed to be threatening, harassing and in particular hate crimes – of which carry significant penalties ranging from misdemeanors to felony offenses with imprisonment up to 20 years.¹

¹ MD Criminal Law Code § 10-306-Hate Crimes Penalty

(a) *Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.*

(b) (1) *A person who violates § 10-304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.*

- Second Degree Assault (MD Criminal Law Code § 3-203)²
- Harassment (Md. Code, CR § 3-803)³
- Hate Crimes (MD Criminal Law Code § 10-304)⁴
- Hate Crimes specifically prohibiting conduct items or symbols to threaten or intimidate (MD Criminal Law Code § 10-305.1)⁵

Adding a smaller misdemeanor penalty (of 90-180 days imprisonment and \$500-\$1000 fine) in addition to more punitive crimes currently on the books that carry far more significant penalties cannot be said to serve as a deterrent to crime.

(2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both.

(c) In addition to any other penalties imposed by this section, the court may require a person who violates this subtitle to complete an antibias education program.

² MD Criminal Law Code § 3-203 - Assault in the Second Degree

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) (1) In this subsection, "physical injury" means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:

- (i) a law enforcement officer engaged in the performance of the officer's official duties;*
- (ii) a parole or probation agent engaged in the performance of the agent's official duties; or*
- (iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services.*

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

³ Md. Code, CR § 3-803 – Harassment

(a) A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other; (2) after receiving a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose.

(b) This section does not apply to a peaceable activity intended to express a political view or provide information to others. (c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to: (1) for a first offense, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and (2) for a second or subsequent offense, imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.

⁴ MD Criminal Law Code § 10-304 – Hate Crimes, Harassment

Motivated either in whole or in substantial part by another person's or group's race, color, religious beliefs, sexual orientation, gender, gender identity, disability, or national origin, or because another person or group is homeless, a person may not:

- (1) (i) commit a crime or attempt to commit a crime against that person or group;*
- (ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group;*
- (iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or (iv) make or cause to be made a false statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police, about that person or group, with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint, in violation of § 9-501 of this article; or*
- (2) commit a violation of item (1) of this section that:*
 - (i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or*
 - (ii) results in the death of a victim.*

⁵ MD Criminal Law Code § 10-305.1 - Hate Crimes-Prohibition on Use of Item or Symbol to Threaten or Intimidate

A person may not place or inscribe an item or a symbol, including an actual or depicted noose or swastika, whether temporary or permanent, on any real or personal property, public or private, without the express permission of the owner, owner's agent, or lawful occupant of the property, with the intent to threaten or intimidate any person or group of persons.

Individuals Who Wear Masks and Commit Crimes are Already Held Accountable

While well-intended, this bill appears to be put forth based upon anecdotal reasons and not hard data to support the need for additional criminal laws that will help achieve the goal of helping to identify and hold individuals who commit harassment, assault and/or hate crimes accountable. A rise in hate crimes across the nation and this state are certainly concerning and need to be addressed. However, the ability to identify bad actors does not appear to be preventing law enforcement or prosecutors from holding individuals accountable. Indeed, through highly televised and nationwide cases of crimes being committed by individuals wearing masks over the past several years, we know that individuals who have committed crimes wearing masks are in fact routinely and often swiftly held accountable through highly sophisticated and coordinated investigative work of law enforcement and prosecutors. And attorneys across this state can certainly tell you they have no shortage of cases with individuals who, despite wearing masks or face coverings, have been and continue to be arrested and prosecuted for crimes.

Affirmative Defenses Put the Burden of Proof on Individuals Who May Be Wrongfully Arrested

In Maryland criminal law, affirmative defenses typically include self-defense, insanity, necessity, duress or alibi. Importantly, in order to use an affirmative defense, the burden of proof shifts to the person accused of committing a crime to prove by a preponderance of evidence that they have a legal defense for committing the offense – whereas the underlying offense itself must be proven by the prosecution beyond a reasonable doubt to have occurred. And it does not mean that the end result will be a finding that the individual did not commit the offense, rather it places the burden on the accused of attempting to explain *why* the alleged offense occurred, not that it did not actually occur. And so, these affirmative defenses do not actually help protect law abiding citizens from being accused and tried before a judge or jury in the event they have a legitimate reason for wearing a mask (as listed in the numerous reasons laid out in the bill that could very well be for noncriminal activity). Rather, these affirmative defenses only serve to hopefully mitigate the harms that will likely result given the multitude of reasons individuals wear masks and could be discriminately accused or targeted as engaging in conduct that can be perceived as intimidating or threatening.

Selective Enforcement Risks Could Result in Discrimination, Bias and Harm to Law-Abiding Citizens

Lastly, this bill presents concerns with the ability to enforce and prosecute such conduct in a way that does not unfairly criminalize and discriminate against law-abiding citizens. Not only would this law be difficult to enforce, calling for officers and the public to make potentially discriminatory and highly subjective calls about the intent of face coverings, this law – like many laws that have targeted clothing or certain populations of people, could be enforced disproportionately, targeting marginalized communities, peaceful protestors or activists in overbroad or overreaching applications. An individual who is wrongfully targeted can only put forth an affirmative defense after potentially harmful accusations have been made. There is a real danger in sweeping law-abiding citizens into being accused of harassing someone simply while wearing a mask – which could very well be for any one of the listed affirmative defenses – and yet, their only recourse is after they have been arrested and are being prosecuted for such a crime.

Despite carving out specific instances or occurrences for those who wear masks or face coverings for weather, sporting events, health and/or religious reasons, etc., these individuals have no ability to demonstrate the validity of these reasons before being accused of such a crime. Determining these highly specific reasons will be left to police officers responding to alleged violations, putting people who may have disabilities or health concerns at real risk of being criminalized and traumatized and likely harmed by such encounters and arrests.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 874.

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

SB709

Uploaded by: Laura Gilchrest

Position: UNF

February 25, 2025

Dear Committee Members and members of the Maryland General Assembly,

My name is Laura Gilchrest. I am a medical anthropologist and public health advocate residing in Adelphi, MD.

I am writing to strongly oppose the proposed bill SB0709 (HB1081) Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act). As written, the proposed bill is vague, overbroad, and redundant, given our clear laws at the state and federal level prohibiting hate crimes and racially and ethnically motivated intimidation.

The proposed law identifies risks to Black and Jewish residents specifically, and, without clearly naming them, references hate groups like the Proud Boys who are known to wear white Balaclava masks and show up to intimidate residents, deface property with symbols of hate, and instigate or commit acts of violence. We already have laws in place that prohibit this and are simply not being enforced.

As written this law does not specify the conditions or details for enforcement, and resembles laws proposed in other states that have resulted in the criminalization of people who are sick or immune-compromised, as well as discriminatory enforcement to stifle first amendment rights to assemble and protest. These rights are already significantly under attack in our democracy and Maryland should set a strong example that is pro-public health and pro-democratic rights. I also worry greatly that the wording of this bill would allow police to racially profile or harass school students who wear masks for weather/style/health or because they're teenagers. It addresses a symbol of a problem, not the actual problem - and I would welcome conversations and efforts to address root issues instead.

Mask bans like this one, will also have a chilling effect on the uptake and consistency of mask-wearing for public health and safety amid an ongoing COVID-19 surge and now the growing and spreading incidence of Bird Flu, now endemic in our domestic livestock population, and spreading to more humans in the US as of just this week. Now is not the time or place for a mask ban.

I absolutely agree that we should protect our community, but we have the tools and laws to do so without a law that would so easily have more damaging than beneficial effects on our state.

I oppose this law and urge our General Assembly to quash it.

Respectfully,



Laura S. Gilchrest, PhD

Written Testimony.pdf

Uploaded by: Lila Someshwar

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) -
UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Lila Someshwar and I am a Maryland resident. I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV. This bill discourages Marylanders from wearing medical masks, regardless of carve-outs. That will only make public spaces less accessible to disabled people, and raise the levels of virus in the air.

This bill will also worsen the harassment and discrimination against mask-wearers that is already happening in Maryland. I have been harassed in public multiple times for wearing a medical facemask - I have been screamed at in the grocery store parking lot and while taking a walk in my own neighborhood. This bill will encourage and embolden people to harass me, and other people like me.

I have to wear a mask in public spaces, for medical reasons. This bill would put an undue burden on me in all public settings, because I'd be held to a different legal standard than any person not wearing a mask. That is unfair and discriminatory. Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

The bill will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC).

Black, Indigenous, and Latino Marylanders are also more likely to be disabled, and more likely to suffer from conditions like Long COVID that weaken your immune system. This legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

For these reasons and more I implore that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Sources: Jews for Mask Rights - Why Mask Bans Fail Jews and Other Marginalized Groups, <https://www.jewsformaskrights.com/resources/the-dangers-of-the-unmaskhateny-mask-ban>, **Community Advocate, @cmmnctn.brkdwn,** <https://www.instagram.com/cmmnctn.brkdwn/>

Testimony for SB709 Opposed.pdf

Uploaded by: Linda Green

Position: UNF

Testimony for Senate Bill 709 – Opposed

February 25, 2025

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

I am writing to oppose the proposed anti-masking legislation, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) Senate Bill 709." I am an internal medicine physician who has volunteered with Disability Justice groups since 2021 and has been a member of the American Public Health Association for over 40 years. Public health efforts to encourage masking in the face of serious airborne viruses including flu and COVID-19 have been attacked and politicized for too long in the United States. This has led to many more cases of illness including prolonged illnesses than should have been allowed to happen. By conflating mask-wearing with criminality this bill will further discourage masking.

The concern about airborne viruses is not trivial. In January of this year, the Maryland Department of Health re-recommended universal masking in all healthcare settings because of surging rates of respiratory illnesses in the state.. Currently, flu rates are at a 25-year record high and over 1 in 10 emergency room visits in Maryland have been because of the flu (as of Feb 8, according to the Maryland DOH). Based on publicly available hospital and wastewater data, Maryland has very high levels of Covid-19 as of February 11th.

According to the CDC, FDA, WHO, and OSHA, the best evidence-backed tools we have to keep people safe from airborne illnesses are masks such as KN95s and N95s. The air quality in many buildings and schools is suboptimal and recent fires and smoke also justify masking for health reasons. By allowing this bill to move forward and essentially criminalizing mask-wearing, you would be inadvertently adding to an already existing public health disaster.

There are already laws against assault and harassment as well as hate crimes so additional penalties for wearing a mask are unnecessary and will lead to hurting other people. Though the bill has a supposed carve out for those who wear masks or face coverings for health/religious reasons, it is not clear how individuals will be able to prove this. The decision of what constitutes "masked intimidation" and who has "legitimate" needs will be left up to police officers who are responding to "violations" and it puts many individuals at significant risk, especially people of color and immunocompromised/disabled folks. Questioning people about the reasons for wearing a mask on the street, at a rally or a march is a violation of one's privacy. In fact, harassment of people who wear masks for whatever reason

increased after the Nassau County bill went into effect in New York.. This bill will increase racial profiling and harassment of people of color, and ultimately increase racial medical disparities.

Beyond medical issues residents also face a risk in surveillance by authoritarian regimes and may mask to protect themselves and their families. The International Committee for Human Rights in the Philippines (ICHRP) requires masking in protests such as the recent campaign for justice for Brandon Lee. University of Maryland students are among those involved in this campaign. Medical and political considerations factor into this guidance. Facial recognition, drone surveillance and penalties for protesting are all important considerations.

This dangerous bill will do little to stem supposed "masked intimidation" by protestors, and instead will contribute to the further discrimination of already marginalized groups such as Black and Brown and/or disabled/immunocompromised residents. In essence this bill proposes a solution to a non-existing problem and I strongly urge your committee to report this bill as UNFAVORABLE.

Thank you for your consideration,

Linda D. Green MD



3113 Varnum Street

Mount Rainier, Maryland 20712

301-779-7432 (H), 301-356-5087(C)

lindadgreen@gmail.com

07091 Testimony L.pdf

Uploaded by: Lisa Boscov-Ellen

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - **UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Lisa Boscov-Ellen, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709.

Criminalizing masking does nothing to make anybody safer—on the contrary, it makes life more difficult and more dangerous for everyone. It is bad policy for public health. It adds to stigma against masking which in turn contributes to the harassment of marginalized and vulnerable people. Health exemptions are unfair and impractical and would result in abuse by law enforcement, creating a crisis of civil rights and public health. There is no revision or modification to this bill that would eliminate the harm it would cause. Everyone has a right to protect their health and their privacy.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Zhangsun Brown - Testimony against SB-0709 (Feb.20

Uploaded by: Ly Xinzhen Zhangsun Brown

Position: UNF

LY XĪNZHÈN ZHǎNGSŪN BROWN

PO Box 168, Glen Arm, Maryland 21057
www.lydiaazbrown.com

24 February 2025

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

Please vote against SB0709.pdf

Uploaded by: Maria Bernier

Position: UNF

Please vote against SB0709

My name is Maria Bernier, I am a constituent from District 45. I would like to submit testimony against Senate Bill 0709 as it is a misguided and ill-thought law that will only subject Marylanders to increased discrimination and police scrutiny for wearing a mask.

Medical exemptions carved out in the law are ineffective. The Maryland Department of Health recommended Universal Masking only last month and with a historic influenza season ravaging ERs, Covid, the resurgence of Measles and Tuberculosis, adding another legal barrier to masking is tantamount to subjecting Marylanders to more disease, lost work time, lost income, striking a blow to businesses and putting an even heavier burden on overwhelmed healthcare systems.

Leaving the decision of who is masking to intimidate up to police sets a dangerous precedent.

I would like to ask why are Democrats doing Trump's work for him and pushing anti-free speech laws on Marylanders.

I would like to quote some excerpts from the organization Jews for Mask Rights who speak out against Mask Bans in New York:

"This legislation ignores the critical role masks play in protecting public health. Masks are [vital for preventing illnesses](#) like COVID-19 and the flu. This will become even more crucial as the [threat of a bird flu \(H5N1\) pandemic](#) escalates and the current administration silences public health information. While the bill includes health-related carveouts, its reliance on subjective interpretations of intent nonetheless endangers those masking for protection.

The idea that someone could be questioned – or even arrested – for masking is both alarming and unjust. **How can anyone feel secure wearing a mask, knowing their intent might be misinterpreted?"**

"The mask ban is fundamentally flawed legislation that causes confusion, invites abuse, and undermines public safety. It imposes unnecessary burdens on [New Yorkers] who wear masks for legitimate reasons and exacerbates systemic inequalities. And it erodes civil rights

precisely when preserving those rights is imperative.

As attacks on individual freedoms become rampant, **it is deeply troubling that Democrat lawmakers – who should be protecting these rights – are instead pushing measures that restrict them.**

Trading our rights for increased policing will help no one. Antisemitism is a real and complex problem, and enacting an unrelated and dangerous bill does nothing to solve it."

source: <https://www.jewsformaskrights.com/resources/why-ny-mask-ban-masked-harassment-fails>

Opposition of Senate Bill 0709.pdf

Uploaded by: Marilyn Kiely

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - **UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Marilyn Kiely, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

I am a healthcare worker at a local hospital and masks are required for direct patient care for immunocompromised patients. Data on current circulating respiratory illness have pushed hospitals to this patient mandate. I am an individual that has had chronic illness that does not have an official diagnosis or health documentation to provide as a mask wearer. Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

It will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). And this legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Miller - Written Testimony Regarding SB0709.pdf

Uploaded by: Marissa Miller

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - **UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

I am a nearly lifelong Marylander and current Maryland resident writing to request that you oppose SB0709. I understand, and appreciate, that the bill's sponsors aim to limit acts of hatred in our state. I also understand that the reported goal of the bill is to target only those who are intentionally harassing, intimidating, or threatening another person. I understand that the bill's sponsors may feel that if you are not intentionally harassing, intimidating, or threatening another person, you should have no concern about the bill applying to you.

However, the bill differentiates itself from existing legislation regarding harassment or assault by referencing concealment of identity, and, further, specifically, use of masks. This can negatively impact Marylanders, even those who are not intentionally harassing, intimidating, or threatening another person, in at least two ways.

First, **the people who are most likely to wear a face mask for personal and public health purposes are in marginalized groups, who are at risk for negative outcomes of implicit bias, and already fear criminalization and pathologization exacerbated by their use of masks.**

A 2023 study in Political Science Quarterly by authors Sanchez, Vargas, and Sayuri "found that racial and ethnic minorities are more likely to wear a mask or scarf over their faces to prevent the spread of COVID-19 despite being more likely to worry about being criminalized by police or security while wearing a mask. We argue that proximal contact with the virus, because racial and ethnic minorities are more likely to be affected by COVID-19, leads to increased willingness by people in these groups to protect themselves and others." Dr. Sanchez elaborated in a news report on this article that especially Black and Latino men had greater fears while wearing masks, including a fear of mask-wearing bringing "unwanted attention from police and security." And yet, the public health risks of not using this accessibility and disease prevention tool are so great that "populations of color still were more likely to wear masks than their White counterparts."

These fears are not unfounded. A 2021 literature review by Du notes that “after evaluation empirical and rigorous research during the past five years, the review maintains that racial bias still exists in the [criminal justice] system. Implicit and/or explicit racial bias indeed influence law enforcement agents’ legal decisions and practice.” Additionally, African American males are already at higher risk for “social punitive measures, including involuntary psychiatric hospitalizations, owing to stereotypical social perceptions of this group as more threatening relative to other race/ethnic negative outcomes” (Singh, Catalano, Bruckner, 2025). As DEI initiatives that might empower law enforcement personnel to carefully consider racial and cultural biases are rolled back and training in these areas may become more limited, marginalized groups face an even greater risk.

Taken together, this suggests that Marylanders who are in racial/ethnic minorities and using masks as a public health tool are already facing risks for criminalization. If masks are further highlighted as associated with assault and harassment through legislation like SB0709, Marylanders could be at risk for erroneously being considered to have intent of harassing, intimidating, or threatening others, but more as a matter of demographic and personal factors than a matter of true intent.

As a disabled Black Marylander who wears a face mask to more safely access spaces like my workplace, grocery store, doctors’ appointments, I empathize significantly with the findings of Dr. Sanchez’s study. The health risks of going certain places without proper, doctor- and researcher-recommended precautions are too great to forgo wearing it, and I have to make a concentrated, overt effort to appear non-threatening to others as I do so- ensuring that my smile reaches my eyes, my hands are visible, my approach is audible, and my movements are predictable. **This bill further endangers marginalized Marylanders who rely on masks for public health purposes because of the risk for misjudging their intent.**

Second, **if masks are associated with hatred and potential criminalization as this bill purports, the public’s use of this essential tool may decrease.**

The Maryland Department of Health names “universal masking” one of several “key measures to prevent and contain the spread of respiratory infections” in a January 14, 2025 letter:

https://www.mbp.state.md.us/forms/Clinician_Letter_Source%20Control_1.14.2025.pdf

and a 2024 study through the University of Maryland (Lai and colleagues) notes that use of N95 masks stopped 98% of COVID-19 particles from infected individuals from entering the air, through which others could catch this highly contagious airborne illness.

The study’s senior author reported that “**the research shows that any mask is better than no mask.**” And yet, we already observe a woefully limited use of this tool. Based

on my own experience, it feels quite likely that this testimony is being read in a room where people are predominantly not wearing masks. Such spaces are not accessible or safe for our immunocompromised, at-risk, and health-conscious community members.

The more that spaces are dominated by little to no mask usage, the less these Marylanders can safely participate in the economy, sustain relationships, and bolster our communities.

I am so grateful for the doctor’s offices that require masks, the DMV theaters that offer

mask-required performances, the Maryland libraries that have distributed masks, and the gatherings of family and friends that use masks.

Marylanders who are not currently disabled or in the groups I named above also benefit from mask-wearing and limited spread of airborne illness, as some of these illnesses can result in disabling post-acute sequelae. The risk of post-acute sequelae from COVID-19, for example, increases with each time an individual contracts COVID-19 (Bowe and colleagues, 2022). **We desperately need messaging that *increases* use of face masks.**

If the heart of this bill is to limit concealment of identity to commit crimes, the bill's initial language seems sufficient: "for the purpose of prohibiting a person from intentionally harassing, intimidating, or threatening another person while hiding or concealing their face." I believe there is a significant public health risk to Marylanders by including the clause "and generally relating to masked intimidation" (emphasis added) and describing this bill in terms of "Masked Intimidation" (emphasis added) and as the "Unmask Hate Act" (emphasis added). Marginalized Marylanders who are impacted by the hate this bill aims to stop are also the ones most likely to mask, even at personal sociopolitical risk.

In conclusion, determining intent is too subjective for it to be dismissed as irrelevant for all Marylanders who do not have intent to harass, intimidate, or threaten others, and the bill as currently written raises multiple problems with potentially long-lasting health and economic effects in an attempt to solve another. I urge that this committee oppose SB0709 and generate legislation that limits hateful acts but does not reference masking in this negative and criminalized way.

Thank you for your consideration of my testimony and your service to our state.

Respectfully,
Marissa Miller, PhD
Maryland Resident

Citations

Bowe, B., Xie, Y., & Al-Aly, Z. (2022). Acute and postacute sequelae associated with SARS-CoV-2 reinfection. *Nature medicine*, 28(11), 2398-2405.

For more information, please see this news article:

<https://www.science.org/doi/pdf/10.1126/science.adl0867>

Du, Y. (2021). Racial bias still exists in criminal justice system? A review of recent empirical research. *Touro L. Rev.*, 37, 79.

Lai, J., Coleman, K. K., Tai, S. H. S., German, J., Hong, F., Albert, B., ... & Milton, D. K. (2024). Relative efficacy of masks and respirators as source control for viral aerosol shedding from people infected with SARS-CoV-2: a controlled human exhaled breath aerosol experimental study. *EBioMedicine*, 104.

Related, cited news article: <https://sph.umd.edu/news/study-shows-n95-masks-near-perfect-blocking-escape-airborne-covid-19>

Sanchez, G. R., Vargas, E. D., & Dominguez, M. S. (2023). The Race Politics Associated With Wearing a Mask in Public to Combat COVID-19. *Political Science Quarterly*, 138(4), 491-507.

Singh, P., Catalano, R., & Bruckner, T. A. (2025). Racial disparities in law enforcement/court-ordered psychiatric inpatient admissions after the 2008 recession: a test of the frustration–aggression–displacement hypothesis. *Social Psychiatry and Psychiatric Epidemiology*, 60(1), 113-123.

SB0709-UnfavorableTestimony-MEJourdak.pdf

Uploaded by: Mary Ella Jourdak

Position: UNF

02/24/2025

Honorable Chair Senator William C. Smith Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

**Criminal Law: Masked Intimidation - Prohibition (Unmask Hate Act)) -
UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Mary Ella Jourdak, and I am writing this testimony to urge you to vote unfavorably on HB 1081/SB 0709. Carve outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill, or the general public from the implications of policing others based on masks. Anti-mask laws will increase stigma, harassment, and discrimination against mask-wearers like myself.

I am writing this while battling a second round of flu and respiratory illness in the last month. As a photographer who often works with newborns or medically fragile families, I frequently wear a mask in public so as to protect my clients, and do not seek to incur additional harassment for this practice. Aside from the practicality of protecting Marylanders from short term illnesses, I find this bill to be deeply problematic in regards to the rights and safety of all in our state.

Health exemptions for mask bans are both impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health catastrophe.

A law in regards to masking will also escalate both biased law enforcement as well as harassment of those wearing masks. I have personally seen people using their support of this bill as a harbinger of false safety, saying that those who wear masks and keffiyehs (a scarf that is a symbol of Palestinian solidarity) are the same as those wearing KKK white hoods to promote hate. This is simply ridiculous and unwarranted, and would help those who seek to discriminate against others another tool to do so.

For these reasons and more, I ask that the Senate Judicial Proceedings Committee please give SB0706 an unfavorable report.

Thank you,
Mary Ella Jourdak

SB0709 Testimony Sources.pdf

Uploaded by: Maxwell Guttman

Position: UNF

SB 0709 Sources for Facts Given

Different marginalized groups that are more affected by severe COVID and long COVID:

Immigrants:

- <https://www.cidrap.umn.edu/covid-19/covid-19-hits-migrants-refugees-especially-hard-review-shows>
- <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2824695>
- <https://www.washingtonpost.com/health/2024/05/28/long-covid-patients-of-color-black-latino/>
- <https://www.census.gov/library/stories/2023/05/long-covid-19-symptoms-reported.html>

Trans people:

- <https://www.transresearch.org.au/post/long-covid>
- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8492083/>
- <https://usafacts.org/articles/who-has-long-covid-heres-the-data-by-gender/>

Black people:

- <https://pmc.ncbi.nlm.nih.gov/articles/PMC7762908/>
- <https://www.sciencenews.org/article/coronavirus-why-african-americans-vulnerable-covid-19-health-race>
- <https://usafacts.org/articles/covid-19-death-data-shows-racial-disparities-during-the-pandemic/> (Read the whole thing!)
- <https://www.uclahealth.org/news/release/bipoc-individuals-bear-greater-post-covid-health-burdens-new>
- <https://www.bmj.com/content/384/bmj-2023-076106>
- <https://www.census.gov/library/stories/2023/05/long-covid-19-symptoms-reported.html>
- <https://www.washingtonpost.com/health/2024/05/28/long-covid-patients-of-color-black-latino/>

Native Americans:

- <https://usafacts.org/articles/covid-19-death-data-shows-racial-disparities-during-the-pandemic/>
- <https://ctri.wisc.edu/2024/02/01/uw-examines-covid%E2%80%91related-disparities-among-american-indians-and-alaska-natives/>
- <https://www.uclahealth.org/news/release/bipoc-individuals-bear-greater-post-covid-health-burdens-new>
- <https://www.bmj.com/content/384/bmj-2023-076106>

Asymptomatic COVID rates:

- 28-31%: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0249090>
- 35%: <https://pubmed.ncbi.nlm.nih.gov/34376550/>

- 40%: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2787098>
- 42.5%: <https://www.acpjournals.org/doi/full/10.7326/M20-6976>
- 49%: [https://www.thelancet.com/journals/lanepi/article/PIIS2666-7762\(24\)00038-3/fulltext](https://www.thelancet.com/journals/lanepi/article/PIIS2666-7762(24)00038-3/fulltext)

Masking by race:

- <https://docs.cdn.yougov.com/nujlm70ly6/econTabReport.pdf> (page 42)
- <https://www.pewresearch.org/politics/2025/02/12/americans-views-on-covid-19-risk-and-the-countrys-response-to-health-emergencies/> (5th graph)
- https://www.researchgate.net/figure/Predicted-probability-of-mask-wearing-by-race-and-ethnicity_fig1_348609940
- Racial profiling and masking: <https://journals.sagepub.com/doi/full/10.1177/1368430221998781>

Major human rights organizations that have confirmed human rights abuses by the Israeli government (not at all an exhaustive list):

- United Nations OHCHR (Human Rights)
- United Nations OCHA (Office for the Coordination of Humanitarian Affairs)
- United Nations UNFPA (Sexual and Reproductive Health)
- United Nations UNICEF (International Children's Emergency Fund)
- Human Rights Watch
- Doctors Without Borders/Médecins Sans Frontières
- International Rescue Committee
- Oxfam
- Save the Children
- Amnesty International
- International Committee of the Red Cross
- Physicians for Human Rights
- International Federation for Human Rights
- Euro-Mediterranean Human Rights Monitor
- Human Rights Coalition
- War Child Alliance

SB0709 Testimony.pdf

Uploaded by: Maxwell Guttman

Position: UNF

SB0709 (2025) Written Testimony
Sources attached as separate document

My name is Maxwell Guttman. I am a Jewish American with family in the state of Israel, have lived in Rockville most of my life, and was educated and became a Bar Mitzvah at B'nai Shalom of Olney. Before being disabled out of the ability to work by long COVID in 2021, I was a licensed public middle school teacher in Lawrence, Massachusetts, where my professional specialties included critical race theory (long before it became a buzzword), and disability and LGBTQ inclusion. This bill sits at the exact overlap of my professional expertise and lived experience.

SB0709 and HB1081 are being presented as an alliance and for the protection of Maryland's Jewish and Black communities. However, this bill will only endanger people of color — especially those who are Black — LGBTQ, disabled, immunocompromised, and elderly people across the state, while fanning the flames of genuine antisemitism even further.

First, this bill will dramatically exacerbate racial profiling. While there are exceptions for medical and religious need, true validation of those exceptions are not provided until trial; the determination of both the accusation of a threat and the legitimacy of a person's right to mask is decided in the heat of the moment solely by a police officer, not a medical professional nor religious community leader. Due to both conscious and unconscious bias, people of color, especially Black people, are already disproportionately treated as suspicious or aggressive for simply existing, and are likewise disproportionately targeted by police. I think of Sonya Massey, George Floyd, Brianna Taylor, Sandra Bland, Michael Brown, Trayvon Martin, Emmett Till. They were all deemed suspicious or threatening due to racial profiling and never made it to a trial, even without a mask ban. The last thing Maryland needs right now is more reason for people of color, especially Black, Latino and Arab people, to be profiled for their appearance.

Second, this bill will strongly deter all people from masking, especially people of color who are afraid of being profiled. This will put even more stress on our healthcare system and directly harm people of color, LGBTQ people, disabled people and low-income people the most. These demographics already face significant barriers to accessing healthcare, and for five years now, research has shown that Black, Latino, Native American, transgender and disabled people are disproportionately affected by severe COVID, long COVID and death by COVID. Data from Pew Research and YouGov has also shown consistently that people of color are significantly more likely than white people to mask in public spaces to protect their health and the health of their loved ones. And despite taking more precautions, communities of color are still being more often and more severely affected by COVID, highlighting just how deeply those medical disparities run. By deterring people from wearing masks, these communities will face even more harm from COVID, other airborne illnesses, and the ripple effects of an even further strained healthcare system.

Third, this bill will be widely misinterpreted in a way that further encourages targeting of those who mask. People will see that the headline that there was a mask ban and not read the fine print. This not only includes people who will use this to decide to not mask themselves, but those who will see other people masking and inherently believe that person is breaking the law — again, an issue that will far more often be used to wrongfully accuse Black and brown people. This will get people kicked out of

stores, denied public services, and interrogated by law enforcement for simply trying to protect their health. It will be their word against someone else's, and their and their loved ones' health at risk for it. And again, because people of color are both more likely to mask than white people and more likely to be deemed suspicious, this will further encourage targeting of people of color.

Fourth and finally, because I know that the catalyst for this bill is the mass protests regarding the State of Israel's treatment of Palestinians: as a Jewish person, I urge you to consider the vast, critical difference between protests against the Israeli government, and harassment/intimidation of Jewish people. Yes, both are happening more frequently, but they are not the exact same thing despite what the ADL, who is backing this bill, is saying; in fact, conflation of the former is encouraging the latter. Just as it is entirely possible to criticize and protest the governments of Iran or the United Arab Emirates for their human rights abuses in a way that is not Islamophobic, and without harassing Muslim people, it is entirely possible to criticize and protest the Israeli government, and hold them accountable for their human rights abuses — which have been well-documented by every major human rights organization in the world — in a way that is not antisemitic. The equation that “protesting Israel = protesting Jews” is to deny the rich history of Judaism that spans six thousand years and countries across the world, and to fan the flames of genuine antisemitism. When we tell people that the state of Israel is one and the same with all Jewish people, we send the message that if someone has an issue with the Israeli government, then vandalizing a synagogue or harassing a family wearing tzitzit and kippot is a legitimate way to voice their dissent, because if all Jewish people are the same thing as all the state of Israel, they can direct their grievances at any Jewish person; obviously, is not true, and encourages genuine antisemitism. If I have an issue with how Iran treats women or the UAE's contributions to war crimes in Sudan, I'm not going to vandalize a mosque or harass a person wearing hijab; I'm going to focus on protesting their governments and any of the collaborators in their actions. When we make the distinction between criticism of Israel and genuine antisemitism, we tell people if you have an issue with the state of Israel, you should be criticizing and protesting those responsible for the actions of the Israeli government — which can include the US's significant, direct contributions to those actions — because that single country and its government bodies are distinct entities separate from Judaism as a practice, and from everyday Jewish people. I truly beg this legislative body and the ADL to recognize that protesting human rights violations and war crimes at the hands of a government that happens to be led by Jewish people is not the same thing as protesting Jewish people ourselves. Our true safety as Jews will never come at the expense of oppressing others, and especially not through the criminalization of a tool created to protect peoples' health.

Masks are an absolutely critical tool of public health. We are currently in a “quademic” of COVID, RSV, norovirus, and flu, with flu levels the highest they have been in 15 years. All four of these viruses spread in the air, and between 1/3 and 1/2 of COVID cases are fully asymptomatic. And in the meantime, we are seeing an unprecedented dismantling of public health infrastructure under this new presidential administration. We should be encouraging people to mask to protect their health and the health of others, not discouraging, let alone criminalizing it.

I urge you to see this bill as an attack on groups that are already under immense attack, including the very Jewish and Black people that claims to protect. This bill does not unmask hatred; it only emboldens it toward communities that are already facing so much adversity, and puts public health at risk while doing so.

Untitled document.pdf

Uploaded by: Meghan Will

Position: UNF

Masking is one of the few and best ways disabled, immunocompromised, and other chronically ill people can safely participate in society, which is already difficult enough for them. This extends to anyone in their households and care team.

The Black community is also at higher risk for long COVID and adverse health outcomes. This bill is supposed to protect them from harassment but only does that by increasing their risk of illness when they already deal with health inequality.

This bill would require people to somehow prove they have an exemption to wear a mask. If you're masking for health reasons, that likely means having to share/prove private medical information on demand. Which you shouldn't have to do to go grocery shopping, for example.

We're seeing a large spike in COVID, flu, RSV, and other communicable diseases. Preventing masking puts everyone at higher risk for catching these diseases. In addition to increased suffering, more sick people harms our state economy when we're already taking a hit from the federal government chaos. I am not in favor of this bill for the above reasons.

LetterForSB709.pdf

Uploaded by: Michael Lavina

Position: UNF

Dear Senator Waldstreicher

I'm writing as a concerned Marylander about the recently proposed anti-masking legislation, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) - HOUSE BILL 1081 (SB0709)," sponsored by Delegates Bofo, Simpson, Spiegel, Toles, and Vogel. As someone who masks in all public spaces - both indoor and outdoor - to protect themselves from respiratory viruses including Covid-19, RSV, and the flu, I find this bill extremely concerning for multiple reasons and **urge its immediate retraction.**

Though the bill has a supposed carve out for those who wear masks or face coverings for health/religious reasons, it is not clear how individuals will be able to prove this. The decision of what constitutes "masked intimidation" and who has "legitimate" needs will be left up to police officers who are responding to "violations" and it puts many individuals at significant risk, especially people of color and immunocompromised/disabled folks. This bill will increase racial profiling and harassment of people of color, and ultimately increase racial medical disparities. Those who are immunocompromised and disabled also face great threats to their health with this bill, especially if they are forced to remove their mask, which would increase their chance of catching airborne viruses (e.g., Covid or Flu) and developing long-term conditions (e.g., Long Covid or Long Influenza).

In January of this year, the Maryland Department of Health re-recommended universal masking in all healthcare settings because of surging rates of respiratory illnesses in the state (https://www.mbp.state.md.us/forms/Clinician_Letter_Source%20Control_1.14.2025.pdf). Currently, flu rates are at a 25-year record high and over 1 in 10 emergency room visits in Maryland have been because of the flu (as of Feb 8, according to the Maryland DOH). Based on publicly available hospital and wastewater data, Maryland has very high levels of Covid-19 as of February 11th.

According to the CDC, FDA, WHO, and OSHA, the best evidence-backed tools we have to keep people safe from airborne illnesses (e.g., Covid-19 and flu) are masks such as KN95s and N95s. By allowing this bill to move forward and essentially criminalizing mask-wearing, you are inadvertently adding to an already existing public health disaster. This dangerous bill will do little to stem supposed "masked intimidation" by protestors, and instead will contribute to the further discrimination of already marginalized groups such as Black and Brown and/or disabled/immunocompromised Marylanders. By conflating mask-wearing with criminality, you are sending a dangerous message to Marylanders and further contributing to the politicization of a key tool that keeps people safe from respiratory illnesses, disability, and death. **I strongly urge you to vote against House Bill 1081.**

Thank you for your consideration,

Michael Lavina
5806 31st Ave
Hyattsville, MD 20782
917-991-5909

Unfavorable Testimony SB0709.pdf

Uploaded by: Michael Lent

Position: UNF

SB0709 - Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)
Hearing before the Senate Judicial Proceedings Committee
February 26, 2025
Position: UNFAVORABLE

My name is Michael Lent, I am a Parkville, MD resident and constituent of District 08. I am asking that the committee oppose the mask criminalization bill, SB 0709. Maryland must allow people with disabilities (such as those with compromised immune systems), and anyone concerned about their health, the ability to protect themselves with a face mask without fear. Carve outs in the bill for health or religious reasons are not enough. SB 0709 will inevitably add to the existing stigmas and harassment directed towards disabled people who mask for health reasons. It will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). This legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV. We urgently need masking for protection against COVID infection, as 1 in every 10 COVID infections results in chronic and debilitating health conditions (i.e. Long COVID) and COVID disproportionately harms BIPOC communities and women. Federal public health guidance also recommends that anyone working with animals wear a face mask for protection against highly pathogenic H5N1 avian influenza (HPAI), which has been found in farms across Maryland. With high rates of COVID, influenza, and RSV in Maryland right now, combined with the potential threat of HPAI, why does the legislature think it is a good idea to advance any legislation that could discourage masking?

I respectfully urge this committee for an unfavorable report on HB0521.

SB709.pdf

Uploaded by: Nadia Carrell

Position: UNF

My name is Nadia Carrell and I am a 31 year homeowner and taxpayer in Montgomery County. I am opposed to this legislation which would criminalize the peaceful actions of people who are protesting for peace and an End to the Occupation in Palestine, among other issues . Pro-Israel counter protesters not wearing masks show up to these protests and assault and harass peaceful masked demonstrators. A beneficiary of our MIDC has harassed peaceful anti-genocide protestors threatening to cut off their heads. Instead of criminalizing peaceful protestors, we should be thanking them for their morality and criminalize those who assault and doxx them. I urge you to not pass this legislation.

HB 1082_SB709 (Anti-Masking) - JVPA Baltimore Lead

Uploaded by: NICOLE MORSE

Position: UNF



LEGISLATIVE POSITION: HB 1081 (Boafo, Simpson, Spiegel, Toles, and Vogel) / SB 709 (Waldstreicher and Jackson) - Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

Jewish Voice for Peace Action (JVPA) is a national grassroots Jewish organization in support of Palestinian rights. We have over 10,000 supporters in Maryland, and chapters in Baltimore City, the DC Metro area, and University of Maryland College Park.

JVPA Local Leaders in Maryland **strongly oppose** this bill. While we oppose harassment and intimidation, this bill could function as a **blanket prohibition on wearing masks** at protests and could be used to punish protesters for disfavored speech. As such, it directly **undermines the rights of individuals to peacefully assemble and express their views**, particularly in contexts where they may need protection from respiratory illness, doxxing, harassment, or violence. [As Jews](#), we believe this bill does not protect us, but actively endangers us and our allies.

KEY POINTS

- The prohibition of masks at protests could result in a **chilling effect on free speech**. Individuals may feel discouraged from participating in political demonstrations if they believe their identities will be exposed by state or private actors seeking to squash that political opinion, leading to a reduction in diverse voices and perspectives in public discourse. As a result, [the ACLU has opposed such mask bans](#).
- **Masks serve as a critical layer of protection** for individuals who fear retaliation or harassment due to their beliefs or activism. In recent months, many peaceful activists and protestors, including many Jews in support of Palestinian rights, have faced severe repercussions for their participation in demonstrations, including doxxing—where personal information is shared publicly to incite harassment and in some cases death threats. As stated by the [ACLU](#), *“At a time when both public and private actors are increasingly turning to invasive surveillance technologies to identify protesters, mask-wearing is an important way for us to safeguard our right to speak out on issues of public concern.”*
- 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 to police officers at a protest, **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 at a protest are unqualified to assess health concerns.
- 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.



- Maryland already has laws in place to address harassment and intimidation. Adding this bill to the legal framework will **create redundancy** rather than effectively addressing the underlying issues of violence and intimidation.

This bill is intended to suppress criticism of Israel and will chill legitimate political speech while exposing citizens to health risks as well as risks of doxxing, harassment, and violence.

SB709_Nicole_Morse_JVPA_UNF.pdf

Uploaded by: NICOLE MORSE

Position: UNF



LEGISLATIVE POSITION: HB 1081 (Boafo, Simpson, Spiegel, Toles, and Vogel) / SB 709 (Waldstreicher and Jackson) - Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

Jewish Voice for Peace Action (JVPA) is a national grassroots Jewish organization in support of Palestinian rights. We have over 10,000 supporters in Maryland, and chapters in Baltimore City, the DC Metro area, and University of Maryland College Park.

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KEY POINTS

- The prohibition of masks at protests could result in a **chilling effect on free speech**. Individuals may feel discouraged from participating in political demonstrations if they believe their identities will be exposed by state or private actors seeking to squash that political opinion, leading to a reduction in diverse voices and perspectives in public discourse. As a result, [the ACLU has opposed such mask bans](#).
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- 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 to police officers at a protest, **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 at a protest are unqualified to assess health concerns.
- 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.



- Maryland already has laws in place to address harassment and intimidation. Adding this bill to the legal framework will **create redundancy** rather than effectively addressing the underlying issues of violence and intimidation.

This bill is intended to suppress criticism of Israel and will chill legitimate political speech while exposing citizens to health risks as well as risks of doxxing, harassment, and violence.

Mueller Bill Opinion.pdf

Uploaded by: Rachael Mueller

Position: UNF

I strongly oppose, in no uncertain terms, the proposal to restrict the ability for the general population to wear masks.

Masking allows ill and immunocompromised people to navigate through public spaces safely, especially during times of high illness spread (as in our current surge of virulent flu, RSV, and covid strains). Moreover, it allows those who are healthy to reduce their exposure and protect vulnerable friends and family, and allows those who are sick and forced to be in public (using a bus to travel to a doctors office, for instance) to be courteous and protect those around them.

Masking has been essential to keeping my family safe. My father has had 2 heart attacks, a quadruple bypass, and has 17 stents in his heart. My mother died of early onset Alzheimers disease in May 2023. Both of my parents were at extremely high risk from covid during the peak of the pandemic, and masking allowed me to continue to interact with them and support them safely. My parents did not contract covid until well after vaccines had been developed and deployed, and without the ability to mask, I firmly believe they would have been infected earlier, had significantly worse outcomes, and possibly died (or, in the case of my mother, died sooner).

Asking those who wish to mask to justify their choices unduly burdens those who, for either their benefit or their loved ones' benefit, are trying to reduce their risk of contracting disease. We do not ask those who use hand sanitizer to share their vaccines records. We do not demand a list of diagnoses from those who wash their hands. And we don't demand HIPPA protected information from people whose professions require wearing gloves for safety and sanitation (garbage collectors, doctors, nurses, etc). To do so would be absurd and fly in the face of established federal law and free speech protections. This begs the question then: why is a scrap of fabric across the face any different?

Particularly given the current tumultuous state of federal employment, which Maryland relies upon as a backbone of its economic stability, I cannot fathom why the state legislature has chosen to take up this issue instead of focusing on concrete actions that will benefit their constituents. We are scared for our jobs and our futures on a national level, we do not need to defend our right to free speech within the boundaries of our own state. And especially given the rapid spread of bird flu and the ongoing risk should it make the jump to human to human transmission, this bill goes beyond ignorance to fool hardy cruelty.

Please vote against this bill. Thank you!

OPPOSITION of Senate Bill 0709 .pdf

Uploaded by: Rachel Luce

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Rachel Luce, I am a services manager at Baltimore Harm Reduction Coalition, and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

I wear my mask daily to protect myself, my loved ones, and my Baltimore community from the preventable spread of infectious disease, and for many other reasons. I work with particularly vulnerable people, in both health and criminalization and my work is committed to keeping these people safe through the act of wearing a respirator. Criminalizing masking is an ineffective policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

This bill and its stated intent to decrease harm towards marginalized communities in real world application will target disabled community members of marginalized communities and young black boys. The penalties of this bill, fines and potential incarceration, can cause immense harm to members of these communities.

For these reasons and more, I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

For any questions about my position, please feel free to contact me at rachel@baltimoreharmreduction.org

Thank you for your consideration,
Rachel

SB0709_Rosa Greenberg_Written Testimony.pdf

Uploaded by: Rosa Greenberg

Position: UNF

*Rosa Greenberg
Silver Spring, MD 20902
MD Legislative District 18*

I am writing to submit testimony in strong opposition to SB0709 (“Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)). I am a constituent of bill co-sponsor Senator Waldstreicher.

Stigmatizing masks does not prevent violence and harassment. Rather, it fuels them. This violence and harassment will disproportionately harm disabled people, people of color, and disabled people of color. This bill will not make Maryland safer. Instead, it will make it less safe.

Masks are an essential protective medical tool. As a disabled person, I depend on my N95 for my safety whenever I enter an indoor public space. I also depend on my community members’ use of masks to lower spread of airborne disease. My mask protects others; others’ masks protect me. Any state law that makes it harder to mask creates direct threats to safety, health, and wellbeing.

This bill will increase law enforcement’s racial profiling. Disabled people of color, who already face higher risk of death from COVID and morbidity from Long COVID, will face even greater danger when in public spaces. They should never have to weigh whether wearing a mask to protect their health is worth a corresponding risk to their safety.

I am Jewish and I am deeply concerned about antisemitism. I think that addressing antisemitism is essential; I think that this bill does not do that. In contrast, I think that it uses Jewish safety as a justification for harmful policies, which is something that – ironically –ultimately also makes Jewish people less safe. It is far harder to do community education about antisemitism when repressive policies like this are how people experience anti-antisemitism measures in their daily lives. Jewish safety is interwoven with safety of other marginalized groups, not something that should come at the expense of other marginalized groups.

Unfavorable Testimony - SB0709 (“Unmask Hate Act”)

Uploaded by: Sam Halpert

Position: UNF

Unfavorable Testimony - SB0709 (“Unmask Hate Act”)

Delivered by Sam Halpert (Maryland Resident) to the Maryland Senate Judiciary Committee, ~26 Feb 2025

In brief, this bill is an affront to civil liberties and specifically an attack on the rights of medically vulnerable people and others concerned with protecting their health. The “Unmask Hate Act” over-regulates conduct that is already prohibited (harassment). This bill imposes criminal penalties for masked individuals *without* this requirement that they first must ignore a “reasonable warning”. In other words, the effect of this bill, should it become law, would be that masked individuals could be charged with the same penalties already available to law enforcement for the same conduct **but more easily and with less warning. This bill uses “harassment” as a pretext; it ultimately reduces to a clear animus against people who mask in public.**

By creating additional sanctions for people who mask, the law forces individuals into an impossible choice between their right to safeguard their health and their right to assemble in public. The bill’s authors have *acknowledged* that this bill will negatively affect individuals who wear masks for health reasons by including an “affirmative defense in a proceeding under this section” for people “wearing a mask to limit the spread of airborne illnesses”.

But “affirmative defenses” cannot salvage this law; people can only use these defenses to ask a court to remedy the legal consequences of an improper arrest. No court can remedy the *medical* consequences of an improper arrest, during which a person is stripped of their right to protect their health (they are unmasked) and potentially must face irreversible medical harm. As the CDC has noted, [“\[b\]ecause of the congregate living arrangements in...detention facilities, the risk of COVID-19 transmission is higher in these settings compared with the general population\[.\]”](#)

Significant numbers of Marylanders need to be able to choose masks and will see their rights burdened by this law. According to the CDC, [the risk of severe outcomes for COVID-19 is increased in people of all ages with certain underlying medical conditions and in people who are 50 years and older](#). According to the Census, [17.3% of Marylanders are over 65](#). According to the CDC, [9.4% of Marylanders have asthma](#)—only one of a large number of “underlying medical conditions” that lead the CDC to recommend masking as an additional protective measure to prevent severe medical harm.

The possibility of such harm, which affirmative defenses cannot help people avoid, leads them instead to sacrifice other protected rights. No just law can promise to avoid irreversible harm at the moment of enforcement by providing a remedy individuals may only rely on in court. No just

law can force Marylanders to trade one fundamental interest (their right to protect their health) against another (their right to assembly).

Thank you,
Sam Halpert

Lukah_UNFAV Written Testimony.pdf

Uploaded by: Samantha Kerr

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709
(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Lukah Love, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

This bill and its stated intent to decrease harm towards marginalized communities will, in real world application, target disabled community members of marginalized communities and young black boys. The penalties of this bill, fines and potential incarceration, can cause immense harm to members of these communities.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

shaunna unfave.pdf

Uploaded by: Samantha Kerr

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709
(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Rayshauna Lemon, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

This bill and its stated intent to decrease harm towards marginalized communities in real world application will target disabled community members of marginalized communities and young black boys. The penalties of this bill, fines and potential incarceration, can cause immense harm to members of these communities. This bill infringes on personal autonomy of these marginalized communities and the public at large.

In a new era, where we are fighting for our democracy. This bill also carries the consequence of fining and incarcerating individuals for using their first amendment right to free

speech.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

UNFAV JP 02262025.pdf

Uploaded by: Samantha Kerr

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709
(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

Hi, my name is JP, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Banning masks could disproportionately affect vulnerable populations who rely on masks for health and safety reasons, such as individuals with weakened immune systems or those protecting themselves from airborne illnesses. It may also increase harassment and discrimination against mask-wearers by reinforcing stigmas and limited personal choice. Furthermore, mask bans could discourage public health practices during outbreaks, making communities more susceptible to the spread of infectious diseases. Allowing individuals to wear masks without fear of penalty supports public health, personal freedom, and community well-being.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

UNFAV Written Testimony Haraseyko.pdf

Uploaded by: Samantha Kerr

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

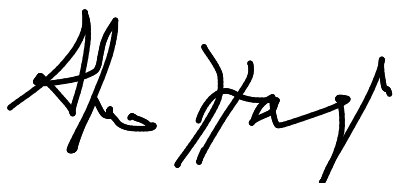
My name is Alex Haraseyko and I am a MD resident. I am writing to urge you to vote **unfavorably** on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV. Even people without high-risk conditions can be and are affected by these illnesses.

Furthermore, health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

Finally, this bill could result in real harm to various marginalized communities (such as disabled members of marginalized communities, as well as young black boys) in its real world application. The penalties of this bill, fines and potential incarceration, can exacerbate immense harm to members of these communities.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

A handwritten signature in black ink, appearing to read "Alex Haraseyko". The signature is stylized with a large initial "A" and a long, sweeping underline.

Unmask Alice.pdf

Uploaded by: Samantha Kerr

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 0709
(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) -
UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Jennifer Alice Thompson, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill.

Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

Criminalizing masking is bad policy for public health and creates a barrier to individual's ability to protect themselves from infectious diseases. This is especially true right now, as

the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis.

Now more than ever it is important to be able to protect collective population health at a time we will undoubtedly see an increase in infectious diseases due to climate change.

This bill and its stated intent to decrease harm towards marginalized communities in real world application will target disabled community members of marginalized communities and young black boys. The penalties of this bill, fines and potential incarceration, can cause immense harm to members of these communities.

For these reasons and more, I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Opposing Unmask Hate Act Letter.pdf

Uploaded by: Samuel Kane

Position: UNF

Samuel Kane

9246 Spring Valley Rd
Ellicott City, MD 21043
(301) 807-6531
kanesl2023@gmail.com

24th February 2025

To Whom It May Concern,

I am a Jewish Marylander and I am deeply concerned about SB0709, the so-called "Unmask Hate Act." In a time when blatant authoritarian actions are being taken by the executive branch of the federal government, this bill would endanger public safety and make easier the suppression of free speech.

While I oppose harassment and intimidation, this bill could function as a blanket prohibition on wearing masks at protests and could be used to punish protesters for disfavored speech. As such, it directly undermines the rights of individuals to peacefully assemble and express their views, particularly in contexts where they may need protection from respiratory illness, doxxing, harassment, or violence. As a Jew, I do not believe this bill protects me and my community, but actively endangers us and many others.

Maryland already has laws in place to address harassment and intimidation. Adding this bill to the legal framework will create redundancy rather than effectively addressing the underlying issues of violence and intimidation.

The prohibition of masks at protests could result in a chilling effect on free speech. Individuals may feel discouraged from participating in political demonstrations if they believe their identities will be exposed by state or private actors seeking to squash that political opinion, leading to a reduction in diverse voices and perspectives in public discourse. As a result, the ACLU has opposed such mask bans.

Masks serve as a critical layer of protection for individuals who fear retaliation or harassment due to their beliefs or activism. In recent months, many peaceful activists and protesters, including many Jews in support of Palestinian rights, have faced severe repercussions for their participation in demonstrations, including doxxing—where personal information is shared publicly to incite harassment and in some cases death threats. As stated by the ACLU, "At a time when both public and private actors are increasingly turning to invasive surveillance technologies to identify protesters, mask-wearing is an important way for us to safeguard our right to speak out on issues of public concern."

Concerningly, 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 to police officers at a protest, 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 at a protest are unqualified to assess health concerns.

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.

In conclusion, this bill is intended to suppress criticism of Israel and will chill legitimate political speech while exposing citizens to health risks as well as risks of doxxing, harassment, and violence. Thank you for taking the time to hear these concerns. Please do not allow this bill to pass.

Sincerely,

Samuel Kane

SB 709 testimony.pdf

Uploaded by: Sarah K Harper

Position: UNF

Testimony for Senate Bill 709 —Unfavorable February 25, 2025

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

I am writing to oppose the proposed anti-masking legislation, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) Senate Bill 709." I am a Concerned resident. Public health efforts to encourage masking in the face of serious airborne viruses including flu and COVID-19 have been attacked and politicized for too long in the United States. This has led to many more cases of illness including prolonged illnesses than should have been allowed to happen. By conflating mask-wearing with criminality this bill will further discourage masking. The concern about airborne viruses is not trivial. In January of this year, the Maryland Department of Health re-recommended universal masking in all healthcare settings because of surging rates of respiratory illnesses in the state.. Currently, flu rates are at a 25-year record high and over 1 in 10 emergency room visits in Maryland have been because of the flu (as of Feb 8, according to the Maryland DOH). Based on publicly available hospital and wastewater data, Maryland has very high levels of Covid-19 as of February 11th.

According to the CDC, FDA, WHO, and OSHA, the best evidence-backed tools we have to keep people safe from airborne illnesses are masks such as KN95s and N95s. The air quality in many buildings and schools is suboptimal and recent fires and smoke also justify masking for health reasons. By allowing this bill to move forward and essentially criminalizing mask-wearing, you would be inadvertently adding to an already existing public health disaster.

There are already laws against assault and harassment as well as hate crimes so additional penalties for wearing a mask are unnecessary and will lead to hurting other people. Though the bill has a supposed carve out for those who wear masks or face coverings for health/religious reasons, it is not clear how individuals will be able to prove this. The decision of what constitutes "masked intimidation" and who has "legitimate" needs will be left up to police officers who are responding to

"violations" and it puts many individuals at significant risk, especially people of color and immunocompromised/disabled folks. Questioning people about the reasons for wearing a mask on the street, at a rally or a march is a violation of one's privacy. In fact, harassment of people who wear masks for whatever reason increased after the Nassau County bill went into effect in New York.. This bill will increase racial profiling and harassment of people of color, and ultimately increase racial medical disparities.

Beyond medical issues residents also face a risk in surveillance by authoritarian regimes and may mask to protect themselves and their families. The International Committee for Human Rights in the Philippines (ICHRP) requires masking in protests such as the recent campaign for justice for Brandon Lee. University of Maryland students are among those involved in this campaign. Medical and political considerations factor into this guidance. Facial recognition, drone surveillance and penalties for protesting are all important considerations. This dangerous bill will do little to stem supposed "masked intimidation" by protestors, and instead will contribute to the further discrimination of already marginalized groups such as Black and Brown and/or disabled/immunocompromised residents. In essence this bill proposes a solution to a non-existing problem and I strongly urge your committee to report this bill as UNFAVORABLE.

Thank you for your consideration,

Sarah K Harper 
4103 Gallatin St.

Written Testimony.pdf

Uploaded by: Scott Richey-Stavrand

Position: UNF

Hello my name is Scott Richey-Stavrand and I am asking the Judicial Proceedings Committee to give SB 0709 an unfavorable report.

I am testifying AGAINST SB0709.

I am a resident of St Mary's County. My wife is immunocompromised and we both wear masks when out in public. I am vigorously opposed to any criminalization of masking. Claims that masking alone can be intimidating are wrong and drive negative sentiments towards individuals who continue to mask to protect the health and safety of themselves and their loved ones.

This bill does not make sense. If I am wearing a mask while walking on the street and don't move out of someone's way could that be deemed as intimidating? If I am peacefully protesting while wearing a mask does that make my protest intimidation and I am subject to criminal charges? On the other hand, if my intention is to intimidate someone but I am not wearing a mask is no crime committed? If intimidation itself is already a crime then this bill is redundant and the police should simply enforce the laws as they stand.

At best this bill is misguided and shows an ignorance of the current health crisis facing our state and at worst is a new tool for the government to suppress constitutionally protected activities. While the underlying goals of this bill are to target neo-nazis and white supremacists there are no reasons this cannot be extended to anyone who wears a mask in any context (bank, hospital, park, school, etc.). I find no comfort in the reply that I am safe wearing my mask as long as I don't bother anyone when the passage of this bill may increase the chances that people will now bother me just for wearing a mask. Thank you for taking the time to read this testimony and please give this bill an unfavorable report.

Scott Richey-Stavrand

SB 709 - Testimony - Opposition - Bamiro (1).pdf

Uploaded by: Seanniece Bamiro

Position: UNF

SB 709 - Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)

Position: Oppose

February 24, 2025

Dear Chair Smith and members of the Judicial Proceedings Committee:

My name is Seanniece Bamiro and I am a resident of District 25, Prince George's County. I regularly mask in public because I have a thyroid autoimmune condition and want to limit my exposure to illnesses. I also have loved ones who are sick and at risk from exposure to RSV, COVID-19, and other viruses. I mask to protect them, too. Many Marylanders like me mask for safety reasons.

I understand that the intent of this bill is to protect the public from intimidation from hate groups acting under anonymity. The intent of the bill is noble and I firmly believe in consequences for those who commit hateful acts. However, like many bills, this one opens the door for unintended consequences for many of the same people that this bill intends to protect.

The bill provides affirmative defense for different possibilities including those who wear masks to prevent the spread of illnesses. However, the affirmative defense will be left up to the individual to prove that their intent is to protect themselves. It creates a slippery slope when someone, either a store security officer or a law enforcement officer, can decide how they interpret your mask-wearing.

In the last two years, I have been followed around in Prince George's County stores and treated poorly because store security officers and employees falsely accused me of wearing my mask with the **intent** of stealing merchandise. My intent was to protect my health and purchase store goods like I did pre-pandemic when I patronized these very same stores. It was disappointing that even in a majority-minority jurisdiction like Prince George's County, I would be harassed in stores because security officers and store clerks would see my mask and assign malicious intent to it.

What if I raised my voice in the store to rightly defend myself against mistreatment? Would then the security or law enforcement officers view my actions as intimidation? Would I have the resources to try to clear my name and prove the intent of wearing my mask?

Harassment already carries criminal penalties in Maryland identical to the ones proposed in this bill. Instead of giving a foothold to discrimination against those who

wear masks to simply protect themselves, please consider the unintended consequences of this bill.

It is for these reasons that I respectfully ask the committee to vote unfavorably on this bill.

Thank you,

Seanniece Bamiro
District 25
Prince George's County

Seifer Almasy - Written Testimony Opposing SB 0709

Uploaded by: Seifer Almasy

Position: UNF

Written Testimony Opposing SB 0709

Members of the Maryland Senate Judicial Proceedings Committee,

My name is Seifer Almasy and I live in Maryland. With this written testimony, I ask you to oppose SB 0709. Maryland must not interfere with anyone's rights to protect their health, which includes the option to wear a mask. While SB 0709 has exceptions intended to protect masking for health reasons, those exceptions are inadequate. Therefore, SB 0709 criminalizes wearing masks for health reasons. This kind of legislation will lead to civil rights violations and disruptions to public health while doing nothing to reduce crime. My testimony further explains the reasons to oppose SB 0709 and concludes with a list of links to resources on the internet (including a law journal, many scientific studies, and several news articles) that provide evidence to oppose SB 0709 .

The exceptions mentioned in the bill are inadequate because they are meaningless. Were this bill to become law, enforcement relies on vague language, bias, and highly subjective perceptions of threat. This bill fails to account for prejudices about masks, and that those prejudices intersect with systemic racism and ableism in our society.

To be clear, many people in our society unfortunately view masks with stigma, such that they perceive any mask to be inherently intimidating. SB 0709 would thus allow for highly subjective criminalization of anyone wearing a mask. The "intimidate ... while hiding or concealing their face with a mask" phrase is particularly troubling, because thresholds or senses of intimidation vary from person to person. This makes it stressful and dangerous for masked people to interact with others in public, which is already difficult due to the current stigma assigned to masks.

Therefore, SB 0709 will inevitably make the act of protecting oneself from airborne illnesses incredibly more difficult. It will create a chilling effect on anyone who simply wants to keep themselves from getting sick as they go about their lives. It will also add to existing stigmas and harassment, which is frequently directed towards disabled people who mask for health reasons.

I am personally impacted by such harassment. For context, although I am not a person with a compromised immune system and I am not living with a similar health condition or disability as far as I know, I often wear an N95 respirator or a KN95 mask while I am outside of my home because I do not want to get infected with COVID. Recently, while I was running errands and minding my own business at a traffic light, a man in a nearby car leaned towards me and angrily yelled at me to "take off the mask." This experience really upset me, but I managed to stay calm and get home safely. To this day, I do not know what that man was thinking. Perhaps he was intimidated by my mere presence. What would have happened if SB 0709 was the law, and that man decided that maybe I was following him, and that he should call the police on me?

If the police were called and arrived at the scene, how would it be made clear that my mask is being worn for a medical need? Would it be up to their judgement alone, or would they ask me to provide evidence of a medical need? Would I be expected to forsake my privacy and disclose

my health status to justify my wearing a mask? What if my health status is not recognized by the police officers? Or what if I just want to protect myself from an infection, regardless of my health status? Do you see how many complicated questions SB 0709 creates for the police officers and, more importantly, for me? All of the onus is ultimately on me, just because I wore a mask to protect myself and someone else decided that I intimidated them. At this point, even with the health exceptions, enforcement of SB 0709 is impractical and unfair. The logistical challenges of verifying exceptions inevitably lead to inconsistent application and abuse.

The situation I described is already a civil rights issue, and it is entirely possible that racial profiling or a hate crime or another form of misconduct could occur as law enforcement interacts with a person wearing a mask. This is because the bill lets police decide whether there is a medical need. Therefore, SB 0709 facilitates biased law enforcement or racial profiling, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). Civil rights violations, harassment, and hate crimes will happen more often if Maryland passes any legislation that characterizes wearing a mask as criminal behavior.

So, whatever the intended aims of this bill may be, SB 0709 will definitely make it more dangerous for someone to be in public with a mask on for health reasons. It will increase the stigma of masking. It will increase the harassment and discrimination directed towards people wearing masks, especially people with disabilities or people who are not white men. This has already happened in other states that pursued legislation similar to SB 0709. When such a bill passed in the North Carolina legislature, a cancer patient reported that she was harassed for wearing a mask in public (the full story is available in list of links that I prepared):

"...[Shari Stuart] was confronted by a man who shouted expletives and called her a liberal for wearing the mask. The man identified himself as a conservative, she said, and he falsely told her that wearing a mask in public was illegal. According to Stuart, she told the man that it was dangerous for her to go into public without a mask because of her [stage 4 cancer] diagnosis. It's not a political statement, she said, and she says she showed the man a medical card describing her condition. He then proceeded to approach her and feigned coughing on her repeatedly before telling her that he hopes the cancer kills her, she said. Stuart said she called [the] police but ultimately didn't file a complaint."

Contrary to the claims made by the supporters of the bill, SB 0709 is an anti-masking bill that will undoubtedly facilitate discrimination and hate. Such a bill is incredibly unjust and unwise. Many people, especially people with disabilities or chronic illness, rely on masks to protect their health. Moreover, masks can help prevent illnesses in this time of high and unmitigated disease transmission. We all deserve options to keep ourselves from getting sick, especially while so much of our nation's public health and medical infrastructure is under unprecedented stress.

And it is imperative for the Maryland legislature to collaborate with Governor Moore's administration on encouraging people to wear masks for health protection now. This is because the Maryland Department of Health (MDH) announced in a letter on a January 14, 2025, that the "statewide combined - COVID, influenza and RSV - weekly respiratory virus-associated

hospitalization rate (as calculated by CDC) exceeds 10 hospitalizations per 100,000 residents, due in large part to increasing COVID and flu infections.” Policies bettering support for masking might have helped prevent so many Marylanders from getting sick in the first place, and wearing a mask at this time will help stop dangerous viruses from transmitting from person to person.

It cannot be overstated that Maryland’s government should be very concerned about preventing the spread of COVID. Any COVID infection harms the body with long-lasting damage, examples of which can include: heart attacks, strokes, brain damage, new onset autoimmune disease, erectile dysfunction, diabetes, Long COVID. Roughly 1 in every 10 COVID infections results in Long COVID, which is a wide range of chronic and debilitating health conditions that can last years and may result in permanent disability. And, according to studies, the burdens of COVID disproportionately harm BIPOC communities and women. Maryland needs to leverage public health interventions, such as masking, to prevent transmission of COVID and protect the public.

To that effect, the aforementioned MDH letter recommended implementation of “broad facility-wide source control in all patient care areas and patient-facing healthcare settings, including outpatient and long-term care.” The key measures include “universal masking in all patient care areas and patient-facing health care settings” in order to prevent and contain the spread of respiratory infections. MDH says “[b]road facility-wide source control can be discontinued once the combined weekly respiratory virus-associated hospitalization rate has been below 10 hospitalizations per 100,000 residents for two consecutive weeks.” Although it would be worthwhile to make broad facility-wide source control part of regular infection control measures (given COVID circulates year-round), MDH’s recommendations still apply now. This is because the weekly respiratory virus-associated hospitalization rate remains over 10 (and has gotten as high as 27.8) since MDH released the letter on January 14. Rather than criminalizing masks and harming public health, the legislature should support MDH’s recommendations.

Such recommendations will remain relevant for the foreseeable future, especially with the growing threat of highly pathogenic avian influenza (HPAI) A (H5N1). Commonly known as bird flu, this virus has been identified in four farms on the Eastern shore as well as a backyard flock in Montgomery County. While there is no known evidence to support that this virus can easily spread easily between humans, the US CDC encourages people working with animals to wear face masks like N95s to prevent infection. With high rates of COVID, influenza, and RSV in Maryland right now, combined with the potential threat of HPAI A (H5N1), why does the legislature think it is a good idea to advance any legislation that could discourage masking?

Finally, there is no evidence that criminalizing masks reduces crime. Data shows that crime rates decreased despite increased mask use in 2020. Scientific studies indicate that face masks are only as effective (if not worse) than sunglasses at thwarting facial recognition.

In conclusion, Maryland needs legislation that protects everyone’s rights to access public space safely. Criminalizing masks is not the way to achieve this goal. Please oppose SB 0709.

Seifer Almasy

List of Links Resources on the Internet that Provide Evidence to Oppose SB 0709

Masking Up: A COVID-19 Face-off Between Anti-Mask Laws and Mandatory Mask Orders for Black Americans

<https://www.californialawreview.org/online/masking-up-a-covid-19-face-off-between-anti-mask-laws-and-mandatory-mask-orders-for-black-americans>

'Scared to put on my mask': Cancer patient says she was intentionally coughed on in spat over mask

<https://www.wral.com/story/scared-to-put-on-my-mask-cancer-patient-says-she-was-intentionally-coughed-on-in-spat-over-mask/21478890/>

Nearly 100 Organizations Demand New York Lawmakers Reject a State Mask Ban

<https://www.nyclu.org/press-release/nearly-100-organizations-demand-new-york-lawmakers-reject-a-state-mask-ban>

Why Mask Bans Fail Jews and Other Marginalized Groups

<https://www.jewsformaskrights.com/resources/the-dangers-of-the-unmaskhateny-mask-ban>

Mask Bans Insult Disabled People, Endanger Our Health, and Threaten Our Ability to Protest

<https://www.teenvogue.com/story/mask-bans-disabled-people-protest>

Philadelphia is latest city to restrict ski masks in public spaces; Critics say there is little research supporting the strategy

<https://newjerseymonitor.com/2024/01/12/philadelphia-is-latest-city-to-restrict-ski-masks-in-public-spaces/>

Maryland Department of Health Clinician Letter on Source Control 1.14.2025

https://www.mbp.state.md.us/forms/Clinician_Letter_Source%20Control_1.14.2025.pdf

Current Maryland Weekly Source Control Metric for Healthcare Settings

<https://health.maryland.gov/phpa/Pages/resp-virus-metric.aspx>

Beyond breathing: How COVID-19 affects your heart, brain, and other organs

<https://www.heart.org/en/news/2024/01/16/how-covid-19-affects-your-heart-brain-and-other-organs>

High risk of autoimmune diseases after COVID-19

<https://www.nature.com/articles/s41584-023-00964-y>

What Therapists Need To Know: COVID-19 In 2024

<https://covid-for-therapists.my.canva.site/>

Clinical and functional assessment of SARS-CoV-2 sequelae among young marines - a panel study

<https://pubmed.ncbi.nlm.nih.gov/39507365/>

Cognition and Memory after Covid-19 in a Large Community Sample

<https://www.nejm.org/doi/full/10.1056/NEJMoa2311330>

Development of a Definition of Postacute Sequelae of SARS-CoV-2 Infection

<https://jamanetwork.com/journals/jama/fullarticle/2805540>

Addressing male sexual and reproductive health in the wake of COVID-19 outbreak

<https://pmc.ncbi.nlm.nih.gov/articles/PMC7355084/>

It's Official: Long COVID Is a Chronic Disease

<https://www.healthcentral.com/news/coronavirus/long-covid-is-a-chronic-disease>

Long-Term Health Effects of COVID-19: Disability and Function Following SARS-CoV-2 Infection

<https://nap.nationalacademies.org/catalog/27756/long-term-health-effects-of-covid-19-disability-and-function>

Long COVID: major findings, mechanisms and recommendations

<https://www.nature.com/articles/s41579-022-00846-2>

Long COVID: a clinical update

[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01136-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01136-X/fulltext)

Sex Differences in Long COVID

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2829454>

Variation in COVID-19 Mortality in the US by Race and Ethnicity and Educational Attainment

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2786466>

As sick leave costs spiral, European states move to cut benefits

<https://www.thegauntlet.news/p/as-sick-leave-costs-spiral-european>

Four Eastern Shore farms hit by bird flu; officials say outbreak is still manageable

<https://marylandmatters.org/2025/01/25/four-eastern-shore-farms-hit-by-bird-flu-officials-say-outbreak-is-still-manageable/>

Preliminary Testing Confirms Highly Pathogenic Avian Influenza in a Montgomery County Backyard Flock

<https://news.maryland.gov/mda/press-release/2025/01/30/preliminary-testing-confirms-highly-pathogenic-avian-influenza-in-a-montgomery-county-backyard-flock/>

Protect Yourself From H5N1 Bird Flu

<https://www.cdc.gov/bird-flu/media/pdfs/2024/09/H5-Wear-personal-protective-equipment-09192024-FINAL-CLEAN.pdf>

The effect of face masks and sunglasses on identity and expression recognition with super-recognizers and typical observers

<https://pmc.ncbi.nlm.nih.gov/articles/PMC8074904/>

Sunglasses and Face Masks Won't Fool Facial Recognition Systems Any More

<https://www.datasciencecentral.com/sunglasses-and-face-mask-wont-fool-facial-recognition/>

Face masks are less effective than sunglasses in masking face identity

<https://www.nature.com/articles/s41598-023-31321-4>

Bill 2.24.pdf

Uploaded by: Shannon Warren

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Shannon Warren, I am a Maryland resident, and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Like many others, I think this bill will bring more problems than solutions. While the bill has listed what it deems to be acceptable instances of masking, how will this actually be implemented? Will people start to anticipate “harassment” because they see someone masking? How will this bill affect people’s day-to-day lives?

It is impractical and unfair to enforce a bill that relies on a subjective perception. The bill claims medical cases of mask wearing are okay, but there are many cases of disabilities not being visible, or able bodied people masking for a vulnerable loved one. Are people expected to carry every bit of medical evidence to show that they need to wear a mask? If police are enforcing these laws, are they now going to be medically trained to understand said medical evidence? Speaking of police enforcing this bill; it’s hard to deny preexisting biases won’t play a role. Black, Indigenous, and People of Color (BIPOC), and LGBTQ+ individuals are already disproportionately affected by law enforcement, and this bill would add to that.

Other states that have passed similar laws have already accumulated evidence of how anti-mask laws increase the stigma against masks, and increase harassment and discrimination against people who wear masks. There have been cases of people who wear masks that have been verbally attacked, but also physically assaulted.

When it comes down to it; I want people to be able to choose to mask without worry of being criminalized or othered for it. I want the messaging around masking to be one that describes how it can prevent illness, and how it can be an act of empathy. Most people I know wear a mask to protect themselves and others. Now more than ever seems like the perfect time to

encourage mask wearing. Businesses, schools, hospitals, etc. are being overwhelmed by illnesses like COVID, RSV, flu, tuberculosis, and it would benefit all of us to prevent the spread of illness as much as possible.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Thank you.

Shannon Warren

<https://www.jewsformaskrights.com/resources/why-ny-mask-ban-masked-harassment-fails>

<https://www.newsweek.com/former-actor-attacked-wearing-covid-mask-left-permanently-blind-1826193>

document.pdf

Uploaded by: Sharon Wheeler

Position: UNF

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

* * * * *

JAMELIA WASHINGTON,

Plaintiff,

v.

HUMANE RESCUE ALLIANCE,

Defendant.

* * * * *

No. 2019 CA 000754 B

DECLARATION OF CLAUDIA ROLL

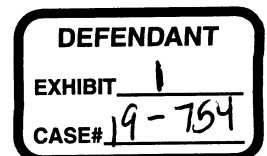
I, **CLAUDIA ROLL**, declare as follows:

1. I am the Vice President of Operations for the Humane Rescue Alliance (“HRA”), located at 1201 New York Avenue NE, Washington, DC 20002. I respectfully submit this declaration in opposition to the Plaintiff’s motion for a temporary restraining order. I make this declaration from my personal knowledge.

2. I have worked in the field of animal welfare for 20 years. In 2012, I was hired to work at the Washington Humane Society, the predecessor to the HRA, as Director of Shelter Programs. I am now HRA’s Vice President of Operations.

3. In my current position, I am responsible for overseeing our staff as they carry out their duties fulfilling HRA’s mission and implementing HRA’s policies. I am frequently called on to interact with members of the public regarding animals in our care.

4. On January 21, 2019, HRA took in two stray dogs, Dino and Kleo. Dino and Kleo were found running at-large in Southeast D.C. Neither Dino nor Kleo had any identification or a microchip.



5. Later on January 21, 2019, Ms. Washington filed a lost animal report for Dino and Kleo. Utilizing the lost animal report and following D.C. law, an HRA worker called the telephone number for Ms. Washington and received no answer. The HRA employee left a message informing Ms. Washington that HRA had her two dogs in their care.

6. Later that same day, Ms. Washington contacted HRA and asked for the return of her dogs. The HRA employee confirmed that the dogs were available for Ms. Washington to recover and provided Ms. Washington with a quote of \$190 in fees for the dogs release.

7. Ms. Washington stated that she would try to come the following day, January 22, 2019, to reclaim the dogs. Ms. Washington informed the HRA employee that if she was not able to reclaim the dogs on January 22 that she would call.

8. Ms. Washington did not appear at HRA to reclaim the dogs on January 22.

9. On January 23, 2019, HRA called Ms. Washington. The call was sent directly to voicemail. The HRA employee left a message.

10. On January 24, 2019, HRA called a second phone number associated with Ms. Washington. The call was sent directly to voicemail. The HRA employee left a message. Later that day, Ms. Washington called HRA and requested an updated quote for fees.

11. On January 25, 2019, HRA called Ms. Washington again, but received no answer. The HRA employee left a message for Ms. Washington asking if she was still interested in reclaiming her dogs.

12. D.C. law states that a stray dog without identification becomes property of HRA five days after the dog enters HRA custody. On January 26, 2019, five days after Dino and Kleo were placed into HRA's custody, HRA attempted again to contact Ms. Washington and received no answer. The HRA employee left a message for Ms. Washington stating that by close of

business on January 26 was the last day of the stray hold for Dino and Kloe and Ms.

Washington's final opportunity to reclaim the dogs.

13. As of January 27, 2019, the stray hold for Dino and Kloe expired and the dogs were evaluated for their adoptability.

14. Per HRA policies, Dino was found to be not adoptable due to safety concerns. The safety concerns stemmed from a severe bite history involving an incident in September 2016 in which Dino bit a person at least three times, causing injury to the person's chest, leg, and hand.

15. D.C. law requires HRA to dispose of animals that are HRA property and cannot be adopted. The decision to euthanize an animal is not taken lightly and must be approved by two management level staff.

16. Due to resource constraints at HRA, euthanizations are carried out as soon as practicable following a determination that an animal must be euthanized. Dino was euthanized on January 27, 2019.

17. Per HRA policies, Kloe was found to be adoptable. On January 27, 2019, Kloe was placed on HRA's website as available for adoption, pending spaying.

18. On the evening of January 29, 2019, Ms. Washington called HRA and stated she was on her way to reclaim Dino. Ms. Washington did not mention Kloe.

19. The HRA supervisor on duty informed Ms. Washington that Dino had been euthanized due to the expiration of the stray hold and Dino's bite history.

20. Ms. Washington became very upset, stating that she was coming and HRA better have her dog. The HRA supervisor heard Ms. Washington tell a companion to get out of the car and that she was going "fucking kill someone because they killed my – fucking killed my dog."

21. Ms. Washington stated that “She ain’t fucking playing she is going to kill whoever she sees for fucking killing her dog.”

22. Ms. Washington stated that HRA had better not have killed her dog and then abruptly hung up.

23. The HRA supervisor came to me immediately after the conclusion of this call. It was apparent to me that the call had shaken and upset the employee. The supervisor recorded the details of the call in records associated with Dino and Kloe.

24. I directed that a barring notice be prepared for service on Ms. Washington should she appear at HRA.

25. On January 30, 2019, Ms. Washington arrived at HRA. I immediately called the Metropolitan Police Department (“MPD”) and requested they respond to our New York Avenue location as witnesses and for support in service of the barring notice.

26. Ms. Washington was asked to wait to speak to a supervisor. HRA staff made efforts to keep her calm. She was at times calm and at other times agitated.

27. Ms. Washington repeatedly left the building to return to her vehicle and then came back. Ms. Washington also walked toward the adoptions building.

28. On the final time Ms. Washington left the main building, she did so in anger, bursting through the front door with such force that the door loudly banged against the building.

29. I judged at this time that HRA staff and the public were at increased risk. I instructed HRA staff members to lock the door and the side gate that leads into our facility.

30. When Ms. Washington returned to the front door and discovered it locked, she proceeded to violently and repeatedly kick the front door and to push at windows. Through the view provided by our security cameras, Ms. Washington then went to the side gate and violently

and repeatedly pulled on and shook the chain and padlock to the locked gate. The video indicates that Ms. Washington attempted to scale the chain link fence surrounding our facility, but failed to climb over it.


31. Ms. Washington proceeded to yell outside of the HRA building for the next five to 10 minutes. Police officers arrived 20 minutes after my first call. In that time, as Ms. Washington's anger grew, I called MPD four additional times, urging them to hurry to our location.

32. The officers proceeded to seek Ms. Washington's signature on the barring notice, which she refused to provide. Officers nonetheless served Ms. Washington with a copy of the barring notice.

33. In my 20 years working in animal welfare and in 7 years at the Washington Humane Society and HRA, I have never been in a situation that felt more dangerous and made me more afraid for the safety of myself, my staff, and our patrons. HRA employees regularly encounter distressed and volatile members of the public, many of whom are dealing with extraordinary stress at the same time they are interacting with HRA. Screaming and yelling are common at the HRA. Our staff is trained to help patrons manage their difficult emotions. Ms. Washington's behavior over the phone and at our facility went far beyond anything I or my staff is prepared to manage or tolerate.

34. The HRA does not issue barring notices regularly or lightly. To my knowledge, Ms. Washington's case is the first time the HRA has ever issued a barring notice to someone who was not under criminal investigation for violence toward animals or people.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, DC on February 15, 2019.


CLAUDIA ROLL

AntiMaskBill.SB709.JVPDC.Testimony.2.26.25.pdf

Uploaded by: Shelley Cohen Fudge

Position: UNF



**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.

Shelley Cohen Fudge
Steering Committee Member
DC Metro Chapter of Jewish Voice for Peace

Mask Ban Oppo Testimony.pdf

Uploaded by: Taylor Smith-Hams

Position: UNF

February 26, 2025

Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) (SB0709)

Position: UNFAVORABLE

Dear Chairman Smith and Members of the Judicial Proceedings Committee,

I'm writing today to express my strong opposition to proposed anti-masking legislation in Maryland, the so-called "Unmask Hate Act" (SB709).

Two people in my life, my partner and a close friend, both have Long Covid. This disease has had devastating impacts on both of their lives. My partner, an otherwise healthy 36-year-old, used to play ultimate frisbee three times a week and rode his bike as his main form of transportation. Now, he struggles to walk to the grocery store.

I mask in all public spaces -- both indoor and outdoor -- to protect myself and the immunocompromised people in my life from respiratory viruses including the flu and Covid, which are currently at "very high" and "high" levels in Maryland, respectively.¹ In January of this year, the Maryland Department of Health re-recommended universal masking in all healthcare settings because of surging rates of respiratory illnesses in the state.² According to the CDC, FDA, WHO, and OSHA, the best evidence-backed tools we have to keep people safe from airborne illnesses are masks such as KN95s and N95s.

Though this bill has a supposed carveout for folks who wear masks for health reasons, it is unclear how this would work in practice. It would ultimately be up to police officers to decide who has "legitimate" needs to mask. Will cops require people to carry doctor's notes detailing sensitive personal health information at all times? What about people like me, who aren't immunocompromised themselves but who take precautions to protect the vulnerable people in our lives? How would I "prove" that I need to wear a mask? And if an immunocompromised and/or disabled person is forced by a cop to remove their mask, they could face grave threats to their health, as their chance of catching airborne viruses and developing long-term conditions would increase.

Furthermore, "masked intimidation" is a vague accusation and could easily be weaponized against anyone wearing a mask. Deferring to police discretion would obviously put many individuals at significant risk, especially Black, Brown, and other people of color who are already far more likely to face police harassment and brutality.

This bill threatens to push us further down an authoritarian path by essentially criminalizing masking and opening up pathways for the criminalization of the right to protest. If this bill

¹ MDH FluWatch, [Maryland Influenza Surveillance 2024-2025 Season](#); National Wastewater Surveillance System (NWSS), [COVID-19 Current Wastewater Viral Activity Levels Map](#).

² Maryland Department of Health, https://www.mbp.state.md.us/forms/Clinician_Letter_Source%20Control_1.14.2025.pdf

passes, it could allow anyone who does not agree with someone's political speech to claim that they feel "threatened" and then have that person arrested for wearing a mask while protesting. By conflating mask-wearing with criminality, this bill sends a dangerous message to Marylanders and further contributes to the politicization of a key public health tool that keeps people safe from respiratory illnesses, disability, and death.

As the Trump administration restricts rights at the federal level, defunds critical public health agencies and research, and appoints an anti-vaxxer to the highest public health position in government, does Maryland really want to be criminalizing mask-wearing?

I strongly urge you to vote against SB0709.

Thank you,

Taylor Smith-Hams
District 43A Resident

written testimony for 2.26.2025 hearing.pdf

Uploaded by: Torre Taylor

Position: UNF

WRITTEN TESTIMONY
OPPOSITION TO SENATE BILL SB0709 (HOUSE BILL 1081)
CRIMINAL LAW – MASKED INTIMIDATION – PROHIBITION (UNMASK HATE ACT)

I am submitting the letter below that I submitted to the House and Senate sponsors of these bills as written testimony for this hearing. I am in opposition to Senate Bill SB0709, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) - HOUSE BILL 1081 (SB0709)," as it is written for the reasons noted in my letter and in the paragraphs below.

I have an additional concern with the ambiguity of the medical defense "...to limit the spread of airborne illnesses." It is not clear if the defense would only apply to if one was wearing a mask because they were sick or if one would have an acceptable defense if worn to minimize risk to an at-risk individual at home, their family, and friends.

This is why I recommend, if the bill moves forward, that the language for medical defense be changed so that Item (6) is broadened to state that any individual may wear a mask for medical reasons and that they are not required to divulge what the specific medical reasons are. Individuals must be able to wear a mask to protect individuals at home or other family and friends.

I appreciate your consideration of my concerns.

Torre Taylor
Kensington, MD

February 18, 2025

Dear Delegate Boafu:

I am writing about the recently proposed bill, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) - HOUSE BILL 1081 (SB0709)," sponsored by Delegates Boafu, Simpson, Spiegel, Toles, and Vogel. I just learned of this bill on February 17, 2025, and called the offices of the sponsors of this bill – yourself and Delegates Simpson, Spiegel, Toles, and Vogel. I expressed my adamant opposition to this bill and provided many reasons and stated I would follow up by email.

I was unable to learn of the original intent of this bill; the people I was able to reach on February 17, 2025, did not know the details other than one individual said it was related to Title VI and schools. I asked if there were not already laws on the book against harassment, intimidation, or threatening behavior. I was told there was not. My view is that all harassment, intimidation, or threatening behavior should not be allowed, not just when wearing a mask. The mask is irrelevant. The way the bill is written, if one were not wearing a mask and conducting this behavior, would they really not be committing a crime? This bill essentially criminalizes wearing a mask in public.

The law that is needed is to make it a crime to harass, intimidate, or threaten anyone. This would include this behavior against someone who is wearing a mask. I have been on the receiving end of the fake cough directed at me in the grocery store. I have read of numerous situations where people were questioned; harassed; and, in some cases, assaulted, including pulling down someone's mask; for wearing a mask.

I find this bill very concerning for many reasons. I wear n95 masks in all indoor public spaces as well as crowded outdoor spaces. I wear the mask to protect myself from respiratory viruses such as SARS2 and the flu; however, I also wear the mask to avoid breathing in fragrances people wear, air fresheners, and disinfectants (which contain chemicals that are volatile organic compounds). I get sick from these products as a result of a work-related injury from working in a very moldy and poorly ventilated government building. By the time I realized the building was what was making me sick, the damage had been done. I also wear masks when the air quality is poor or there is wildfire smoke in the area – as has happened the last few summers. As I read the bill, I saw that these two reasons would not fall within the affirmative defenses as I discuss in the next paragraph.

The bill has a list of affirmative defenses including for religious reasons, for occupational needs, winter weather, artistic performances, for limiting the spread of airborne diseases, etc. It is not clear how individuals can prove they are wearing a mask for some of these affirmative defenses. For example, no one should have to display or state what religion they are practicing and prove the need for a mask or face covering. Item (6) is the provision for wearing a mask for limiting the spread of airborne diseases. I state 2 examples above for my particular situations – to avoid breathing in chemicals and wildfire smoke. My medical conditions are private information and there is no need for me to divulge them as the need for me to wear a mask to anyone. Anyone, at any time, might find the need to wear a mask and they should not have to disclose their health status in order to wear a mask.

The decision of what constitutes "masked intimidation" and who has "legitimate" needs will be left up to police officers who are responding to "violations" and it puts many individuals at significant risk, especially people of color and immunocompromised/disabled folks. This bill will increase racial profiling and harassment of people of color, and ultimately increase racial medical disparities. Those who are immunocompromised and disabled also face threats to their health with this bill, especially if they are forced to remove their mask, which would increase their chance of catching airborne viruses (e.g., SAR2 or flu). People who are undergoing chemotherapy or treatment for lupus are advised to wear masks and to avoid getting ill as their immune systems are suppressed (personal knowledge from friends and a family member).

For example, if I am wearing my mask in the grocery store and someone comes up and asks why am I wearing the mask and I state that is none of their business and to please leave me alone, some would take offense at that and say I am harassing them. Imagine this – I am a white woman; a large aggressive man questions me and I do not answer and ask him to leave me alone. And he gets angry. How will that go? Now imagine if I was Black and the same happens. With increasing conflict and racial discrimination happening in society, you can start to see the opportunities for increased harassment, intimidation, and threatening behavior.

I understand that many bills passed in various states were aimed at stopping masking at protests with fines and imprisonment; I do not know the original intent of this bill as I mentioned above. I believe this bill will only fuel discrimination and harassment against maskers and criminalize people for wearing a mask. If this bill moves forward as structured, it is critical that

1. Item (6) be broadened to state that any individual may wear a mask for medical reasons and that they are not required to divulge what the specific medical reasons are.
2. It includes a statement that it is a crime to harass, intimidate, or threaten anyone who is wearing a mask. Honestly, when I first read the bill, I thought that was the intent until I re-read it.

If this bill becomes law, I will be much more cautious as to what I do in public. It will make me hesitate to go to any lawful public protest. I will be more cautious in telling someone to leave me alone; I will avoid conflict at all cost, including possibly calling the police when it might otherwise be needed. I have had neighbor conflict before (luckily, they moved) and based on his behavior, I can see him calling the police because he took anything that went against what he wanted to do as harassment.

As noted above, I was not able to learn of the original intent of this bill so it makes it difficult to offer alternative solutions. However, if there is truly no law on the books against harassing, intimidating, and threatening behavior, that is the law that is needed – I do find it hard to believe there is no law against intimidating and threatening behavior – and wearing a mask is irrelevant. If it is strictly for identity reasons, this needs to be thought through more carefully. Police have been able to identify people committing crimes for ages and with surveillance cameras and forensic science that has only become easier. Do we really want to go this far as a society by eliminating our rights to wear a mask in public to protect our health?

I have also contacted Senators Waldstreicher and Jackson and plan on submitting a similar letter to them as well as include the letter as written testimony on the Senate bill. I learned about the House bill too late to submit written testimony. I also plan on submitting these letters to Governor Moore and urge him to veto any such legislation.

Frankly, I am very disappointed that the State of Maryland is looking at passing this bill. Maryland is a very progressive state and I have been shocked at the mask ban bills that have been passed in other jurisdictions. I have said that I did not want to live in a jurisdiction that penalized mask wearing such as this. I have been proud of Maryland and its response to the SARS2 pandemic; proud of its stance on protecting reproductive rights; proud of its stance on protecting immigrants in our State. This bill goes against many of the values that I thought our state held and definitely goes against my values.

While I understand you are the lead sponsor of this bill, I strongly urge you to rescind House Bill 1081.

Sincerely

Torre Taylor
Kensington, MD

Cc:
Delegate Simpson
Delegate Spiegel
Delegate Toles
Delegate Vogel

OPPOSITION of Senate Bill 07091.pdf

Uploaded by: V Walton

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) -

UNFAVORABLE

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Victoria Walton and I am a MD citizen. I urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

I am a disabled person who wears masks for my health. This broad sweeping generalization for masking will increase harm for vulnerable populations. Criminalizing masking is bad policy for public

health. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV.

It will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color. We are already policed and profiled at higher levels. And this legislation will create a chilling effect on anyone who simply wants to protect themselves from airborne illness as they go about their lives. Please support your constituents and do not pass this legislation.

Victoria Walton

V Strickland SB0709 Testimony.pdf

Uploaded by: Vanessa Strickland

Position: UNF

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

RE: OPPOSITION of Senate Bill 07091

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - **UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Vanessa Strickland and I am a Maryland resident. I'm writing today to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Carve-outs for medical mask use are not enough to protect disabled people from the dangerous consequences of this bill. Anti-mask laws will only increase mask stigma, increasing harassment and discrimination against mask-wearers.

The definition of "intimidation" in the bill here is broad, and can easily be used to discriminate against Black, Indigenous, People of Color (BIPOC) as well as other marginalized groups to cause them harm. This bill infringes on the right for people to remain healthy and keep those around them safe from illness. What is the purpose of a bill to specifically fine/jail those who are masked and perceived to be "intimidating?" I am far more intimidated by an individual wearing or carrying white nationalist clothing/regalia (masked or not)... yet there is no bill for that.

For these reasons and more, I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.

Many thanks for your time and attention,

Vanessa Strickland

SB0709-testimony-for 26Feb25.pdf

Uploaded by: William Simonds

Position: UNF

SB0709

(UNF) (OPPOSE)

As a Maryland resident and practicing physician who supports human rights and free speech, I strongly **urge opposition to SB0709**, in order to protect the rights of individuals to peacefully assemble and express their views, particularly in contexts where they may need protection from respiratory illness, “doxxing”, harassment, or violence.

My concerns about this bill are multiple:

- Prohibiting masks at protests might result in a chilling effect on free speech. Individuals may feel discouraged from participating in political demonstrations if they believe their identities will be exposed by state or private actors seeking to squash that political opinion. **As a result, the ACLU has opposed such mask bans.**
- Masks protect individuals who fear retaliation or harassment due to their beliefs or activism. **In recent months, many peaceful activists and protestors, including many in support of Palestinian rights, have faced severe repercussions for their participation in demonstrations, including “doxxing”—where personal information is shared publicly to incite harassment and threaten job security.**
- 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 to police officers at a protest.
- 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.**

I respectfully urge you **preserve freedom of expression** and protect of the rights of individuals to peacefully assemble and express their views. **In the strongest possible terms, I urge opposition to Senate Bill 0709.**

Thank you for your consideration,

Sincerely,

William F. Simonds, MD
11902 Smoketree Rd.
Potomac, Maryland 20854

Witness Statement Mask Bill.pdf

Uploaded by: Y Nunez

Position: UNF

Dear Judicial Proceedings Committee Members:

My name is Y Nunez and I am a Maryland resident from Frederick County. I am asking that you oppose the mask criminalization bill, SB 0709 in the Senate (HB1081 in the House) that is being presented to the Committee this week. Here are my objections:

Hate Crime Laws, not Harassment Laws: While the bill is said to be for “Anti-Hate” purposes, it is actually an Anti-Mask bill. If the bill were written to “discourage the concealment of identity for the purpose of committing a hate crime”, then the bill would pair the pre-requisite crime with Hate Crime Laws (the thing the bill aims to reduce), not Harassment/Intimidation Laws (which apply to much broader scenarios than intended).

Identity Concealment and criminals: Proponents further suggest that the point is to curve anonymity. They want to make sure criminals are identifiable when committing a crime. The inherent silliness in suggesting that making a law compelling criminals to make themselves identifiable is laughable. Criminals will continue to crime and that includes trying to get away with it by concealing themselves. So this law would impact only innocent mask wearers that find themselves in run-of-the-mill social altercations or become the victims of ill-intentioned citizens or law enforcement.

Identity Concealment vs. Health: The bill misses its own point if the goal is to prevent concealment of identity while committing harassment. It only targets face masks. But people can wear shades, wigs, fake mustaches, body paints, hoodies, scarves and any number of other items to conceal themselves for the purpose of committing a Hate Crime, but only a face mask can serve a Health Aide – so criminals will continue to have options, but disabled communities will find their most important tool for disease prevention legally deemed as “sus.”

Higher Behavior Standards: To deny that average decent citizens can sometimes find themselves in common kerkuffles is naïve, but this law would create a higher standard of behavior for masked people, since they will be more likely to be perceived as having had “ill-intent” or be “suspicious.” The carve-out in the law will do nothing to prevent this bias on the streets and with law enforcement. Historically, this bias of who is perceived as “threatening” has disproportionately harmed Black people, people of color and Muslims in religious garb. Law enforcement is additionally able to misuse this power during constitutionally protected public assembly because the line for clearing the “intimidation” bar is already so problematic and subjective.

Stigma and Exclusion of Disabled: With face masks being a medical tool, and despite the carve-out in the law, the criminalization of masks creates suspicion around anyone masking and gives permission to establishments to ban them under claims of “public safety” and “suspicious behavior.” It would become easy to argue that the masking itself is “proof” of the requisite ill-intent. The “Unmask Hate” bill SB 0709 will inevitably add to the existing stigma and harassment directed towards disabled people who mask for health reasons. This population already struggles to have access to public spaces

Government Political Motivations for UnMasking Citizens: Masks were deeply politicized during the covid pandemic - many people still wearing them tend to be politically to the left, so masked citizens are already vulnerable to political attacks from other citizens – and this law would add pressure from the government itself to not mask. An anti-mask law can be argued to be its own form of intimidation on behalf of the government to reduce mask-wearing for its own citizen identification purposes. This legislation will create a chilling effect on anyone who wants to protect themselves from airborne illness as they go about their lives, and even anyone wanting their anonymity as their right.

Privacy and HIPPA: Carve outs in the bill for health reasons still puts the onus on citizens to exclude themselves and that affirmation could infringe on their rights to privacy under HIPPA regulations, as maybe I don’t want to tell a cop about my health issues.

Law Easily Rendered Useless: At the other end, it would also be easy for everyone to affirm that they were masking for a qualified reason, and render the law pointless, unless we require the person have to “prove” why they were concealing their face, which becomes a slippery slope of basic right infringement.

Clarifying Goal into the Law: If the goal is to unmask Nazis, proud boys, racists and the KKK, why not be clear about that in the law? Why not stipulate that the prerequisite crime has to be a Hate Crime/ identify-based harassment of protected groups? This law’s net is cast so wide that it will catch too many innocent scenarios and too many innocent people – majority of whom are disabled or chronically ill, are currently sick and protecting the community, are wearing religious garb, are exercising their first amendment rights to protest, or are politically left-leaning. The carve outs in the bill, to reiterate, are not enough and still place these populations under additional scrutiny, and in a defensive position over an important medical device. It also will make it harder for public health to recommend or require masks during future health crises.

HB709.pdf

Uploaded by: Zainab Chaudry

Position: UNF



Council on American-Islamic Relations

CAIR Office in Maryland

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Tele 410-971-6062 Fax 202-488-0833

February 24, 2025

Chair Marc Korman
House Environment & Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

Re: Testimony Favorable for HB 709 Good Cause Eviction

Dear Chair Korman and Members of the House Environment & Transportation Committee:

On behalf of the Maryland office of the Council on American-Islamic Relations (CAIR), I thank you for this opportunity to testify in support of House Bill 709 Good Cause Eviction. CAIR is America's largest Muslim civil rights and advocacy organization. This bill would establish critical safeguards against unjust evictions by authorizing a county to adopt, by local law or ordinance, provisions prohibiting certain landlords of residential property from failing to renew a lease during the lease period or from terminating a holdover tenancy without good cause; requiring landlords to demonstrate "good cause" before terminating leases or refusing to renew rental agreements.

Maryland families, especially those from marginalized refugee and immigrant communities, are facing a housing crisis exacerbated by arbitrary evictions that strip them of stability and security. The recent eviction of multiple refugee families from the Enclave apartment complex in Montgomery County serves as a stark example of why this legislation is urgently needed.

Dozens of Afghan refugee families—many of whom had fled violence and persecution—have been evicted or are facing eviction from their homes.¹ These families, including elderly individuals and young children, have been left scrambling for emergency housing with little recourse. Their forced removal, without clear justification, underscores the very real impact of Maryland's lack of tenant protections and the necessity of HB709.

Local mosques in Montgomery County, including the Muslim Community Center, have reportedly been compelled to dig deep into their pockets and contribute hundreds of thousands of dollars to assist these families with their expenses. This has placed an undue burden on faith-based communities and is not a sustainable long-term solution.

This legislation would help prevent unjust practices by ensuring that landlords provide legitimate, documented reasons for eviction. HB709 establishes fairness in the rental process and reduces the risk of housing instability, particularly for low-income residents, refugees, and communities of color who already face systemic barriers to secure housing.

Washington D.C.

Alabama Arizona California Colorado Connecticut Florida Georgia Illinois Kansas Kentucky Maryland
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For Maryland residents, home is not just a place to live but a foundation for economic mobility, education, and community engagement. Unchecked evictions not only harm individual families but also strain social services, contribute to homelessness, and disrupt neighborhoods. Ensuring “good cause” protections will create a more just and equitable housing system that prioritizes stability for tenants while preserving landlords’ ability to address legitimate concerns.

We urge the committee to support HB 709 and take this critical step toward protecting Maryland’s most vulnerable tenants. Thank you for your time and consideration.

Respectfully,

Zainab Chaudry, Pharm.D.
Director, CAIR Maryland
Council on American-Islamic Relations (CAIR)
zchaudry@cair.com

1. Refugee families at risk as federal funding stops, says Montgomery County councilmember. 7 Feb. 2025. <https://www.wusa9.com/article/news/community/refugee-families-evicted-montgomery-county-federal-funding-maryland/65-8ae2873c-44d4-4d80-a18d-6643db8d1692>

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