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House Bill 513 – Hate Crimes and Hate Bias – Definitions of Sexual Orientation and Hate Bias Incident Position: Support

Dear Chairperson Bartlett, Vice Chairperson Davis, and Members of the House Judiciary Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for enforcing Maryland’s laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status. Additionally, under Md. Code Ann., Pub. Safety Art. § 2-307, the Department of State Police submits quarterly reports to the Commission on incidents directed against an individual or group because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness.

House Bill 513 makes two much needed updates to Maryland’s hate crimes statute:

- It modernizes the definition of “sexual orientation” to include more than just male or female homosexuality, heterosexuality, or bisexuality; and
- It defines “hate bias incident” while directing the Department of State Police (“Department”) to collect and analyze information about both hate crimes and hate bias incidents directed against an individual or group because of defined protected classes.

HB513 is a recommendation by the Maryland Commission on Hate Crimes Response and Prevention, on which MCCR serves as an agency member. As you may know, the Commission on Hate Crimes Response and Prevention seeks “ways to improve Maryland’s response to incidents of hate” with the goals of developing “strategies to prevent and respond to hate crime activity and evaluate state laws and policies relating to hate crimes.”

Beginning with the updated definition of sexual orientation, the LGBTQ+, medical, and scientific communities all recognize that there are more than two genders and more than three sexual orientations. Maryland law, too, recognizes more than two genders, with individuals being able to select “male”, “female”, or “X” on vital records such as a driver’s license and government issued identification. Thus, HB513

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

seeks to modernize a definition that has remained unchanged since sexual orientation was added as a protected class in Maryland's anti-discrimination laws under Chapter 340 of 2001.

With respect to the language defining "hate bias incident", HB513 is simply an update to existing law to reflect current information collection and reporting practices carried out by the Department in its annual Hate/Bias Reports. MCCR believes this update is a necessary clarification so that state and local law enforcement, agencies of interest (such as MCCR), advocacy organizations, community leaders, and other stakeholders have access to vital data needed to identify trends and formulate meaningful responses in order to effectively combat acts of hate and bias perpetrated against Marylanders. By updating state law to define hate bias incidents, there is no risk of this data being denied due to a false interpretation of statute or an adverse court decision.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on HB513. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve fair housing and civil rights in Maryland.