

State of Maryland

Commission on Civil Rights

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



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January 26, 2021

House Bill 128 – Criminal Law – Hate Crimes – Protected Groups and Penalties **POSITION: Support**

Dear Chairperson Clippinger, Vice Chairperson Atterbeary, and Members of the House Judiciary Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

House Bill 128 amends Maryland’s hate crimes statute in two ways. First, it removes “gender-related identity” from the definition of “sexual orientation” and instead separates it into its own protected class (“gender-related identity or expression), while adding “age” as a protected class. This is consistent with Maryland’s anti-discrimination laws enforced by MCCR.

Second, HB128 permits the Maryland Judiciary to order individuals convicted of committing an act of hate or bias to complete an anti-bias education program. The bill further mandates that the Board of Regents shall develop the curriculum and provide this information to MCCR. The bill places the responsibility of conducting the trainings on the University System. MCCR is charged under the bill to work with the Administrative Office of the Courts to ensure that criminal defendants who are required to complete this anti-bias education program is provided with the materials that MCCR receives from the Board of Regents.

There have been numerous studies over the years that strongly support the idea that anti-bias and inclusivity education may be effective at reducing implicit bias while mitigating the potential for harmful acts against individuals based on their status as a protected class. Whether this education is provided to school-aged children, law enforcement officers, or criminal offenders, studies show that education, especially if it is paired with community engagement, can foster inclusivity and respect for one another. The Maryland Commission on Civil Rights believes that judges should have this option as a tool to consider when sentencing those who are convicted of committing unlawful acts of hate or bias within Maryland.

For these reasons, the Maryland Commission on Civil Rights strongly urges a favorable report on HB128. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.