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The Honorable Luke Clippinger  
House of Delegates Judiciary Committee  
Room 101  
House Office Building  
Annapolis, Maryland 21401

**Testimony of FreeState Justice  
IN SUPPORT OF  
HB45: Crimes - Mitigation and Defense -  
Religious Beliefs, Disability, or Homelessness**

To the Honorable Chair Luke Clippinger, Vice Chair David Moon, and esteemed members of the Judiciary Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community.

We write today in support of House Bill 45, which builds on the protections codified in Criminal Law §§ 2-207(c) and 3-209(b), which prohibit the use of a panic defense in cases of homicide or assault. FreeState Justice was one of the chief proponents of abolishing the panic defense in Maryland, and many of you may remember my testimony on this matter regarding HB231 in 2021 and HB488 in 2020.

Last year when this Committee considered HB231, Delegate Cardin raised the question of why the list of protected classes was not identical to that in Maryland's hate crimes law, Criminal Law § 10-301 et seq. After some discussion, including consideration of the fact that other bills then pending would alter the list of protected classes under § 10-304, Delegate Cardin agreed to bring a bill this year to avoid a situation where Criminal Law §§ 2-207(c), 3-209(b), and 10-304 would inadvertently deviate.

FreeState Justice is in full support of HB45, which conforms to the original intent of HB231's amendments to §§ 2-207(c) and 3-209(b). With rising antisemitism and Islamophobia, prohibiting a panic defense on the basis of the victim's actual or

*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)  
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

perceived religion is particularly important for maintaining fairness for all Marylanders. Similarly, no Marylander should be subjected to violence merely because they are disabled.

Equally important, HB45 will expand the prohibition on the use of a panic-type defense to homicide or assault against individuals experiencing homelessness. There has been a significant increase in homelessness over the past several years, and unhoused individuals are subject to violence at a significantly higher proportion than the housed. We are particularly worried that a victim's unhoused status could be used to mitigate violence against them, perpetuating stereotypes that the unhoused have a propensity to violence, are mentally ill, or are simply undeserving of a place in civil society. HB45 would prevent situations such as these from occurring.

For these reason, FreeState Justice urges a favorable report on House Bill 45.