



LEGISLATIVE TESTIMONY

Bill: **HB426/SB761 Public Correctional Facilities—Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)**

Organization: PFLAG Salisbury Inc., PO Box 5107, Salisbury Maryland 21802

Submitted by: Nicole Hollywood, President of the Board

Position: **FAVORABLE**

SALISBURY PFLAG SUPPORTS THE TRANSGENDER RESPECT AND DIGNITY ACT

I am submitting this testimony in FAVOR of HB426/SB761 on behalf of PFLAG Salisbury, the Salisbury, Maryland Chapter of PFLAG National.

Transgender, nonbinary, and intersex inmates are disproportionately represented in the criminal justice system, with nearly one out of six (16 percent) trans people of all ethnicities are incarcerated during their lifetimes—a rate that skyrockets to nearly one in two (47 percent) among Black trans people. Transgender and gender non-conforming inmates are often victims of gender-based and sexual violence, with the Bureau of Justice Statistics at the Department of Justice reporting that 40 percent of incarcerated transgender people have been sexually assaulted—a statistic that is more than ten times the general prison population rate. Further, the National Center for Trans Equality reports that transgender people are five times as likely to be sexually assaulted by prison staff.

Incarcerated members of the transgender community also often face difficulties accessing gender-affirming care which the DOJ explained in a 2021 Statement of Interest in *Diamond v. Ward* violates the U.S. Constitution and the Eighth Amendment's prohibition on cruel and unusual punishment when they refuse trans women placements at female facilities when needed for safety, or deny trans people gender dysphoria care beyond hormone therapy without conducting individualized assessments of their needs

HB426/SB761 would require the creation of anti-discrimination policies and explicitly prohibit discrimination of transgender, nonbinary, and intersex inmates. It would also codify the treatment of transgender, nonbinary, and intersex inmates, including their housing placement, in ways that align with their gender identity.

These protections and procedures would improve the experiences of transgender, nonbinary, and

intersex inmates in the Maryland prison system, and particularly Black transgender, nonbinary, and intersex inmates, helping to ensure their safety. Because of this, PFLAG Salisbury Inc. supports HB 426 and SB761 and recommends a FAVORABLE report in committee.