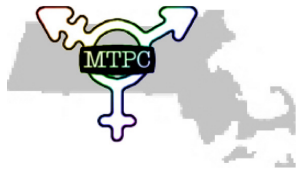


Legislative BRIEF



Massachusetts
Transgender
Political
Coalition
www.masstpc.org

An Act Relative to Gender-Based Discrimination and Hate Crimes

H.1728 filed Rep. Carl Sciortino & Rep. Byron Rushing
S.1678 filed by Senator Benjamin Downing

Summary and Background

H.1728/S.1687, "An Act Relative to Gender-Based Discrimination and Hate Crimes" adds the category "gender identity or expression" to our hate crime laws as well as to the employment, housing, credit, public accommodations, and public education non-discrimination laws. While the Massachusetts Commission Against Discrimination (MCAD) has already clarified that state law currently protects all individuals, including transgender persons, from discrimination based on gender identity or expression, this bill makes those protections explicit, uniform, and visible to the general public.

What will this bill do?

This bill updates Massachusetts non-discrimination and hate crimes laws to ensure that they clearly and uniformly protect all people regardless of their gender identity or gender expression, including transgender people.

This bill also amends existing hate crime laws to explicitly protect people targeted for violence and harassment because of their gender identity or expression.

More broadly, "An Act Relative to Gender-Based Discrimination and Hate Crimes" will affirm the Commonwealth's commitment to equality and freedom from discrimination and violence for all its citizens.

What does "gender identity or expression" mean?

"Gender identity or expression" is defined as "a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth."

This definition is intended to be consistent with MCAD's interpretation of existing law and reflects the approach taken in a number of other states to ensure that transgender people are covered by the law. In addition to covering transgender people, the law protects people who do not conform to stereotypical views of how "real men" or "real women" should look or act.

Why is it needed?

Transgender people in Massachusetts face high levels of discrimination and violence because of widespread prejudice and the assumption that transgender people are "outside" of the law's protections. This bill makes it clear that transgender individuals and people who do not conform to gender stereotypes have equal protection under the law. By addressing critical areas where people experience discrimination, this bill seeks to increase the productivity and safety of employees, consumers, residents, and students.

Is MA the first to include "gender identity or expression" in non-discrimination law?

No. Many local and state governments have already enacted such protections.

In Massachusetts, ordinances in **Boston, Cambridge, and Northampton** prohibit discrimination on the basis of gender identity or expression.

Nationwide, **13 states, Washington D.C., and 102 cities and counties** have passed non-discrimination laws or ordinances protecting people on this basis. The states are California, Colorado, Hawaii, Illinois, Maine, Minnesota, New Jersey, New Mexico, Rhode Island, Vermont, Iowa, Oregon, and Washington.

Furthermore, over 155 employers based in Massachusetts as well as many who are operating in Massachusetts have already adopted non-discrimination policies that include gender identity.

Is MA the first to include "gender identity or expression" in hate crimes law?

No. 10 states and Washington D.C. have included gender identity and gender expression in hate crimes laws: California, Colorado, Connecticut, Hawaii, Maryland, Minnesota, Missouri, New Mexico, Pennsylvania, and Vermont.