



**Statement by Chris Erchull,
Staff Attorney, GLBTQ Legal Advocates & Defenders (GLAD),
before the House Judiciary Committee,
in support of House Bill 608,
An Act Expanding the Law Against Discrimination
Based on Gender Identity to Other Areas of the Law
Prohibiting Discrimination**

Honorable Chairperson Smith and Members of the Committee:

I am grateful for the opportunity to testify in support of House Bill 608, An Act Expanding the Law Against Discrimination Based on Gender Identity to Other Areas of the Law Prohibiting Discrimination. This legislation would update multiple nondiscrimination statutes to include “gender identity” as a protected classification, consistent with and in fulfillment of the landmark bill, HB 1319, which, with the support of this body, was successfully enacted one year ago and which added gender identity protections to New Hampshire’s employment, housing, and public accommodation nondiscrimination laws. HB 608 would also ensure consistency across New Hampshire’s nondiscrimination provisions, by ensuring that gender identity protections are included everywhere other protected categories are included.

As an attorney with GLBTQ Legal Advocates & Defenders (GLAD), New England’s leading legal rights organization dedicated to ensuring legal equality for LGBTQ people and people living with HIV, I can say with certainty that discrimination against the transgender community is pervasive and harms people in New Hampshire in all aspects of civic life.

Without HB 608, there are gaps in the protections afforded to transgender individuals residing in New Hampshire. For example, the Patients’ Bill of Rights for Residential Care and Health Facilities does not currently prohibit discrimination on the basis of gender identity. Transgender citizens who are called for jury service are not protected against discrimination under the current law. And enhanced sentencing for “hate crimes” extends to many classifications but currently excludes gender identity, even though transgender individuals experience violence in great numbers. These are only a few of the gaps that would be address by HB 608.

HB 608 will fulfill the intent of the protections established by HB 1319 by ensuring that transgender individuals and their families have equal access to medical care, equal rights of citizenship, and the acknowledgment that the State of New Hampshire does not tolerate violence against any of its citizens.

(1) Patient's Bill of Rights

In the 2015 U.S. Transgender Survey, nearly one fourth of survey participants report negative treatment based on gender identity in drug or alcohol treatment programs.¹ This staggering statistic reflects that the services that people seek when they are at their most vulnerable are not equally available to the members of the transgender community. The inclusion of gender identity in the Patients' Bill of Rights will move transgender patients one step closer toward equality in accessing health services.

(2) Jury Selection

HB 608 furthers the goals of a treasured right of citizenship by prohibiting discrimination in jury selection. Jury service is a quintessentially American facet of citizenship. Excluding any qualified person from jury service is denying a right as fundamental to American democracy as voting.² The benefits of inclusivity extend to everyone. In fact, the public has more trust in the legitimacy of the courts when the process of jury selection is perceived as being more fair.³ Discrimination in jury selection hurts not only the direct victims of discrimination, but the entire judicial process.

(3) Hate Crimes

Hate crimes impact the lives of many members of the transgender community. Shockingly, 9% of transgender individuals suffered from a physical attack in the past year because of their gender identity according to the 2015 U.S. Transgender Survey.⁴ By penalizing hate crimes based on gender identity, HB 608 signals to the transgender community that their safety matter and that we will all stand together against violence that targets any group of New Hampshire citizens.

The State of New Hampshire stood in support of the transgender community in passing HB 1319 in 2018. HB 608 presents an opportunity to fulfill that monumental moment by prohibiting harmful discrimination in all forms, and ensure consistency in how New Hampshire's laws treat all protected categories.

Thank you for your consideration, and I hope you will support HB 608's promise of fairness and freedom for all Granite Staters.

¹ The Report of the 2015 U.S. Transgender Survey, at 214, Table 16.2, <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>.

² See Andrew Guthrie Ferguson, *The Jury as Constitutional Identity*, 47 U.C. Davis L Rev. 1105, 1116 (2014) (placing jury service historically "[i]n parallel importance to the other democratic rights of voting and serving as an elected office").

³ See Stacy L. Hawkins, *Batson for Judges, Police Officers & Teachers: Lessons in Democracy from the Jury Box*, 23 Mich. J. Race & L. 2, 7-8 (2018).

⁴ See U.S. Transgender Survey, *supra*, at 199, Table 15.1.

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Submitted by:



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