

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 892
Criminal Law – Benefits Trafficking
DATE: March 20, 2024
(3/27)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

Although the Judiciary has no position on the legislation, the Judiciary is concerned the bill is vague and overly broad. The bill defines coercion, deception and exploitation. These terms are defined, however, in current fraud, theft, and trafficking statutes which could lead to confusion. Additionally, much of what the bill prohibits is already unlawful under existing law. Finally, the provision that provides “a conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section” raises constitutional concerns against double jeopardy and the separation-of-powers doctrine.

cc. Hon. Aaron Kaufman
Judicial Council
Legislative Committee
Kelley O'Connor