

HB 892 - Sponsor Testimony for JPR on 3.27.24.docx

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Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony: Delegate Aaron Kaufman

HB 892 – Benefits Exploitation

For Senate Judicial Proceedings Committee Testimony

Date: March 27, 2024

Good afternoon Chair Smith, Vice Chair Waldstreicher and esteemed colleagues. I am Delegate Aaron Kaufman, representing District 18, Montgomery County.

I am requesting a favorable report on HB 892 – Benefits Exploitation. This issue was brought to me by Baltimore Councilman Kristerfer Burnett. HB 892 would reclassify the exploitation of an individual for their benefits and expand Maryland Statutes – Criminal Law 8-524.

This bill passed out of the House Judiciary Committee with a vote of 20-0, with no unfavorable votes. HB 892 passed on the House floor 137 – 0 with bi-partisan support. HB 892 also has the support of Baltimore Mayor Brandon Scott, the Baltimore City Council, Prince George’s County Council, the Maryland States Attorneys Association and the Baltimore Jewish Council. The bill does not have any opposition.

Benefits Exploitation (this is the amended term, as this bill started with the term of benefits trafficking) is the systematic recruitment, harboring, neglect, and financial exploitation of elder and disabled adults who receive government benefits such as Social Security, Veteran's Benefits, Medicaid, Medicare, SNAP, TANF,

pension benefits, public assistance to adults, disability or other government benefits. Traffickers often pose as kind-hearted individuals offering to provide care for at-risk adults in an in-home setting. Once recruited, at-risk adults are stripped of their government benefits, held against their will, moved from location to location, and denied basic needs such as food, clothing, and adequate shelter. While Benefits Exploitation is a basic civil rights violation issue, it is also a growing public health issue. Victims of Benefits Exploitation are often the forgotten at-risk adults who have fallen through the cracks of various mental health systems, are unhoused, and no longer have a social support system in place. (Source: *National Institutes of Health Website nih.gov*)

This bill would prohibit a person from knowingly recruiting, harboring or transporting a person for the purpose of taking their government benefits through force and/or deceptive practices. This would make the exploitation of benefits using force, fraud, or coercion a form of human trafficking under Maryland's Criminal Code.

Benefits exploitation causes detrimental harm to individuals and their families and is deceptive and predatory behavior. This needs to be stopped. The State of Georgia already passed legislation regarding this crime in 2018. 23 other states have reported instances of this crime. Let Maryland be a leader and pass this bill to protect our precious citizens.

I ask for a favorable report on HB 892. Thank you very much. I am happy to answer any questions.

CFH-crossover HB892_Written Testimony_2024.pdf

Uploaded by: Adam Rosenberg

Position: FAV

Date: March 27, 2024

To: Chair Smith, Vice Chair Waldstreicher and the Judicial Proceedings Committee

Reference: HB0892-Criminal Law-Benefits Trafficking

Position: Support

Dear Chair Smith and Committee Members,

On behalf of LifeBridge Health's Center for Hope we thank you for this opportunity to provide comments and urge your support for House Bill 892. Center for Hope annually provides intervention and prevention services for over 7,700 survivors and caregivers impacted by child abuse, domestic violence, community violence, and elder justice.

Benefits trafficking impacts a wide range of vulnerable individuals under the care of others – from foster care youth up through older adults. The three key factors in trafficking include force, fraud, and coercion, and the same applies to the exploitation of benefits.

In our experience in working with foster youth, some have expressed feeling that they were only in the home for additional monetary income. These youth report feeling a lack of love, care, or importance. As a result, this may lead to them running away and making them extremely high risk for trafficking. In the year 2023 Center for Hope supported 118 missing youth, 29 foster youth cases, and 16 identified cases of child trafficking. However, we know that the number of trafficking cases and missing youth cases are often much higher as these incidents are found to be under reported for many various factors.

House Bill 892 would allow those taking in children solely to exploit benefits to be held accountable. Center for Hope is prepared to support an increase in foster youth and identified trafficking case numbers as the laws expand the definition and understanding of exploitation. Center for Hope has specialized advocates educated and experienced in supporting the intricacies of exploitation and trafficking. Furthermore, services such as our specialized Child Trafficking Multi-Disciplinary Team will expand to support any youth victimized by benefit exploitation.

In exploring various therapeutic approaches in the anti-trafficking field, we have found client-centered approaches to be most effective. This means giving our youth a voice and a choice for how they receive care and healing. This approach is also most effective when taken as a proactive approach and not just as a reactive result of the victimization. The implementation of House Bill 892 takes the victim centered approach from reactive to proactive.

In the elder justice field, benefits trafficking is a new and emerging type of trafficking that targets overlooked vulnerable adults. On behalf of the over 1.37 million older adults in Maryland, we recognize the devastating impact this type of trafficking has on at-risk older adults who have fallen through the cracks of various hospital systems, are unhoused, and/or no longer have a social support system in place.

Through our experience in facilitating the Elder Justice Multidisciplinary Team and working with our partners, benefits trafficking often occurs within the operation of unlicensed personal care homes. The vulnerable older adult is recruited by a trafficker who presents themselves in part truth by having one licensed care home but multiple other homes that are unlicensed which are then operated by the

family/friends of the trafficker. This is a state issue, and by 2030 Maryland is projected to have nearly 1.7 million individuals 60 years of age and older who could become potential victims of this type of trafficking.

The state of Georgia passed a law in 2018 against benefits trafficking, Ga. Code § 16-5-102.1(5)(b), which states, "A person commits the offense of trafficking a disabled adult, elder person, or resident when such person, through deception, coercion, exploitation, or isolation, knowingly recruits, harbors, transports, provides, or obtains by any means a disabled adult, elder person, or resident for the purpose of appropriating the resources of such disabled adult, elder person, or resident for one's own or another person's benefit."

House Bill 892 would help to be a deterrent to the traffickers, and at the same time, provide critical support to essential benefit programs such as Social Security, veteran's assistance, Medicare, Medicaid, temporary assistance for needy families (TANF), supplemental nutrition assistance program (SNAP), and special supplemental nutrition program for women, infants, and children (WIC) that support families, foster youth, all the way through to older adults. Center for Hope will provide outreach, intervention, and prevention programs to enable families, foster youth, and older adult community members to live safely with dignity and respect. These programs can drive results and help combat the benefits trafficking taking place in the state of Maryland with legislation that can hold traffickers accountable on a criminal level.

For all the above stated reasons, we request a Favorable report.

For more information, please contact:

Leonard Croft
Elder Justice Manager, Center for Hope
lcroft@lifebridgehealth.org

Jewell Copeland, MSW
Baltimore City Human Trafficking Regional Navigator
Anti Trafficking & Exploitation Program Supervisor, Center for Hope
jcopeland@lifebridgehealth.org

HPP HB 892 Testimony (JPR)- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 892
TITLE: Criminal Law – Benefits Exploitation
COMMITTEE: Judicial Proceedings
HEARING DATE: March 27, 2024
POSITION: **FAVORABLE AS AMENDED**

House Bill 892, as amended, would establish the criminal offense of benefits exploitation in Maryland. This horrific crime is a serious violation of human rights that often occurs in the context of larger human trafficking schemes, and, as a result, [The Human Trafficking Prevention Project](#) supports this bill.

While the majority of victims of human trafficking are children and younger adults, [adults with disabilities](#) and [older adults](#) are also made vulnerable to being trafficked, particularly in forced labor settings. As in all cases of human trafficking, perpetrators use force, fraud, and/or coercion to induce their victims to engage in some form of labor for the trafficker’s illegal financial gain. However, because older adults and adults with disabilities often receive some form of governmental benefits, this provides added incentive for a perpetrator to target them for victimization.

HB 892 would establish that, in addition to the trafficking of persons for labor and/or commercial sex, the exploitation of their benefits is also an illegal act in Maryland. The legislation would establish that “a person may not, through deception, coercion, exploitation, isolation, or any other means, knowingly recruit, harbor, transport, or obtain an individual for the purpose of appropriating the government benefits of an individual for personal benefit,” and that the person doing so “is guilty of a felony and [] subject to imprisonment not exceeding 25 years or a [\$15,000 fine.]”

The Human Trafficking Prevention Project supports this bill because benefits exploitation often leads to serious human rights violations, as victims may endure physical and emotional abuse, deprivation of basic needs, and other forms of horrific maltreatment. We also greatly appreciate the amendments made to the bill prior to its passage in the House in order to more accurately clarify this criminal act as a crime of fraud and exploitation, rather than human trafficking. Human trafficking is a singularly horrific crime, and, while the financial exploitation of persons, especially older adults and those with disabilities is a serious issue, it should be addressed on those terms, rather than by conflating or analogizing it with human trafficking offenses. By prioritizing clarity and targeted solutions rather than giving rise to additional fallacies and ambiguity around what actually constitutes trafficking, we can effectively combat benefits exploitation while safeguarding the integrity of established legal concepts related to human trafficking.

For these reasons, the Human Trafficking Prevention Project respectfully urges a favorable report on House Bill 892 as amended.

The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
(E): jemerson@ubalt.edu*

BCHTC- LoS HB0892_ Benefits Trafficking (Senate).p

Uploaded by: Kim Sauer

Position: FAV



**HUMAN
TRAFFICKING
COLLABORATIVE**

FAVORABLE- House Bill 892 - Criminal Law: Benefits Trafficking
The Senate Judicial Proceedings Committee
March 27, 2024

Dear Chair Smith, Vice Chair Waldstreicher, & Members of the Judicial Proceedings Committee,

The Baltimore City Human Trafficking Collaborative (BCHTC) is a diverse group of stakeholders working in a collaborative effort to combat human trafficking in the City of Baltimore by raising awareness through education, law enforcement training, and media campaigns, supporting both state and federal investigations/prosecutions of traffickers, and supporting human trafficking survivors by providing them access to quality services through a victim-centered, trauma-informed approach. Established in December of 2017, the collaborative is a diverse group of approximately fifty stakeholders including the Mayor's Office, Baltimore City Council, law enforcement, prosecutors, public defenders, judiciary, city and state agencies, health care providers, victim service providers, working together to stop human trafficking in the City of Baltimore. **We urge you to vote favorably on House Bill 0892 (HB0892) - Criminal Law: Benefits Trafficking.**

Individuals who receive public benefits are among the most vulnerable populations due to a variety of factors, including socioeconomic status, physical and mental health challenges, and systemic barriers. They are often faced with limited financial resources, leaving them with little room to negotiate or escape exploitative situations. Some recipients of public benefits have physical or mental health challenges that make them more vulnerable to extreme forms of exploitation. Disabilities, chronic illnesses, and mental health disorders can impact an individual's ability to advocate for themselves or recognize when they are being exploited. While it's challenging to provide specific statistics due to underreporting and the hidden nature of these forms of exploitation among vulnerable populations, evidence suggests that individuals receiving public benefits are disproportionately targeted and exploited through multiple forms of abuse.

Modeled from legislation that was successfully passed in 2018 in the State of Georgia, more and more jurisdictions are pushing for the reclassification of benefits exploitation from financial crimes to expanding forms of human trafficking. **The key element that defines human trafficking is the use of force, fraud, or coercion to exploit individuals for various purposes and the victim being exploited is the "product" OR commodity.** Similar to crimes of sex & labor trafficking, benefits exploitation, within the context of human trafficking, underscores the dehumanizing aspect of treating individuals as tools for personal gain, which goes beyond the scope of financial crimes that typically focus on monetary transactions. While financial crimes typically revolve around illegal monetary transactions or fraud, benefits exploitation extends beyond mere economic considerations. It involves the systematic manipulation, coercion, and abuse of individuals for personal gain. That is why more and more jurisdictions are re-classifying this type of exploitation as a form of human trafficking.



HUMAN TRAFFICKING COLLABORATIVE

Furthermore, the crime of benefits trafficking, as drafted in this legislation, often results in severe human rights violations, including physical and emotional abuse, deprivation of basic needs, and violation of individual autonomy. This emphasis on the violation of human rights aligns closely with the characteristics of human trafficking, distinguishing it from financial crimes that may not necessarily involve such comprehensive mistreatment of individuals.

As societal structures evolve, so do the methods of exploitation. Benefits trafficking reflects a modern form of exploitation that existing laws may not adequately address. By expanding Maryland Criminal Law -Title 3 - Other Crimes Against the Person to establish “benefits trafficking” we ensure that our legal framework keeps pace with changing patterns of exploitation, acknowledging the nuanced and comprehensive nature of the victimization involved.

By recognizing benefits trafficking as a form of human trafficking, this legislation not only acknowledges the gravity of the issue but also empowers law enforcement and social service agencies to take effective measures against those who engage in such illicit activities. It is imperative that we address this gap in our legal framework to safeguard the integrity of our social support systems and break the cycle of exploitation that perpetuates poverty and vulnerability.

Additionally, it should be noted that this legislation of the reclassification aligns with international efforts to combat human trafficking. Recognizing benefits exploitation within the broader framework of human trafficking reflects a commitment to global standards and encourages collaboration on combating these crimes across borders.

In summary, benefits exploitation poses a multifaceted danger by harming individuals, eroding the effectiveness of social welfare programs, contributing to criminal activities, and undermining public trust. Legislation, such as the proposed Benefits Trafficking legislation, is essential in addressing and preventing these dangers by providing a legal framework to prosecute those who exploit government benefits for personal gain.

We urge a favorable report on House Bill 892, Criminal Law: Benefits Trafficking. We appreciate your dedication to combating severe forms of exploitation and protecting Maryland’s most vulnerable people.

Baltimore City Council- LoS HB0892_ Benefits Traff

Uploaded by: Kristerfer Burnett

Position: FAV



March 26, 2024

Subject: Urgent Support for HB0892 - Criminal Law: Benefits Trafficking

Dear Chair Smith, Vice Chair Waldstreicher, & Members of the Judicial Proceedings Committee,

We trust this letter finds you well. As dedicated Council Members representing Baltimore City and passionate advocates for the well-being of our community, we are writing to express our wholehearted support for **House Bill 0892 (HB0892) - Criminal Law: Benefits Trafficking**. We believe this legislation is a crucial step forward in addressing a pressing issue that affects vulnerable individuals across our state and the nation.

The exploitation of benefits, often resulting in severe consequences for those who depend on social welfare programs, is a matter that demands our immediate attention. HB0892, which aims to re-classify the exploitation of benefits as a form of human trafficking, expanding the definition of human trafficking in Maryland's criminal code, aligns with our shared commitment to protecting the most vulnerable members of our society.

By recognizing benefit exploitation as a form of human trafficking, this legislation not only acknowledges the gravity of the issue but also empowers law enforcement and social service agencies to take effective measures against those who engage in such illicit activities. We must address this gap in our legal framework to safeguard the integrity of our social support systems and break the cycle of exploitation that perpetuates poverty and vulnerability.

We urge you to vote in favor of HB0892, as its passage will send a powerful message that the State of Maryland is dedicated to ensuring the protection and well-being of all residents. As City Council Members, we have seen firsthand the struggles faced by constituents who rely on benefits to meet their basic needs; benefits exploitation poses a multifaceted danger by harming individuals, eroding the effectiveness of social welfare programs, contributing to criminal activities, and undermining public trust. Supporting this legislation is an essential step in creating a safer, more just, and compassionate society for everyone.

Thank you for your tireless dedication to public service and your consideration of this crucial matter. Your support for HB0892 will undoubtedly contribute to the betterment of our community and the lives of those who depend on social welfare programs. **We urge you to vote favorably on HB0892.**

Respectfully,

Council President Nick J. Mosby
Vice President Sharon Green Middleton, 6th District
Councilman Zeke Cohen, 1st District
Councilman Ryan Dorsey, 3rd District
Councilman Mark Conway, 4th District
Councilman James Torrence, 7th District
Councilman Kristerfer Burnett, 8th District

Councilman John T. Bullock, 9th District
Councilwoman Phylicia Porter, 10th District
Councilman Eric Costello, 11th District
Councilman Robert Stokes, Sr., 12th District
Councilman Tony Glover, 13th District
Councilwoman Odette Ramos, 14th District

HB0892-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0892

March 27, 2024

TO: Members of the Senate Judicial Proceedings Committee
FROM: Nina Themelis, Director of Mayor's Office of Government Relations
RE: House Bill 892 - Criminal Law - Benefits Trafficking

POSITION: FAVORABLE

Chair Smith, Vice Chair Waldstreicher, and members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 892.

HB 892 addresses the issue of benefits trafficking. It defines the various techniques that traffickers use to control and exploit their victims and gain access to their benefits. It specifies criminal penalties for those convicted of these practices. This is an important issue for all who are concerned about vulnerable persons at risk of financial exploitation in our State.

In Baltimore City, the Baltimore City Health Department Division of Aging has become aware of more incidents where older adults are losing control of their benefits. These incidents appear to be occurring particularly in long term care facilities, including both nursing homes and assisted living facilities. Facility employees are gaining access to the bank accounts of their residents, are withdrawing money to pay for facility care, and unilaterally assigning themselves as representative payee of the resident's benefits without the understanding or consent of the residents. Benefits affected include Social Security and Supplemental Security Income (SSI).

We respectfully request a **favorable** report on HB 892.

HB0892 - FAV - DHS.pdf

Uploaded by: Rachel Sledge Government Affairs

Position: FAV

March 27, 2024

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB 892 - Criminal Law - Benefits Trafficking - POSITION:
FAVORABLE**

Dear Chair Smith and members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide favorable testimony for House Bill 892 (HB892). With offices in every Maryland jurisdiction, DHS helps Marylanders in economic need, provides preventive services, and protects children and adults. The Family Investment Administration (FIA) within DHS administers the Temporary Assistance for Needy Families Program (TANF) and the Supplemental Nutrition Assistance Program (SNAP), two federally funded programs, affected by HB 892.

We believe HB 892 will reduce the trafficking of public benefits by deterring criminals from exploiting the individuals and families we serve across our programs. With the increase in Electronic Benefit Transfer (EBT) benefit theft over the last two years, HB 892 would add to the preventive measures DHS has either implemented or plans to implement. Among other measures taken over the last nine months, we launched a new system feature enabling customers to lock their EBT card while it is not in use. We also implemented activity alerts so customers can detect and mitigate potential theft in real time.

House Bill 892 would add further protection to the approximately 370,000 SNAP households and 17,000 TANF households, all of whom participate in programs administered by FIA.

The Family Investment Administration also disburses Temporary Disability Assistance Program (TDAP) and Public Assistance to Adults (PAA) on EBT cards. Therefore, we offered amendments to include TDAP and PAA among the qualified "Government Benefits." These amendments were accepted, and will protect cash benefits for an additional annual average of 9,414 people enrolled in TDAP and 2,107 enrolled in PAA.

We appreciate the opportunity to offer favorable testimony to the Committee for consideration during your deliberations. We look forward to the decision of the Committee and welcome continued collaboration on HB 892.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written in a cursive style.

Rafael López
Secretary

HB892 as amended Criminal Law – Benefits Exploit

Uploaded by: Sarah Miicke

Position: FAV

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 Shaarei Tfiloh Congregation
 Shomrei Emenah Congregation
 Suburban Orthodox Congregation
 Temple Beth Shalom
 Temple Isaiah
 Zionist Organization of America
 Baltimore District

WRITTEN TESTIMONY

**House Bill 892 – Criminal Law – Benefits Exploitation
 Judicial Proceedings Committee**

**March 27, 2024
 Support as Amended**

Background: HB 892 as amended would create a criminal offense of “benefits exploitation”. Benefits exploitation would make it a felony to knowingly recruit, harbor, transport or obtain an individual for the purpose of appropriating the government benefits of an individual for the benefit of the person or another.

Written Comments: The Baltimore Jewish Council represents the interests of CHANA, an agency of the Associated: Jewish Federation of Baltimore. CHANA is a domestic violence, sexual abuse, and elder abuse agency that serves Baltimore County and City. CHANA provides safety planning, supportive counseling, shelter, crisis intervention, case management and legal advocacy.

Elder abuse is an act or failure to act that causes harm to an older adult. One in 10 community-residing older adults report being abused and an article cited by the World Health Organization reported that elder abuse increased by 84% during the initial months of the pandemic. Elder abuse includes physical, emotional, psychological, sexual, medical and financial abuse or neglect and perpetrators of elder abuse are most often adult children or spouses. Acts of elder abuse extend throughout the criminal justice system to include assault, sexual assault, theft, fraud and other crimes, none of which sufficiently cover the exploitation of benefits.

CHANA has served older adult abuse victims for financial gain, including to receive their benefits. CHANA supported an older gentleman who was physically assaulted, deprived of food and falsely imprisoned in his basement. His abusive relatives only let him out for trips to the bank on the day after his pension and social security benefits were deposited. They then forced him to give the funds to them. To date, Maryland law does not specifically address the exploitation of older adults, such as this client, to gain access to their benefits.

We ask for a favorable report on HB892 as amended so that our older adult clients can receive the full relief and protection that they truly need when their benefits have been exploited.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

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Shomrei Emenah Congregation
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
 Baltimore District

hb892.pdf

Uploaded by: Linda Miller

Position: INFO

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

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



KELLEY O'CONNOR
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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