

**MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 892
Criminal Law – Benefits Trafficking
DATE: February 14, 2024
(2/20)

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