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POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 140 - Criminal Law - Benefits Exploitation

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: January 20, 2026 – Senate Hearing

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 140 for the following reasons:

First, Senate Bill 140 seeks to create a felony that carries a maximum statutory penalty of 25 years and a potential \$15,000 fine. Although the Office of the Public Defender never wants to see the vulnerable people exploited, creating more felonies is not an effective way to address the problem. Instead, it increases collateral consequences that in turn result in increased risk of recidivism and diminished public safety in communities.

Collateral consequences are legal restrictions that disqualify people convicted of crimes from accessing certain needs and benefits available to other citizens. Many of the collateral consequences experienced by people with felony convictions involve their very basic needs, including employment, housing and public food benefits. In particular, a person with a felony conviction faces significant barriers accessing housing, especially affordable housing because of their conviction. Most, if not all, government housing disqualifies applicants with felony convictions. Furthermore, families that live in public housing or have housing through a government voucher, are often not allowed to have family members with felony convictions live with them. Additionally, most landlords often do background checks and do not rent to people with criminal backgrounds and specifically felony charges. They could also be prohibited from reunifying with their families if their family lives in any form of public housing.

Felonies are the highest level of crime. As such, people with felony convictions face increased challenges in gaining employment. Eighty-seven percent of employers conduct background checks. Most employers do not hire people with felony convictions and/or who have served time in prison. Sixty percent of incarcerated people remain unemployed one year after their release.

This inability to gain employment gravely impacts a person's quality of life and ability to establish a livelihood without committing crime.

Without the possibility of stable housing and income to provide for food and other necessities, people desperately turn to illegal and unsafe measures, ultimately making our communities less safe. Additionally, people with felony convictions are excluded from participating in food supplement programs in Maryland. With the prices of food on the rise, limited income and no access to food supplement programs, the options for a convicted felon to survive and meet their basic needs without reoffending are little to none.

Finally, OPD has concerns with the inclusion of "any other means" in 8-524(B)(1) in reference to "recruit[ing], transport[ing], or obtain[ing] an individual" might be unclear in implementation. The concern that comes to mind is individuals suffering from substance use disorder who may engage in selling or trading their government benefits such as food stamps. Individuals in the throes of addiction may sell their food stamps for half of their value either for drugs or money. A felonious conviction with a 25-year potential penalty is an inappropriate response to someone who needs treatment.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 140.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.