

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 818  
Appropriations

(Delegate Stocksdale, *et al.*)

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**Crimes - Rioting - Restrictions on Public Benefits**

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This bill disqualifies an individual from receiving specified public benefits if the individual, on or after July 1, 2012, is convicted of (1) common law rioting under State law; or (2) a crime under the laws of another state or the United States that would be common law rioting if committed in this State.

The bill takes effect July 1, 2012.

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**Fiscal Summary**

**State Effect:** Since it is assumed that the provisions of this bill will apply in a limited number of cases, State finances are not materially affected.

**Local Effect:** Since it is assumed that the provisions of this bill will apply in a limited number of cases, local finances are not materially affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Specified types of federal, state, and local public benefits may be revoked, refused, or limited upon conviction of certain crimes (often drug offenses), while other benefits can be revoked, refused, or limited upon conviction of any crime. There is no statute specifically restricting eligibility for individuals convicted of rioting.

Because Maryland has not codified the crime of rioting, it remains a common law offense. The Court of Appeals, in *Schlamp v. State*, 390 Md. 724 (2006) noted the elements of the crime at common law:

“At common law it was necessary that three or more persons be unlawfully assembled to carry out a common purpose in such violent or turbulent manner as to terrify others, and assault or destruction of property may or may not be incident to the execution of the riot. The assembly must be unlawful, else there is no riot, and the unlawful assembly must be charged in the indictment.” (citing *Cohen v. State*, 173 Md. 216, 221, 195 A. 532, 534 (1937)).

“Federal public benefit” means any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.

“State or local public benefits” is a term defined by federal law to include:

- any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and
- any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Maryland Health Insurance Plan, Maryland Energy Administration, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2012  
mm/mwc

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