



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

### **POSITION ON PROPOSED LEGISLATION**

**BILL: House Bill 946 Criminal Law- Theft- Mail and Packages (Porch Privacy Act of 2024)**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 02/16/2024**

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 0946.

House Bill 0946 makes the stealing of mail or packages a felony punishable by imprisonment not exceeding five years. While the Office of the Public Defender acknowledges and does not make light of the inconvenience, annoyance, and deprivation that a stolen package creates, the detriment to communities that will be done in making these acts a felony far outweighs the benefits.

Theft of a package is already a crime punishable by fines and incarceration, the amounts being determined by the value of the item/ items stolen. Increasing penalties does not deter crime.<sup>1</sup> The swiftness of and certainty of being caught deters crime. By making the crime of stealing mail or packages a felony, it will not prevent these crimes from happening but will only exacerbate all of the issues connected with felony convictions.

Changing the classification of crimes from misdemeanors to felonies does not prevent crime and does not improve public safety.<sup>2</sup> Creating more felonies only increases the collateral consequences of convicted people, which results in increasing the possibility of recidivism and further diminishing public safety in the communities.

Collateral consequences are legal restrictions that disqualify people convicted of crimes from accessing certain needs and benefits available to other citizens.<sup>3</sup> Many of the collateral

<sup>1</sup><https://www.ojp.gov/pdffiles1/nij/247350.pdf>

<sup>2</sup> <https://www.ojp.gov/pdffiles1/nij/247350.pdf>

<sup>3</sup> <https://niccc.nationalreentryresourcecenter.org/>

consequences experienced by people with felony convictions involve their very basic needs including employment, housing and public food benefits.<sup>4</sup> Without the possibility of stable housing and income to provide for food and other necessities, people are not safe and communities are not safe. When people do not have what they need the possibility of crime dramatically increases.

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 desperately impacts a person's quality of life and ability to establish a livelihood without committing crime.

Similarly, without employment, a person re-entering society cannot provide him or herself housing if they have no income to pay for it. At the same time, people with felony convictions are unable to access public housing and housing voucher programs. 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. This means that a person with a felony conviction not only faces significant barriers accessing housing but is most likely unable to access affordable housing because of their conviction. They could also be prohibited from reunifying with their families if their family lives in any form of public housing.

Lastly, 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.

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<sup>4</sup> Other collateral consequences specific to Maryland are prohibitions of professional licensing, ineligibility for some civil legal assistance, prohibition from state retirement benefits, no voting rights and disqualification of jury to name a few.

Theft is often a crime of necessity or at the least a crime rooted in lack mainly lack of resources and lack of opportunity. Creating situations that further aggravate the needs of people who are already under- resourced and underserved will not decrease crime in general or the theft of mail and packages specifically but may decrease public safety by further disadvantaging already marginalized groups.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 0946.**

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