

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

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



KELLEY O'CONNOR
ASSISTANT STATE COURT
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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: Senate Bill 170
Criminal Law – Benefits Exploitation
DATE: January 15, 2025
(1/21)

INFORMATIONAL 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. The Judiciary writes only to provide information to the Committee for its consideration.

On page 4, line 8, the bill contains an anti-merger provision, which is within the legislature's constitutional authority. However, the use of the term conviction, rather than sentence, in that provision causes this comment. In a criminal prosecution, merger does not typically serve to wipe out a conviction of the merged offense but, rather, to preclude a separate sentence. As such, anti-merger provisions generally make clear the legislative intent to have separate sentences for each offense. The conviction itself is within the purview of the factfinder.

cc. Hon. Chris West
Judicial Council

Legislative Committee
Kelley O'Connor