

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  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
AND PUBLIC AFFAIRS  
P: (410) 260-1560

SUZANNE PELZ, ESQ.  
SNR. GOVT. RELATIONS AND  
PUBLIC AFFAIRS OFFICER  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 126  
Criminal Law – Theft – Mail and Packages (Porch Piracy Act of 2025)  
**DATE:** January 16, 2025  
(1/21)  
**POSITION:** Oppose, only as to the mandatory provisions noted below

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The Maryland Judiciary opposes the mandatory provisions in House Bill 126, given its intrusion into our constitutional authority. The Judiciary takes no position on the bill's policy aim of making certain offenses felonies, as that falls within the legislature's constitutional authority to make public policy.

On page 2, line 11 through 16, the bill dictates a mandatory condition of sentencing. The Judiciary traditionally opposes legislation that includes mandatory provisions upon the court. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. It is not always possible to order restoration of items previously taken. Further, there are instances in which restitution is not sought by the State or the victim, either because the victim already received compensation for the loss in the form of a refund from the vendor or an insurance payout or because the victim simply is not seeking restitution. In those instances, it may not be possible for the sentencing court to order restitution. As such, this provision should be left to the discretion of the sentencing court and the Judiciary would request that the "shall" be amended to "may" on page 2, line 11.

cc. Hon. Frank Conaway  
Judicial Council  
Legislative Committee  
Kelley O'Connor