

Sponsor Testimony - Benefits Exploitation - Janua

Uploaded by: Aaron Kaufman

Position: FAV

House Judiciary Committee
Sponsor Testimony: Delegate Aaron Kaufman
HB 187 – Benefits Exploitation
Date: January 28, 2025

Good afternoon Chair Clippinger, Vice Chair Barlett and esteemed colleagues. I am Delegate Aaron Kaufman, representing District 18, Montgomery County.

I am requesting a favorable report on HB 187 – Benefits Exploitation. This issue was brought to my attention by former Baltimore Councilman Kristerfer Burnett. HB 187 would reclassify the exploitation of an individual for their benefits and expand Maryland Statutes – Criminal Law 8-524. I appreciate Delegate Tomlinson and Delegate Todd Morgan signing on as co-sponsors to this bill; and for Senator Chris West serving as the Senate cross-file, thus showing bi-partisan support for this issue.

In the previous legislative session, this bill passed out of the House Judiciary Committee with a vote of 20-0, with no unfavorable votes. HB 892 from the 2024 legislative session passed on the House floor 137-0 with bi-partisan support. HB 187 also has the support of Baltimore Mayor Brandon Scott who has submitted testimony in support of the bill, Legal AID, the Maryland Department of Aging, Maryland Department of Human Services, and several others.

Benefits Exploitation is the systematic recruitment, harboring, neglect, and financial exploitation of elderly and disabled individuals who receive government benefits, such as SSN, Veterans Benefits, Medicaid, Medicare, SNAP, TANF, pension benefits, public assistance to adults, disability or other government benefits. Individuals who offer to provide care for elderly and disabled adults in an in-home setting often pose as kind-hearted individuals. Elderly and disabled individuals are often stripped of their government benefits, held against their will, moved from location to location, and denied basic needs such as food, clothing, and adequate shelter.

Benefits Exploitation is a growing public health issue and a civil rights violation. Victims of benefits exploitation are often unhoused, have no social support system, or have fallen through the cracks of various mental health systems (Source: *National Institutes of Health*).

This bill would prohibit a person from knowingly recruiting, harboring, or transporting a person for the purpose of taking their government benefits through force and/or underhanded practices. Benefits exploitation causes detrimental harm to individuals and is deceptive and predatory behavior. This needs to be stopped. The State of Georgia has already passed legislation regarding this crime in 2018. 23 other states have reported instances of this crime. Let Maryland be a leader and pass this bill to protect our most vulnerable citizens.

Attorney General Anthony Brown has proposed legislation that is similar to this, but his bill would: focus on people over the age of 65, persons who live in long-term care facilities to improve transparency and accountability in skilled nursing and assisted living environments; and protecting the trust relationship between patient and provider by holding caregivers, whether facility staff or family members, to a higher standard in their financial interactions with vulnerable adults.

My bill differs from this because it covers all persons and covers a wide range of federal government benefits.

I ask for a favorable report on HB 187 – Benefits Exploitation. Thank you. I am happy to answer any questions.

Written Testimony HB187 - Benefits Exploitation FA

Uploaded by: Carmel Roques

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: January 24, 2025

Bill Number: **HB187**

Bill Title: Criminal Law - Benefits Exploitation

Committee: House Judiciary

MDOA Position: FAVORABLE

The Department of Aging (MDOA) thanks the Chair and Committee members for the opportunity to submit this favorable testimony for House Bill (HB) 187 - Criminal Law - Benefits Exploitation.

The Maryland Department of Aging (MDOA) serves as Maryland's State Unit on Aging, administering federal and state funding for core programs, overseeing the Area Agency on Aging (AAA) network at the local level that provides supportive services to older adults, and planning for Maryland's growing older adult population. MDOA and AAAs work to prevent all forms of abuse of older adults through: the work of the Office of the Long Term Care Ombudsman, public elder abuse awareness efforts, funding legal aid service organizations for older adults who are victims of elder abuse and exploitation and serving as the public guardians for older adults over age 65 where no one else suitable is available. MDOA's Maryland Access Point service is a wide-ranging single point of entry for services and options counseling for older adults, caregivers and other community members. As mandated reporters, MAP staff within AAAs regularly make reports of suspected abuse, neglect or exploitation of older adults to local Adult Protective Services investigators based on information shared during MAP interactions with older adults. Notably, MDOA recently convened and participated on the Task Force on Preventing and Countering Elder Abuse authorized by Senate Bill 797 and House Bill 1191 of 2023. This Task Force recently issued its final report to the General Assembly, noting that abuse, neglect and exploitation of older adults is a pervasive problem in Maryland that will increase



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

along with the growing older adult population.¹ One of the broad takeaways from this Task Force is that Maryland should strengthen existing criminal statutes to address the “exploitation of resources, or assets or benefits for older adults, such as pensions, public, social security, veteran’s, and retirement.”² HB187 provides an appropriate opportunity to do so. While applying an inclusive, across the lifespan approach for anyone whose government benefits are exploited, this will squarely benefit older adults who have had their government benefits exploited, from Medicare to Social Security or SNAP. The opportunity to provide greater access to justice for older adults is a goal of MDOA’s Longevity-Ready Maryland Initiative, which will work to make Maryland more prepared for our increasingly longer lives over the next several years.

For these reasons, the Department of Aging respectfully urges a **favorable** report for HB187. If you have any questions, please contact Andrea Nunez, Legislative Director, at andrea.nunez@maryland.gov or (443) 414-8183.

Sincerely,

Carmel Roques
Secretary
Maryland Department of Aging

¹ Task Force on Countering and Preventing Elder Abuse Report, December 23, 2024, pg. 5, *available at*: [https://dlslibrary.state.md.us/publications/Exec/MDoA/SB797Ch706HB1191Ch707\(2023\)_2024\(5\).pdf](https://dlslibrary.state.md.us/publications/Exec/MDoA/SB797Ch706HB1191Ch707(2023)_2024(5).pdf)

² *Id.* at 11.

Maryland Legal Aid Testimony HB 187.pdf

Uploaded by: Cornelia Bright Gordon

Position: FAV

**HB 187
Benefits Exploitation
Hearing on January 28, 2025, Maryland House of Delegates, Judiciary Committee
Position: Favorable**

Maryland Legal Aid submits its written and oral testimony in support of HB 187.

Maryland Legal Aid (MLA) provides free legal services to the State's low-income and vulnerable residents. We assist thousands of Maryland residents who rely on Supplemental Nutrition Assistance Program (SNAP), Temporary Disability Assistance Program (TDAP) and Temporary Cash Assistance (TCA) benefits. No matter what type of case is presented, many of our clients are disabled, and most also rely on Medicare, Medicaid, Social Security, Veterans Benefits, and food assistance. This is the benefit "safety net" to all Marylanders, and is life-sustaining assistance to those living below the poverty line.

This testimony is offered at the request of Delegate Kaufman.

We are fortunate that people in the U.S. are living longer, but the reality is that the number of people, especially older adults, who become victims of abuse and financial fraud is growing.¹ HB 187 will, for the first time, make it illegal to obtain another person's benefits through isolation, deception, coercion or exploitation for personal enrichment. In other words, it would become illegal to commit benefits trafficking in Maryland.

One only has to watch the news or read a newspaper to know that benefits exploitation (or trafficking) is real. It causes increasingly incomparable loss and damage to low-income persons, especially older adults. We have many examples of this injury to our clients. In one case, MLA represented a disabled woman in her 80s whose own granddaughter brought her to Maryland for a "visit" and then proceeded to isolate her, hide her government identification, and then steal her Social Security benefits, small pension and rental income. This conduct occurred over an 18 month period, and the client could not escape and return home to Arkansas: she was 82, had no money or identification. Our grandmother-client was even forced to perform household cleaning and chores for the terrible granddaughter and her husband, at the age of 82. The case was brought to our attention because the granddaughter filed a petition for guardianship over our client, in an unscrupulous effort to permanently deprive her of her income through a court order.

This conduct involved deception, isolation, transportation of a vulnerable adult, and the appropriation of government benefits by someone who did not work for them or deserve them. It falls squarely within the scope of HB 187.

¹ <https://www.youtube.com/watch?v=blcv5CbO-WE>; <https://www.fbi.gov/news/stories/elder-fraud-in-focus>; <https://ovc.ojp.gov/program/stop-elder-fraud/providing-help-restoring-hope>; <https://vawnet.org/sc/elder-abuse-growing-problem>.

MLA strongly opposes benefits trafficking and exploitation, especially as it is applies to older adults, and urges passage of HB 187.

If you have questions please contact Cornelia Bright Gordon, Director of Advocacy for Administrative Law, Maryland Legal Aid, at cbgordon@mdlab.org.

HB 187 - FAV - JUD - ALZ Association.pdf

Uploaded by: Megan Peters

Position: FAV



Bill: HB 187 - Criminal Law - Benefits Exploitation

Committee: Judiciary Committee

Position: Favorable

Date: January 28, 2025

On behalf of the 127,200 Marylanders living with Alzheimer's disease and the many other Marylanders living with another type of dementia, the Alzheimer's Association supports *HB 187 - Criminal Law - Benefits Exploitation*. This bill is aimed at stopping a person from knowingly exploiting and benefiting from another individual's government benefits. We urge a favorable report.

People living with dementia are particularly vulnerable to financial abuse and exploitation. As their memory and other thinking skills decline, people with dementia may not remember or report the abuse – or understand that someone is taking advantage of them. This abuse can occur anywhere – including at home or in care settings.

Many Marylanders living with dementia are likely receiving some of the government benefits represented in HB 187, specifically Medicare and/or Medicaid. In Maryland alone, the Medicaid cost of caring for people with Alzheimer's in 2020 was an estimated \$1.23 billion. It is important that government benefits are supporting the individuals who are using these services, not bad actors who are hoping to benefit by taking advantage of an individual.

This bill will provide further safeguards to protect Maryland's most vulnerable. The Alzheimer's Association urges a favorable report on HB 187. Please contact Megan Peters, Director of Government Affairs at mrpeters@alz.org with any questions.

HB0187-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0187

Jan 28th, 2025

TO: Members of the Judiciary Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: HB 0187 -Criminal Law - Benefits Exploitation

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) supports House Bill 187.

HB 187 clarifies that exploitation related to another person's government benefits is a criminal act that should be prohibited in the State of Maryland. The bill also clearly defines the methods by which bad actors exploit others for their own personal gain, including coercion, deception, and isolation. This bill is critical to ensuring older adults and persons with disabilities, who are often targeted by this type of exploitation, are protected from this type of exploitation and trafficking.

The Baltimore City Health Department Division of Aging and Community Support acts as the Area Agency on Aging (AAA) for Baltimore City. Our agency also houses the Long-term Care Ombudsman program, which advocates for residents of nursing homes and assisted living facilities. Our Ombudsman staff report that some of these facilities are taking advantage of their residents' vulnerability and isolation and, through coercion and deception, are gaining control of their benefit payments. SB 170, by defining forms of exploitation and deception and creating criminal penalties for them, will strengthen the ability of our agency and our law enforcement parties to protect the rights of these residents.

For these reasons, the BCA respectfully requests a favorable report on Hb 187.

HB0187_FAV_DHS.pdf

Uploaded by: Rachel Sledge Government Affairs

Position: FAV



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

January 28, 2025

The Honorable Luke Clippinger, Chair
House Judiciary Committee
House Office Building, Room 100
6 Bladen Street
Annapolis, Maryland 21401

**RE: TESTIMONY ON HB0187 - CRIMINAL LAW - BENEFITS EXPLOITATION -
POSITION: FAVORABLE**

Dear Chair Clippinger and Members of the Judiciary Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide favorable testimony for HB 187.

With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. The Family Investment Administration (FIA) within our department administers a variety of financial assistance programs affected by HB 187.

We believe HB 187 could reduce public benefit theft by creating an additional criminal charge that may deter thieves from exploiting individuals and families we serve. HB 187 would add to the State's efforts to prosecute thieves while we do everything we can to protect our customer's benefits. Among measures we've implemented since we took office is a new system feature enabling customers to lock their Electronic Benefits Transfer (EBT) card while it is not in use. We also increased personal Identification number (PIN) complexity and instituted activity alerts so customers can detect and mitigate potential theft in real time.

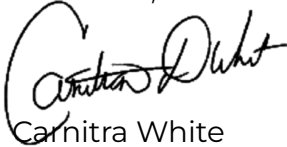
We appreciate the addition of Temporary Disability Assistance Program (TDAP) and Public Assistance to Adults (PAA) to the enumerated list of protected benefits. We disburse these cash assistance benefits on EBT cards. EBT cards are also used for

Temporary Assistance for Needy Families (TANF), which Maryland calls Temporary Cash Assistance (TCA), and Supplemental Nutrition Assistance Program (SNAP) benefits.

HB 187 clearly identifies as criminal means of achieving theft including through deception, coercion, exploitation, or isolation. The bill could help to prosecute thieves who target Marylanders. Additional and specific protections are necessary because Marylanders rely on cash benefits to pay for groceries to feed their families, keep the lights on, and supplement other monthly expenses.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read "Carnitra White", written over a circular stamp or seal.

Carnitra White
Principal Deputy Secretary

Testimony in support of HB0187 - Criminal Law - Be

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0187_RichardKaplowitz_FAV

01/28/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON HB#0187 - POSITION: FAVORABLE
Criminal Law - Benefits Exploitation

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ HB#/0187, **Criminal Law - Benefits Exploitation**

Unfortunately, there are individuals in our society who prey on those who, through no fault of their own, do not have a will or the knowledge or the mental soundness to avoid being taken advantage of by unscrupulous persons.

This bill will make that predatory behavior a serious crime in the way it is treated. This bill will serve that goal by prohibiting a person from knowingly recruiting, harboring, transporting, or obtaining an individual for the purpose of appropriating the government benefits of an individual for the benefit of the person or another through deception, coercion, exploitation, isolation, or any other means. It would also criminalize any confederates of the person initiating this conduct by prohibiting a person from aiding, abetting, or conspiring with one or more persons to violate a certain provision of the Act. The result of a finding that this conduct exists or is planned will establish that a violation of the Act is a felony; etc.

Multiple examples of this despicable fraud and scams can be found online along with the effects on the person or persons harmed by it. This bill makes it clear that those miscreants will receive significant punishment for their actions. The seriousness of the penalty may also help to make the crimes less attractive to those who might attempt them.

I respectfully urge this committee to return a favorable report on HB0187.

BJC Fav HB187 Benefits Exploitation .pdf

Uploaded by: Sarah Miicke

Position: FAV



Baltimore Jewish Council

An agency of The Associated

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Shaarei Tfiloh Congregation
Shomrei Emunah Congregation
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District

WRITTEN TESTIMONY

House Bill 187 – Criminal Law – Benefits Exploitation Judiciary Committee January 28, 2025 Support

Background: House Bill 187 would create a criminal offense of “benefits exploitation.” Benefits exploitation would make it a felony to knowingly recruit, harbor, transport or obtain an individual for the purpose of appropriating the government benefits of an individual for the benefit of the person or another through deception, coercion, exploitation, isolation or any other means. Government benefits include but are not limited to Social Security, Medicare, Medicaid and Veterans.

Written Comments: The Baltimore Jewish Council represents the interests of CHANA, an agency of the Associated: Jewish Federation of Baltimore. CHANA is a domestic violence, sexual abuse, and elder abuse agency that serves Baltimore County and City. CHANA provides safety planning, supportive counseling, shelter, crisis intervention, case management and legal advocacy.

Elder abuse is an act or failure to act that causes harm to an older adult. One in 10 community-residing older adults report being abused and an article cited by the World Health Organization reported that elder abuse increased by 84% during the initial months of the pandemic. Elder abuse includes physical, emotional, psychological, sexual, medical and financial abuse or neglect and perpetrators of elder abuse are most often adult children or spouses. Acts of elder abuse extend throughout the criminal justice system to include assault, sexual assault, theft, fraud and other crimes, none of which sufficiently cover the exploitation of benefits.

CHANA has served older adult abuse victims for financial gain, including to receive their benefits. CHANA supported an older gentleman who was physically assaulted, deprived of food and falsely imprisoned in his basement. His abusive relatives only let him out for trips to the bank on the day after his pension and social security benefits were deposited. They then forced him to give the funds to them. To date, Maryland law does not specifically address the exploitation of older adults, such as this client, to gain access to their benefits.

We ask for a favorable report on HB187 so that our older adult clients can receive the full relief and protection that they truly need when their government benefits have been exploited.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.



Baltimore Jewish Council

An agency of The Associated

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President

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Religious Zionists of America
Shaarei Tfiloh Congregation
Shomrei Emunah Congregation
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District

hb187.pdf

Uploaded by: Will Vormelker

Position: INFO

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

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



KELLEY O'CONNOR
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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 187
Criminal Law – Benefits Exploitation
DATE: January 15, 2025
(1/28)

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. Aaron Kaufman
Judicial Council

Legislative Committee
Kelley O'Connor