

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
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P: (410) 260-1560

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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 792
Criminal Law – Theft – Mail and Packages (Porch Piracy Act of 2026)
DATE: February 11, 2026
(2/17)
POSITION: Oppose, only as to the mandatory provisions noted below

The Maryland Judiciary opposes the mandatory provisions in House Bill 792, 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, lines 7 through 12, 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 7.

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