



NATASHA M. DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

POSITION ON PROPOSED LEGISLATION

BILL: HB 130 Criminal Law - Deed Fraud - Prohibition, Deed Fraud Prevention Grant Fund, and Task Force to Study Deed Fraud
FROM: Maryland Office of the Public Defender
POSITION: Unfavorable
DATE: February 3, 2026

The Office of the Public Defender respectfully urges the Judiciary Committee to issue an unfavorable report on House Bill 130. If enacted, House Bill 130 would continue to prohibit the intentional fraudulent sale, conveyance, or lease or attempted sale, conveyance, or lease of real property by a person who does not own the real property, while substantially increasing the available fines upon conviction from \$1,000 to \$7,500. The bill further establishes a Deed Fraud Prevention Grand Fund *and* a Task Force to Study Deed Fraud.

Current law already criminalizes counterfeiting or willfully aiding someone else in counterfeiting a deed. See Criminal Law Art.. § 8-601(a)(3) of the Criminal Law Article. Someone who creates a fraudulent deed is subject to conviction of a felony with a statutory maximum of 10 years imprisonment and a \$1,000 fine. See § 8-601(c)(1) of the Criminal Law Article. Under current law, mere possession of a fraudulent deed can result in a misdemeanor conviction, up to 3 years imprisonment, and a fine of up to \$1,000. See § 8-601(c)(1) of the Criminal Law Article.

Delegate Ruff's HB 130 would eliminate the deed-fraud provisions in current law and create three new substantive crimes—namely two felonies with a statutory maximum sentence of 10 years imprisonment and a fine not to exceed \$7,500 or both, and a misdemeanor possession crime with a statutory maximum penalty of 3 years and a fine of up to \$7,500 or both. While the new felonies continue to cap the period of imprisonment at 10 years, they increase the statutory maximum fine more than seven-fold (from \$1,000 to \$7,500). *Compare* § 8-601(c) (existing law) *with* HB 130's Proposed § 8-906 (d). The new misdemeanor similarly raises allowable fines from \$1,000 to \$7,500. *See id.*

The bill goes on to establish the Deed Fraud Prevention Grant Fund to be administered by the Department of Public Safety in coordination with the Maryland Legal Services Corporation (MLSC) and held separately by the State Treasurer. Pursuant to proposed § 8-906(f), "fines collected under this section shall be paid into the Deed Fraud Prevention Grant Fund under §2-802 of the Public Safety Article." Under HB 130, the Governor would be required to include \$200,000 in the fund for Fiscal Year 2028. Finally, Section 2 of the bill creates a Task Force to Study Deed Fraud consisting of the Attorney General (or their designee), a representative of the Judiciary designated by the Chief Justice, the director of the State Department of Assessments and Taxation (or their designee), the executive director of MLSC (or their designee), the

Secretary (or designee) of Housing and Community Development, a gubernatorial appointment from the land title insurance industry, and a gubernatorial appointment who is a notary public. The Governor appoints the task force's chair, while the Administrative Office of the Courts staffs the task force. If the Committee contemplates passing House Bill 130 over our opposition, OPD should be amended into the bill's statutorily determined task force members.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an **UNFAVORABLE REPORT** on House Bill 130.

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

Authored by: Hannibal G. Williams II Kemerer
Chief of Staff
Maryland Office of the Public Defender
Hannibal.Kemerer1@maryland.gov