

HB0104_RichardKaplowitz_FAV
02/03/2026

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON HB#/0104- POSITION: FAVORABLE
Unhoused Individuals - Rights and Affirmative Defense

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

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0104, **Unhoused Individuals - Rights and Affirmative Defense**

This bill helps Maryland fulfill the governor's promise that, in Maryland, we leave NO one behind. It provides that all unhoused individuals have certain rights; stating it is the intent of the General Assembly that the Courts liberally construe the Act to maximize the protections afforded by it to unhoused individuals in the State; establishing an affirmative defense of necessity to certain criminal charges relating to trespass or disturbing the peace; and repealing the authority of a municipality to prohibit vagrancy. It is meant to facilitate creative solutions to ending these societal problems with compassion instead of turning our backs on the least among us.

My Jewish faith commands me to

[Deuteronomy 15:7-11](#)

7 If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman. 8 Rather, you must open your hand and lend him sufficient for whatever he needs.

The United States Supreme Court has hardened their hearts and community hearts against the unsheltered. As reported by the National Alliance to End Homelessness

Last week, the Supreme Court issued its opinion ... which makes it easier for communities nationwide to fine, ticket or arrest people living unsheltered, even when there is no adequate shelter available. Specifically, the Supreme Court determined that the "cruel and unusual punishment" clause of the Eighth Amendment does not prohibit ... enforcing criminal punishments against people who are homeless for camping outside in the city... To protect our unhoused neighbors, preserve support for best practices, and ultimately fend off these terrible policies, we need ... elected officials to do the right thing. ¹

I respectfully urge this committee to return an favorable report on HB#/0104.

¹ <https://endhomelessness.org/blog/the-supreme-court-rules-on-homelessness-what-it-all-means/>