

HOUSE BILL 892

E1

4r3207
CF 4r3278

By: **Delegates Kaufman, Arikan, Attar, Cardin, Cullison, Fair, Hill, Jackson, J. Lewis, R. Lewis, Lopez, McComas, Mireku-North, Munoz, Palakovich Carr, Pasteur, Pena-Melnyk, Phillips, Rosenberg, Ruff, Shetty, Solomon, Stein, Taveras, Wells, White Holland, Wims, and Young**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Benefits Trafficking**

3 FOR the purpose of prohibiting a person from knowingly recruiting, harboring,
4 transporting, or obtaining an individual for the purpose of appropriating the
5 government benefits of an individual for the benefit of the person or another by
6 certain means; prohibiting a person from knowingly benefitting in a certain manner
7 from participation in a venture that violates a certain provision of this Act;
8 prohibiting a person from aiding, abetting, or conspiring with one or more persons to
9 violate a certain provision of this Act; and generally relating to benefits trafficking.

10 BY adding to

11 Article – Criminal Law

12 Section 3–1301 and 3–1302 to be under the new subtitle “Subtitle 13. Benefits
13 Trafficking”

14 Annotated Code of Maryland

15 (2021 Replacement Volume and 2023 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Criminal Law**

19 **SUBTITLE 13. BENEFITS TRAFFICKING.**

20 **3–1301.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “COERCION” MEANS:

4 (1) (I) CAUSING OR THREATENING TO CAUSE BODILY HARM TO AN
5 INDIVIDUAL; OR

6 (II) PHYSICALLY RESTRAINING OR CONFINING OR
7 THREATENING TO PHYSICALLY RESTRAIN OR CONFINE AN INDIVIDUAL;

8 (2) EXPOSING OR DISSEMINATING OR THREATENING TO EXPOSE OR
9 DISSEMINATE ANY FACT OR INFORMATION THAT WOULD TEND TO SUBJECT AN
10 INDIVIDUAL TO CRIMINAL OR IMMIGRATION PROCEEDINGS, HATRED, CONTEMPT,
11 OR RIDICULE;

12 (3) DESTROYING, CONCEALING, REMOVING, CONFISCATING, OR
13 POSSESSING ANY ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION
14 DOCUMENT, OR ANY OTHER ACTUAL OR PURPORTED GOVERNMENT IDENTIFICATION
15 DOCUMENT, OF AN INDIVIDUAL;

16 (4) PROVIDING A CONTROLLED DANGEROUS SUBSTANCE TO AN
17 INDIVIDUAL FOR THE PURPOSE OF COMPELLING THE INDIVIDUAL TO ENGAGE IN AN
18 ACTION AGAINST THE INDIVIDUAL’S WILL; OR

19 (5) CAUSING OR THREATENING TO CAUSE FINANCIAL HARM TO AN
20 INDIVIDUAL OR EXERTING FINANCIAL CONTROL OVER A DISABLED OR ELDERLY
21 ADULT.

22 (C) “CONTROLLED DANGEROUS SUBSTANCE” HAS THE MEANING STATED IN
23 § 5–101 OF THIS ARTICLE.

24 (D) “DECEPTION” MEANS:

25 (1) CREATING OR CONFIRMING ANOTHER PERSON’S IMPRESSION OF
26 AN EXISTING FACT OR PAST EVENT THAT IS FALSE AND THAT THE ACCUSED KNOWS
27 OR BELIEVES TO BE FALSE; OR

28 (2) PROMISING BENEFITS OR THE PERFORMANCE OF SERVICES THAT
29 THE ACCUSED DOES NOT INTEND TO DELIVER OR PERFORM OR KNOWS WILL NOT BE
30 DELIVERED OR PERFORMED.

1 **(E) “EXPLOITATION” MEANS ILLEGALLY OR IMPROPERLY USING AN**
2 **INDIVIDUAL OR AN INDIVIDUAL’S GOVERNMENT BENEFITS THROUGH UNDUE**
3 **INFLUENCE, HARASSMENT, DURESS, FALSE REPRESENTATION, FALSE PRETENSE,**
4 **OR OTHER SIMILAR MEANS FOR PERSONAL PROFIT OR ADVANTAGE OR FOR THE**
5 **PROFIT OR ADVANTAGE OF ANOTHER.**

6 **(F) “GOVERNMENT BENEFITS” INCLUDES:**

7 **(1) MEDICARE;**

8 **(2) MEDICAID;**

9 **(3) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF);**

10 **(4) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN,**
11 **INFANTS, AND CHILDREN (WIC); AND**

12 **(5) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP).**

13 **(G) “ISOLATION” MEANS PREVENTING AN INDIVIDUAL FROM HAVING**
14 **CONTACT WITH FRIENDS OR FAMILY, A WELFARE AGENCY, LAW ENFORCEMENT**
15 **OFFICERS, HEALTH CARE PROVIDERS, OR OTHER INDIVIDUALS OR ENTITIES**
16 **WITHOUT THE KNOWLEDGE OF THE INDIVIDUAL OR AGAINST THE INDIVIDUAL’S**
17 **WISHES.**

18 **3-1302.**

19 **(A) (1) A PERSON MAY NOT, THROUGH DECEPTION, COERCION,**
20 **EXPLOITATION, ISOLATION, OR ANY OTHER MEANS, KNOWINGLY RECRUIT, HARBOR,**
21 **TRANSPORT, OR OBTAIN AN INDIVIDUAL FOR THE PURPOSE OF APPROPRIATING THE**
22 **GOVERNMENT BENEFITS OF AN INDIVIDUAL FOR PERSONAL BENEFIT OR TO**
23 **BENEFIT ANOTHER.**

24 **(2) A PERSON MAY NOT KNOWINGLY BENEFIT FINANCIALLY OR BY**
25 **RECEIVING ANYTHING OF VALUE FROM PARTICIPATION IN A VENTURE THAT**
26 **VIOLATES PARAGRAPH (1) OF THIS SUBSECTION.**

27 **(3) A PERSON MAY NOT AID, ABET, OR CONSPIRE WITH ONE OR MORE**
28 **PERSONS TO VIOLATE PARAGRAPH (1) OF THIS SUBSECTION.**

29 **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY**
30 **OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**
31 **25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.**

1 **(C) (1) EACH VIOLATION OF THIS SECTION SHALL BE CONSIDERED A**
2 **SEPARATE OFFENSE.**

3 **(2) A CONVICTION UNDER THIS SECTION MAY NOT MERGE WITH A**
4 **CONVICTION FOR ANY OTHER CRIME BASED ON THE ACT ESTABLISHING THE**
5 **VIOLATION OF THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2024.