

HOUSE BILL 892

E1

4lr3207
CF 4lr3278

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~~ Young, Toles, Conaway, Williams**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Benefits ~~Trafficking~~ Exploitation**

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 exploitation.

11 BY adding to

12 Article – Criminal Law

13 Section ~~3-1301 and 3-1302 to be under the new subtitle “Subtitle 13. Benefits~~
14 ~~Trafficking”~~ 8-524

15 Annotated Code of Maryland

16 (2021 Replacement Volume and 2023 Supplement)

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

18 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Criminal Law

2 ~~SUBTITLE 13. BENEFITS TRAFFICKING.~~3 ~~3-1301. 8-524.~~

4 (A) (1) IN THIS ~~SUBTITLE~~ SECTION THE FOLLOWING WORDS HAVE THE
5 MEANINGS INDICATED.

6 ~~(B)~~ (2) “COERCION” MEANS:

7 ~~(1)~~ ~~(I)~~ 1. CAUSING OR THREATENING TO CAUSE BODILY HARM
8 TO AN INDIVIDUAL; OR

9 ~~(II)~~ 2. PHYSICALLY RESTRAINING OR CONFINING OR
10 THREATENING TO PHYSICALLY RESTRAIN OR CONFINED AN INDIVIDUAL;

11 ~~(2)~~ (II) EXPOSING OR DISSEMINATING OR THREATENING TO
12 EXPOSE OR DISSEMINATE ANY FACT OR INFORMATION THAT WOULD TEND TO
13 SUBJECT AN INDIVIDUAL TO CRIMINAL OR IMMIGRATION PROCEEDINGS, HATRED,
14 CONTEMPT, OR RIDICULE;

15 ~~(3)~~ (III) DESTROYING, CONCEALING, REMOVING, CONFISCATING, OR
16 POSSESSING ANY ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION
17 DOCUMENT, OR ANY OTHER ACTUAL OR PURPORTED GOVERNMENT IDENTIFICATION
18 DOCUMENT, OF AN INDIVIDUAL;

19 ~~(4)~~ (IV) PROVIDING A CONTROLLED DANGEROUS SUBSTANCE TO AN
20 INDIVIDUAL FOR THE PURPOSE OF COMPELLING THE INDIVIDUAL TO ENGAGE IN AN
21 ACTION AGAINST THE INDIVIDUAL’S WILL; ~~OR~~

22 ~~(5)~~ (V) CAUSING OR THREATENING TO CAUSE FINANCIAL HARM TO
23 AN INDIVIDUAL OR EXERTING FINANCIAL CONTROL OVER A DISABLED OR ELDERLY
24 ADULT; OR

25 (VI) DEPRIVING AN INDIVIDUAL OF MEDICAL CARE.

26 ~~(6)~~ (3) “CONTROLLED DANGEROUS SUBSTANCE” HAS THE MEANING
27 STATED IN § 5-101 OF THIS ARTICLE.

28 ~~(D)~~ (4) “DECEPTION” MEANS:

1 ~~(1)~~ **(I)** CREATING OR CONFIRMING ANOTHER PERSON'S
 2 IMPRESSION OF AN EXISTING FACT OR PAST EVENT THAT IS FALSE AND THAT THE
 3 ACCUSED KNOWS OR BELIEVES TO BE FALSE; OR

4 ~~(2)~~ **(II)** PROMISING BENEFITS OR THE PERFORMANCE OF SERVICES
 5 THAT THE ACCUSED DOES NOT INTEND TO DELIVER OR PERFORM OR KNOWS WILL
 6 NOT BE DELIVERED OR PERFORMED.

7 ~~(E)~~ **(5)** "EXPLOITATION" MEANS ILLEGALLY OR IMPROPERLY USING AN
 8 INDIVIDUAL OR AN INDIVIDUAL'S GOVERNMENT BENEFITS THROUGH UNDUE
 9 INFLUENCE, HARASSMENT, DURESS, FALSE REPRESENTATION, FALSE PRETENSE,
 10 OR OTHER SIMILAR MEANS FOR PERSONAL PROFIT OR ADVANTAGE OR FOR THE
 11 PROFIT OR ADVANTAGE OF ANOTHER.

12 ~~(F)~~ **(6)** "GOVERNMENT BENEFITS" INCLUDES:

13 ~~(1)~~ **(I)** MEDICARE BENEFITS;

14 ~~(2)~~ **(II)** MEDICAID BENEFITS;

15 ~~(3)~~ **(III)** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)
 16 BENEFITS;

17 ~~(4)~~ **(IV)** SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
 18 WOMEN, INFANTS, AND CHILDREN (WIC) BENEFITS; ~~AND~~

19 ~~(5)~~ **(V)** SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
 20 (SNAP) BENEFITS;

21 **(VI)** SOCIAL SECURITY BENEFITS;

22 **(VII)** SOCIAL SECURITY DISABILITY (SSDI) BENEFITS;

23 **(VIII)** VETERANS BENEFITS;

24 **(IX)** PENSION BENEFITS;

25 **(X)** TEMPORARY DISABILITY ASSISTANCE PROGRAM (TDAP)
 26 BENEFITS; AND

27 **(XI)** PUBLIC ASSISTANCE TO ADULTS (PAA) BENEFITS.

28 ~~(G)~~ **(7)** "ISOLATION" MEANS PREVENTING AN INDIVIDUAL FROM HAVING
 29 CONTACT WITH FRIENDS OR FAMILY, A WELFARE AGENCY, LAW ENFORCEMENT

1 OFFICERS, HEALTH CARE PROVIDERS, OR OTHER INDIVIDUALS OR ENTITIES
 2 WITHOUT THE KNOWLEDGE OF THE INDIVIDUAL OR AGAINST THE INDIVIDUAL'S
 3 WISHES.

4 ~~3-1302.~~

5 ~~(A)~~ (B) (1) A PERSON MAY NOT, THROUGH DECEPTION, COERCION,
 6 EXPLOITATION, ISOLATION, OR ANY OTHER MEANS, KNOWINGLY RECRUIT, HARBOR,
 7 TRANSPORT, OR OBTAIN AN INDIVIDUAL FOR THE PURPOSE OF APPROPRIATING THE
 8 GOVERNMENT BENEFITS OF AN INDIVIDUAL FOR PERSONAL BENEFIT OR TO
 9 BENEFIT ANOTHER.

10 (2) A PERSON MAY NOT KNOWINGLY BENEFIT FINANCIALLY OR BY
 11 RECEIVING ANYTHING OF VALUE FROM PARTICIPATION IN A VENTURE THAT
 12 VIOLATES PARAGRAPH (1) OF THIS SUBSECTION.

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

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

18 ~~(C)~~ (D) (1) EACH VIOLATION OF THIS SECTION SHALL BE CONSIDERED
 19 A SEPARATE OFFENSE.

20 (2) A CONVICTION UNDER THIS SECTION MAY NOT MERGE WITH A
 21 CONVICTION FOR ANY OTHER CRIME BASED ON THE ACT ESTABLISHING THE
 22 VIOLATION OF THIS SECTION.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.