

Maryland Alliance for Justice Reform

Working together for a criminal justice system that better serves our communities



To: Chair Sandy Bartlett and Judiciary Committee members
From: Bill Carlson and Jenny Zito, MAJR Executive Committee
Subject: **FAV - HB0104 - Unhoused Individuals - Rights and Affirmative Defense**

February 3, 2026

The Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) supports HB0104, a bill to establish that unhoused individuals have certain rights related to engaging in life-sustaining activities.

MAJR has long supported reducing *unnecessary* incarceration in Maryland and it is hard to imagine a more *unnecessary* incarceration than one of an unhoused individual who has committed the act of simply living in a location that is not “legal,” without an appropriate alternative. HB0104 would eliminate this injustice by striking vagrancy laws that exist in some Maryland jurisdictions, and by providing a defense against certain charges brought against unhoused individuals, unless an appropriate alternative place to stay is made available to them.

Vagrancy is defined as roaming from place to place without a permanent job, home, or material resources. HB0104 would prevent municipalities from prohibiting vagrancy while continuing to allow them to prohibit antisocial acts such as vice, gambling, disorderly conduct or nuisances. MAJR believes preventing the prohibition of being without a job, a home, or material resources is a significant step forward for justice in Maryland.

The affirmative defense provision of HB0104 defines in great detail the spaces that unhoused individuals may occupy and that it must be done in an unobtrusive manner. The bill also eliminates the defense if the prosecution can show that adequate alternative indoor space was available. This seems a just balancing of the needs of the unhoused and those of the broader society. Past disagreements on similar bills haven't disputed the need for such a balance but the details of that balance. MAJR supports the bill as introduced, but would also support different balances, such as accepting “reasonable efforts” by municipalities to achieve adequate accommodations, especially in “emergency situations.”

The Maryland Alliance for Justice Reform is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible, evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give HB 0104 a favorable report.

Maryland Alliance for Justice Reform, Inc.

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