

Office of the State's Attorney's Office for Prince George's County, Maryland



Legislative Priorities

2023





A Message from State's Attorney Braveboy



Reflecting and Moving Forward

Dear Legislative Partners,

January 27, 2023

On January 5, 2023, I was sworn into my second term as State's Attorney for Prince George's County. It has been my distinct honor serving as State's Attorney for the last 4 years, and I look forward to continued progress in my second term. My approach to public safety has been and remains centered around delivering justice in a manner that is both balanced and effective. You can count on my office to continue our commitment to advocate in all spaces – the courtroom, the legislature, and the community. My highest priority is protecting the residents of this county. This is reflected by both our high felony conviction rates and our expanding opportunities for rehabilitation and restoration.

2022 Successes in Annapolis

The 444th Legislative Session concluded with notable successes for both Prince George's County and the state of Maryland. This would not have been possible without the exemplary work and support of members from the General Assembly.

*In Annapolis, we closed the loophole on the manufacturing, selling and transporting of untraceable firearms. This legislation was in response to the steady increase in the use of "ghost guns" to commit violent crimes across the state. We appreciate the legislature for giving law enforcement the tools needed to hold accountable sellers, transporters, and users of these dangerous firearms. In addition, we expanded protections for young victims and witnesses by authorizing the courts to admit into evidence out-of-court statements made by a child who is under the age of 13. This legislation was critical to minimize additional trauma resulting from a child's participation in the legal process. [**Senate Bill 387 Criminal Procedure – Out of Court Statements – Child Victims and Witnesses**] Lastly, we secured resources for Employ Prince George's to work with the State's Attorney's Office to expand employment and business development opportunities for individuals who are returning to the community from incarceration. [**Senate Bill 390 - State Resources for Returning Citizens**]*

We celebrate these and many other successes — however, there is still work to be done. Our legislative partners are an integral part of our strategy to combat crime and build stronger and safer communities. Through combined efforts, I believe that in 2023 we can accomplish shared goals and increase safety throughout our county for a fair and balanced system of justice.

Yours In Service,

Aisha N. Braveboy
State's Attorney for Prince George's County

PGSAO 2023 Legislative Priorities

Priority One

Public Safety Enhancements

Maryland Racketeer Influenced and Corrupt Organizations Act

This legislation will make it a crime to acquire, receive income from, or operate an enterprise through a pattern of racketeering. Rather than prosecuting violations of individual criminal statutes, they can pursue patterns of criminal acts committed by direct and indirect participants in criminal enterprises.

Safe Harbor and Service Response — Sexual Crimes against Child Victims

This legislation alters procedures that a law enforcement officer or court must follow when there is reason to believe that a child, who has been detained, is a victim of sex trafficking or human trafficking. The legislation provides that a minor may not be criminally prosecuted or proceeded against under certain provision of law for certain offenses – if the alleged offense is the direct result of human trafficking.

Sexual Offenses—Crime of Violence and Lifetimes Supervision

This legislation alters a certain definition of “Crime of Violence” as it relates to the age of victims of certain offenses requiring a sentence for certain persons convicted of certain sexual abuse crimes to include a term of lifetime sexual offender supervision.

Sexual Offense in the Third Degree—In-Custody Sex Offense

This legislation establishes an “incapacity to consent” when a person has been placed in detention, is under arrest, or is in the custody of a police officer, peace officer, or other law enforcement officer responsible for effecting the arrest of such person or maintaining such person in detention; or actual custody; or reasonably should know that such person is under arrest, detention, or custody.

PGSAO 2023 Legislative Priorities

Priority Two

Criminal Justice Reform:

Expanding Expungement

This legislation will allow individuals, who have committed certain felonies, to have their criminal records expunged after a significant period of time without subsequent convictions. The current expungement statute only allows for certain misdemeanors to be expunged. This legislation expands this opportunity to include individuals who were convicted of more serious offenses, but who have not committed any additional crimes for 20 years after their release from incarceration. Qualifying individuals should have an opportunity to free themselves from the collateral consequences associated with a felony criminal record. This expansion of the current expungement statute will not include convictions for murder, rape, felony sexual crimes or felony domestic violence convictions.

Prosecutorial Reconsideration

This legislation will provide limited discretion to State's Attorneys to file a motion to modify a sentence during any period of active incarceration. This legislation also establishes factors for the court's consideration at a hearing on the motion including: (1) the inmate's disciplinary record and record of rehabilitation and maturity while incarcerated; (2) evidence that reflects whether age, time served, or diminished physical condition has reduced the inmate's risk for future violence; and (3) evidence reflecting a change in circumstances since the original conviction and sentencing such that the inmate's continued incarceration is no longer in the Interest of justice.

PGSAO 2023 Legislative Priorities

Priority Three

Violence Intervention & Prevention

Cannabis Public Awareness Campaign Funding Authorization

This legislation will authorize funding to create a public education campaign aimed at educating youth and adults about the potential negative health effects and risks of recreational cannabis use.

Emerging Adult Working Group

The Prince George's County State's Attorney's Office requests \$750,000 to fund the Emerging Adult Program. This program focuses on individuals aged 18-26 years old who are currently incarcerated or serving out sentences in the community. The SAO has partnered with Listening is Key/Ever Forward, the Community Public Awareness Council, a variety of law enforcement agencies, behavioral health agencies, the Building Trades Union and the business community. The program establishes key re-entry programs for our young adults. These programs include mentorship, counseling, job training, and work placement. At a cost of about \$10,000 per participant, the Emerging Adult Program begins when the young adult is sentenced and continues through any period of incarceration, parole, or probation to reduce recidivism and promote successful re-entry into the community.

State Budget Funding for Reentry Services

The State's Attorney's Offices (SAOs) are constitutionally charged with enforcing state law but receive little to no funding for such mandates. This legislation will ensure that each office is funded equally and equipped with the necessary tools to pursue fair and just prosecutions. This funding will also ensure that there is equal access to justice throughout the State, and that each individual State's Attorney's Office (SAO) has the necessary tools and funding to enforce the laws of Maryland.

Other Bills We Support

Bill Title	Synopsis
<i>Indecent Exposure within Sight of a Minor</i>	Prohibits a person from committing the common law crime of indecent exposure; and prohibits a person from, with prurient intent, committing the common law crime of indecent exposure within sight of a minor who is at least 2 years old and is more than 4 years younger than the offender.
<i>Person in a Position of Authority — Sexual Offenses with a Minor</i>	Alters the definition of "person in a position of authority" for purposes of a certain prohibition against engaging in a sexual act, sexual contact, or vaginal intercourse with a minor to include an individual under contract with a child care facility, certain commercial or nonprofit instructional programs, sports, scouting, recreational activities, camps, religious institutions, or any unit of government; prohibiting a certain violation from being considered a lesser included crime of another crime; etc.
<i>Sexual Crimes—Repeal of Spousal Defense</i>	Repeals a certain prohibition on prosecuting a person for rape or a certain sexual offense against a victim who was the person's legal spouse at the time of the alleged rape or sexual offense.
<i>Visual Surveillance with Prurient Intent</i>	Prohibits a person from conducting visual surveillance with prurient intent of an individual located in a residence or place of private use or accommodation without the consent of the individual; altering the penalties for the crime of visual surveillance with prurient intent by use of a camera if the victim was a minor at the time of the offense and the offender is at least 4 years older than the victim; and providing penalties for a violation of the Act of imprisonment up to 5 years or a fine of \$2,500 or both.

PGSAO 2023 LEGISLATIVE PRIORITIES

First Priority: Public Safety Enhancements

- RICO Statute
- Crimes of Violence Against Children

Second Priority: Criminal Justice Reform

- Expanding Expungement Options
- Prosecutorial Reconsideration

Third Priority: Violence Intervention & Prevention

- Cannabis Public Awareness Campaign
- Emerging Adult Working Group
- State Budget Funding—Reentry Services

#BraveJustice

"Crime is personal...personal to the victim, personal to the community and personal to the State's Attorney's Office."

-Aisha N. Braveboy

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