

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

State's Attorney for Prince George's County
14735 Main Street, Suite (M3403)
Upper Marlboro, Maryland 20772
Phone: 301-952-3500

March 14, 2023

Testimony in Support Of:

Senate Bill 606 – *Amendment of Maryland's Organized Crime Statutes*

Good Afternoon Chairman Smith, Vice Chair Waldstreicher, and esteemed members of the Judicial Proceedings Committee, I am State's Attorney Aisha Braveboy, and I am here in support of Senate Bill 606 - to amend Maryland's Organized Crime Statutes.

In 1970, Congress enacted the [Racketeer Influenced and Corrupt Organizations Act](#), or RICO (18 U.S.C. section 1961), similar law have been adopted in many States across th US. These laws provide prosecutors with the tools they needed to fight organized crime. Maryland adopted a gang statute that mimics certain elements of the Federal Statute, but has a narrower definition of the types of enterprises that may be prosecuted for engaging in organized crime.

Organized crime has rapidly evolved in Maryland over the past several years. This evolution includes criminal organizations comprised of crews which are smaller in number and do not operate with the traditional vertical command structure that has been identified with larger traditional crime families or gangs. Often these "Crews" are comprised of adults who recruit and encourage juvenile participants. Adoption of this Bill will provide Maryland prosecutors with the tools to fight these crews engaged in ongoing criminal enterprises.

Adding the proposed amendments to the existing statute establishes clarity in the law and provides prosecutors with the tools needed to fight modern day organized crime. Specifically, these amendments - as proposed, will allow prosecutors to indict multiple members of a gang, crew, or individuals working in concert with each other, even in a situations where they were not present when the underlying act was committed. In each case, prosecutors will still have to show that all persons in the indictment benefited from the ongoing criminal enterprise.

Recently, Maryland has experienced a dramatic increase in gangs, crews and groups of individuals engaged in ongoing criminal enterprises whose illegal activities violate State laws against carjacking, drug trafficking, economic crimes, and human trafficking. As State's Attorney, I am seeking support for the passage of MD House Bill 1138 which amends MD Crim Law § 9-801 and 9-804 to expand criminal and civil exposure for those persons who benefit financially from the criminal activities of gangs or street crews.

As currently constructed it is unclear whether all persons who benefit financially or participate tangentially with street crews engaged in criminal activities can face criminal or civil exposure pursuant to MD Crim Law § 9-801 and 9-804.

The State's Attorney's Office has prosecuted several cases where crews are or associated individuals have worked in concert to commit crimes involving auto-theft, and carjackings and other violent crimes in and around Prince George's County. However, due to the current statutory limitations, we are unable to charge the gang statute. The proposed bill, with the amendments will strength our prosecution of crews and persons who benefit financially from the criminal activities of these crews. For example, Chop Shops have benefited by purchasing cars or parts from cars that have been either stolen or taken during a carjacking incident. Human trafficking has become increasingly problematic in Maryland. The proposed amendments will allow for prosecutors to prosecute everyone engaged in the stream of human trafficking to include persons who transport persons for trafficking purposes, property owners where prostitution occurs, such as massage parlors, and restaurant owners who exploit trafficked persons for unpaid labor.

As we continue efforts to shape the best version of Maryland's Organized Crime Statutes, we believe the following suggested amendments will efficiently address deficiencies in the existing statute and again allow for the prosecution of organized criminal activity occurring in Prince George's County. These amendments are offered as an expansion specifically to MD Criminal Law Articles §9-801 and §9-804 and includes; (1) adding language from page 7 line 26 to page 9 line 27, establishing civil liability (proposed in §9-903, draft MD RICO ACT, and adding new civil forfeiture language under MD Criminal Law Article §9-804(k), (2) expanding underlying crimes in §9-801(g), (3) altering the definition of "criminal organization" under §9-801(c) to reflect "street crews.

Passage of the Senate Bill 606 with the proposed amendments will provide Maryland Prosecutors with the ability to prosecute every member of a criminal organization, gang, crew or individuals who benefit from organized efforts to violate State law.

For the foregoing reasons, I respectfully urge a favorable report.

Sincerely,



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