

**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  
301-952-3500

January 31, 2023

**Testimony in Support of**

**SB 74 – Grossly Negligent or Drunk or Drugged Operation of Vehicle or Vessel –  
Prior Convictions**

---

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee:

I am writing to show my strong support for Senate Bill (SB) 74 on behalf of State's Attorney Aisha Braveboy and to urge a favorable report. I am an Assistant State's Attorney in the Special Prosecutions Unit in the State's Attorney's Office for Prince George's County.

As a member of the Special Prosecutions Unit, I prosecute, among other offenses, vehicular homicides and impaired driving offenses that have resulted in serious bodily injuries. As a result, I am all too familiar with the reality that a large proportion of the defendants that this Office prosecutes for vehicular homicide and the like have had earlier encounters with the criminal justice system for impaired driving and similar offenses. Accordingly, one of the most effective prosecutorial tools at our disposal in such instances are the enhanced sentencing provisions available under the Maryland Code to address this type of chronically wanton conduct.

The provisions proposed under SB 74 to cross-reference sentencing enhancements between Maryland Code Annotated, Natural Resources Article (NR), Section 8-738, and Transportation Article (TR), Section 21-902, for grossly negligent or impaired operation of a vehicle or vessel, respectively, will help to strengthen these prosecutorial tools. For these reasons, among others, I strongly support SB 74.

As an additional point of clarification, the addition of a previous violation of Criminal Law Article (CR), Section 2-209 (Manslaughter by vehicle or vessel) as a sentencing enhancement to TR Section 21-902 should not be construed as conflating the conduct of wantonly and/or recklessly operating a vehicle or vessel, as punished under CR Section 2-209, with the impaired operation of a mode of transportation that TR Section 21-902 addresses. To be clear, the State is

not required to prove impairment to obtain a conviction under CR Section 2-209 because this statute targets particularly egregious conduct in operating a vehicle or vessel that causes the death of another person. By the same token, TR 21-902 sanctions impaired driving regardless of whether the defendant's driving was negligent. And, to complete the circle, CR Section 2-503 punishes an impaired driver whose negligence results in the death of another without the need to prove the kind of gross negligence necessary for a conviction under CR Section 2-209.

For the foregoing reasons, I respectfully urge a favorable report, and ultimately passage, on SB 74.

Sincerely,



Edward J. Leyden  
Assistant State's Attorney – Special Prosecutions Unit  
State's Attorney's Office for Prince George's County