

Paylor Organized Crime Testimony SB 1111 - Final.p

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Position: FAV

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April 2, 2024

Testimony in Support Of:

Senate Bill 1111 – Criminal Organizations – Criminal Prohibitions, Civil Actions, and Forfeiture

Good afternoon, Chairman Smith, Vice Chair Waldstreicher and esteemed members of the Judicial Proceedings Committee. My name is Perry Paylor, and I serve as the Deputy State's Attorney for Prince George's County. Today, I am here to express my strong support for Senate Bill 1111, as amended, which seeks to enhance Maryland's Organized Crime Statutes.

In my role, I oversee the Narcotics Intelligence Unit and our Major Crimes Unit, giving me firsthand insight into the complexities and challenges of combating organized crime. Over recent years, we've observed a significant evolution in organized crime within Maryland. The current statute, as outlined in the Maryland Criminal Law Article § 9-804, prohibits participation in a criminal organization if it's known that the organization engages in organized crime activities. However, the rapid evolution of these criminal networks necessitates a broader set of tools for prosecution.

The amendments proposed in Senate Bill 1111 aim to expand the scope of underlying offenses that constitute organized crime. The bill includes prohibitions against firearm possession by individuals convicted of certain misdemeanors and felonies and addresses the making of threats of mass violence. This expansion is critical, as we've witnessed an alarming increase in violent crimes, particularly those involving firearms, among organized groups of young individuals. Disputes near or in schools often escalate to violence, with threats frequently exchanged via text messages and other digital means.

The proposed amendments to MD Criminal Law Article §9-801(g) are designed to broaden the definition of underlying crimes, thereby enhancing the prosecutorial power against those involved in organized criminal activities. This includes crimes such as carjacking and drug trafficking, which are often the result of concerted efforts by criminal organizations, gangs, or crews.

By passing Senate Bill 1111 with the proposed amendments, we will arm Maryland prosecutors with the necessary tools to effectively charge and prosecute every member of a criminal

organization who benefits from violating state laws. This legislative enhancement is vital for the safety and security of our communities, particularly in Prince George's County.

I strongly believe that these amendments will significantly improve our ability to combat organized crime. Therefore, I respectfully urge you to issue a favorable report on Senate Bill 1111. Thank you for your consideration and for the opportunity to speak today.

Very truly yours,

Perry Paylor,
Deputy State's Attorney for Prince George's County

SB 1111 - Criminal Organizations - Criminal Prohib

Uploaded by: Aisha Braveboy

Position: FWA

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
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State's Attorney for Prince George's County
14735 Main Street, Suite (M3403)

April 2, 2024

Support

Senate Bill 1111 – *Criminal Organizations – Criminal Prohibitions, Civil Actions, and Forfeiture*

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 writing in support of Senate Bill 1111 – amending Maryland's Organized Crime Statutes.

The Racketeer Influenced and Corrupt Organizations Act, known as RICO, was introduced by Congress in 1970 under 18 U.S.C. section 1961. This legislation, along with its state counterparts, has been instrumental in providing prosecutors with the necessary means to combat organized crime effectively. It eliminated the need to prove the direct involvement of mob or gang leaders in crimes.

In recent years, the landscape of organized crime in Maryland has undergone significant changes. We are witnessing the emergence of smaller, more agile criminal groups that lack the hierarchical structure traditionally associated with larger crime syndicates. These groups, often referred to as "crews," typically consist of adults who recruit minors to participate in their criminal endeavors. The adoption of Senate Bill 1111 is crucial as it would grant Maryland prosecutors additional resources to counteract these entities engaged in continuous criminal activities.

Maryland has seen a noticeable uptick in the activities of gangs or crews involved in ongoing criminal enterprises, violating state laws through carjacking, drug trafficking, and economic crimes. As State's Attorney, I am advocating for the enactment of MD Senate Bill 1111, which seeks to amend MD Crim Law § 9-801(g). This amendment aims to broaden the legal consequences for individuals who financially profit from the illicit activities of gangs or street crews. Our office has successfully prosecuted numerous cases against organized groups committing auto theft and carjacking within Prince George's County. The proposed legal modifications will bolster our efforts in prosecuting individuals and entities that financially gain from such criminal acts. For instance, establishments like Chop Shops that acquire vehicles or parts from stolen or carjacked automobiles will face stricter legal scrutiny. Furthermore, the increasing involvement of firearms in criminal offenses is a growing concern in Prince George's County. The suggested amendments would enable the prosecution of all individuals who, directly or indirectly, engage in criminal acts involving firearms on behalf of or alongside a criminal group.

To further refine Maryland's Organized Crime Statutes, we propose specific amendments to MD Criminal Law Article §9-801(g). These include the addition of provisions regarding the alteration

or falsification of vehicle identification numbers to hinder the circulation of stolen or carjacked vehicles, and the inclusion of firearm use in the execution of a crime as a qualifying offense.

The approval of Senate Bill 1111, with these amendments, will significantly improve the capability of Maryland prosecutors to pursue legal action against every member of a criminal organization, gang, or crew who profits from collective efforts to breach State law, encompassing crimes like carjacking, drug trafficking, and any offense involving the use of firearms.

For these reasons, I respectfully request your support for a favorable report on this bill.

Yours sincerely,

/S/

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

Amendments to SB 1111.pdf

Uploaded by: C. Anthony Muse

Position: FWA



HB1063/623320/1

<p>AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES</p> <p>15 FEB 24 14:35:59</p>

BY: Delegate Williams
(To be offered in the Judiciary Committee)

AMENDMENTS TO HOUSE BILL 1063
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Prohibitions, Civil Actions, and Forfeiture” and substitute “Underlying Crimes”; strike beginning with “establishing” in line 3 down through “organization” in line 9 and substitute “altering a certain definition of “underlying crime” as it relates to criminal organizations”; and strike in their entirety lines 10 through 14, inclusive.

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 down through line 8 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 11 through 16, inclusive; and in lines 22 and 23, strike “, INCLUDING AN INFORMAL ASSOCIATION,”.

On page 3, in line 28, strike “felony”.

On pages ⁷~~4~~ through 29, strike in their entirety the lines beginning with line ¹¹~~20~~ on page ~~4~~ down through line 6 on page 29, inclusive.

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SB 1111 Testimony JPR.pdf

Uploaded by: C. Anthony Muse

Position: FWA



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY

Senate Bill 1111 – Criminal Organizations – Criminal Prohibitions, Civil Actions, and Forfeiture

Good afternoon, Mr. Chairman, Mr. Vice Chairman, and to my esteemed colleagues on the Judicial Proceedings Committee. I am Senator C. Anthony Muse, and I am here today to encourage this distinguished body to vote favorably on Senate Bill 1111, as amended.

SB 1111 is being introduced during a critical time— a time where we are seeing inexhaustible violence resulting from both structured and more loosely organized criminal enterprises within our State. These groups are commonly referred to as “street crews” and typically consists of adults who recruit minors to participate in criminal activities.

In Prince George’s County and throughout the State, there has specifically been notable increases in the number of crimes involving carjacking, theft, drug distribution, and economic crimes. As amended, this bill would provide much needed enhancements to our current gang statute in Maryland.

Senate Bill 1111, as amended proposes to expand underlying offenses under 9-801(g) to include:

- **REMOVAL OR FALSIFICATION OF VEHICLE IDENTIFICATION NUMBER UNDER § 14-107 OF THE TRANSPORTATION ARTICLE;** For example, establishments operating as chop shops that acquire vehicles or parts from stolen or carjacked automobiles will face stricter legal scrutiny regarding the trafficking of stolen vehicles.

Furthermore, the increasing involvement of firearms in criminal offenses is a growing concern in Prince George’s County. The suggested amendments would enable the prosecution of all individuals who, directly or indirectly, engage in criminal acts involving firearms on behalf of or alongside a criminal group.

Therefore, Senate Bill 1111 amends the underlying offenses section to also include:

- **Criminal Law Article § 4-204 (USE OF A FIREARM IN COMMISSION OF A CRIME) and Public Safety Article § 5-133 (PROHIBITED PERSON IN POSSESSION OF A FIREARM)**

While the State's Attorney's Office has successfully prosecuted numerous cases against members of organized groups committing auto theft and carjacking within Prince George's County, under the amended Organized Crime statute, the proposed legal modifications will bolster their efforts in prosecuting individuals and entities that gain financially from these criminal endeavors.

This bill will provide us with a unique opportunity to update the current code to better address the types of organized crime that we are confronting in Maryland.

Therefore, I urge this committee for a FAVORABLE report for SB 1111 as amended.

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Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 1111
Criminal Organizations – Criminal Prohibitions, Civil Actions, and
Forfeiture
DATE: February 21, 2024
(4/2)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 1111. This bill establishes under Court and Judicial Proceedings § 5-122 that a civil action for damages resulting from participation in a criminal organization brought under Criminal Law Article § 9-808 shall be brought within 5 years after the conduct in violation of CR § 9-804 terminates.

This bill is unworkable and the language of the bill is vague and overly broad in several instances. For example, the definition of “criminal organization” (i.e., a gang) would include an “informal association” which is unclear and overly broad. Additionally, unlike the forfeiture provisions applicable to drugs or human trafficking, it is unclear whether the different crimes that the bill adds have a sufficient nexus to ill-begotten cash or other assets. Further, the court may grant a complaint after “making due provisions for the rights of innocent persons” which is unclear whether the court’s decision is based on a conviction or an alleged predicate crime where the court must conduct a mini trial. The bill also allows a plaintiff to recover treble damages and punitive damages although treble damages are a form of punitive damages.

The bill also prohibits the owner from posting a bond to obtain possession prior to the forfeiture proceeding since the seized property “is not repleviable” which is contrary to Criminal Procedure § 12-208; and requires the court to determine the appraised value of a motor vehicle to set a bond or the clerk to obtain an independent appraisal. It is unclear how a clerk would obtain an appraisal as this is very unusual and who would pay for such an appraisal. It would seem to be more reasonable for the entity that seized the property to get the appraisal of its value for the bond rather than have the court do it. The legislation also imposes other notice requirements on the clerks, including “immediately” furnishing notice of a case of special public importance to the Chief Justice of Supreme Court. The legislation does not define “immediately” and as such, clerks could be challenged by parties if they fail to provide the notice in a manner determined “immediate.”

In addition, the bill provides that the court must determine whether the seizing/forfeiting body abused its discretion or was clearly erroneous but does not provide the burden of proof required but “circumstances” for the court to consider. Further, while policy and under the purview of the legislation, the limitations period may be unworkable, as it allows a person to bring a civil action within 5 years after participation in a criminal organization terminates. The bill also contains multiple instances of mandatory language, which would bind the courts to take specified action. Finally, the provision requiring the Chief Justice to designate a judge to hear and determine the case interferes with the Judiciary’s internal operations.

cc. Hon. C. Anthony Muse
Judicial Council
Legislative Committee
Kelley O’Connor