



## Maryland State's Attorneys' Association

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**DATE:**                   **January 31, 2025**

**BILL NUMBER:**   **HB 302**

**POSITION:**           **Favorable**

The Maryland State's Attorneys' Association (MSAA) supports House Bill 302 and urges this Committee to issue a favorable report.

Maryland is one of a few jurisdictions across the nation that permits civilians to initiate criminal charges without review by law enforcement or prosecutors. While protecting this access to the criminal legal system is important, it is equally important that sufficient safeguards exist to protect against abuses. MD. CODE ANN., CTS. & JUD. PROC. § 2-608 requires prosecutors to review, and make recommendations on, requests for criminal charges filed against law enforcement officers, emergency services personnel, or educators that allege an offense committed during the course of their employment. Requiring review of these applications affords prosecutors a chance to examine the validity of a criminal complaint prior to its issuance for groups that are uniquely, and disproportionately, subject to criminal accusation while lawfully performing their duties. Moving a prosecutor's gatekeeping function up to a point prior to the issuance of charges, as opposed to after charges have been issued, makes sense in these circumstances, and does not materially increase the workload of a prosecutor's office, as this review would occur at a later date anyway.

HB 302 adds two additional groups covered by the statute – adult protective services workers and child welfare caseworkers. The logic that justifies review of criminal complaints, prior to their issuance, against law enforcement officers, emergency services personnel, and educators applies with equal force to complaints against adult protective services workers and child welfare caseworkers. MSAA does not anticipate this bill increasing the workload of a prosecutor's office, given that this simply changes when the review of a case occurs. MSAA supports bills like HB 302, that involve prosecutors in key charging decisions earlier and recognize the important gatekeeping role served by prosecutors, and urges a favorable report.