

STATE OF MARYLAND

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RE: Support for HB 1054, Maryland Office of the State Prosecutor

Dear Madam Chair and Members of the Judiciary Committee:

We are writing to express the Office of the State Prosecutor's support for House Bill 1054, extending the statute of limitations for the common law offense of misconduct in office. This would allow prosecutors to hold individuals accountable for abuse of the public trust, which we now cannot because of the limited time we have to prosecute these offenses.

The Office of the State Prosecutor

The Office of the State Prosecutor is an independent agency within the Executive Branch of government. The Office is tasked with ensuring the honesty and integrity of state government and elections by conducting thorough, independent investigations and, when appropriate, prosecutions of criminal conduct affecting the integrity of our state and local government institutions, officials, employees and elections.

Statute of Limitations

Under current Maryland law, any corrupt behavior by a public officer that is not prosecuted within two years can never be prosecuted. For most other misdemeanors, the time frame for prosecution is one year from the time the crime was committed. However, for crimes where discovery is delayed because of the crime itself (perjury, bribery, extortion, embezzlement) the statute of limitations does not exist (like with felonies) or is extended.

Misconduct in Office, in that it involves crimes done by a public officer in their capacity as a public officer with corrupt intent, are often not reported until years later. Even in cases when a crime is promptly reported, the investigations are often time consuming, which makes the two-year statute of limitations result in many cases of criminal behavior being uncharged. The investigations are also more time-consuming now than they once were because of forensic downloads of phones, computers, etc. which are often necessary to prove intent and other elements. The State has limited resources when it comes to forensic extractions and it can take months for investigators to obtain a phone extraction. While our office cannot discuss uncharged cases, our office can state unequivocally that we have received serious allegations of misconduct barred by statute of limitations.

Conclusion

This bill would help ensure that we are able to hold our public servants accountable who undermine our offices of trust.

To that end, we would encourage a favorable report from the Judiciary Committee on House Bill 1054.

Sincerely,

Charlton T. Howard, III
Maryland State Prosecutor