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**To:** Members of The House Judiciary Committee

**From:** Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

**Date:** March 11, 2020

**Subject:** **HB278 – Misconduct in Office**

**Position:** **Support**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports HB278 – Misconduct in Office.**

This bill codifies the common law crime of misconduct in office when someone has committed two or more acts that would constitute the traditional crime of misconduct in office in its various permutations – malfeasance, misfeasance or non-feasance. More importantly, it removes the current two-year statute of limitations.

Misconduct in office is a serious problem. It represents a fundamental breach of trust and undermines public confidence. Unfortunately, misconduct is often not discovered until after the statute of limitations has run, which make it impossible to prosecute. This bill would fix that problem.

By requiring that there be two or more acts of misconduct, the bill ensures that only crimes of a continuing nature will be prosecuted under its provision; otherwise the current two-year statute of limitations applies.

For the reasons stated, we **Supports HB278 – Misconduct in Office.**

If you have questions about the position of the Criminal Law and Practice Section's Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@verizon.net](mailto:doyleniemann@verizon.net).

Should you have other questions, please contact The MSBA's Legislative Office at (410)-269-6464 / (410)-685-7878 ext: 3066 or at [Richard@MSBA.org](mailto:Richard@MSBA.org) and [Parker@MSBA.org](mailto:Parker@MSBA.org).

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