

HOUSE BILL 1285

Unofficial Copy
E1

2004 Regular Session
(4lr2517)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Ramirez, Benson, Brown, Carter, Dumais, Gaines, Griffith, Gutierrez, Kelley, Kelly, King, Lee, Menes, Niemann, Quinter, Ross, Simmons, Vaughn, and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Law – Criminal Group Enterprises – Penalties and Task Force~~
3 ~~Task Force to Study Youth Gang Activities~~

4 FOR the purpose of ~~prohibiting a person from threatening another with physical~~
5 ~~violence with the intent to coerce, induce, or solicit the other to participate in or~~
6 ~~prevent the other from leaving a formal or informal ongoing group, club,~~
7 ~~organization, or association of individuals; prohibiting a person from using~~
8 ~~physical violence with the intent to coerce, induce, or solicit the other to~~
9 ~~participate in or prevent the other from leaving a formal or informal ongoing~~
10 ~~group, club, organization, or association of individuals; establishing certain~~
11 ~~penalties for certain violations of this Act; providing for the construction of this~~
12 ~~Act; requiring the Governor's Office of Crime Control and Prevention (GOCCP)~~
13 ~~to establish and fund pilot programs to advance community-based intervention~~
14 ~~strategies in Baltimore City, Montgomery County, and Prince George's County;~~
15 ~~creating a Task Force to Study Youth Gang Activities; providing for the~~

1 membership, co-chairs, and staffing of the Task Force; requiring the Task Force
 2 to receive testimony from certain persons and collect and examine certain data;
 3 requiring the Task Force to make certain recommendations; requiring the Task
 4 Force to submit certain reports to certain committees and to the General
 5 Assembly on or before certain dates; defining certain terms; ~~providing for the~~
 6 ~~effective dates of this Act~~; providing for the termination of a ~~portion~~ of this Act;
 7 and generally relating to criminal group enterprises.

8 ~~BY adding to~~
 9 ~~Article—Criminal Law~~
 10 ~~Section 9-801 through 9-803, inclusive, to be under the new subtitle "Subtitle 8.~~
 11 ~~Criminal Group Enterprises"~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2002 Volume and 2003 Supplement)~~

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 15 MARYLAND, That the Laws of Maryland read as follows:

16 ~~Article—Criminal Law~~

17 ~~SUBTITLE 8. CRIMINAL GROUP ENTERPRISES.~~

18 ~~9-801.~~

19 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
 20 ~~INDICATED.~~

21 ~~(B) "COERCE" MEANS TO COMPEL OR ATTEMPT TO COMPEL ANOTHER BY~~
 22 ~~THREAT OF HARM OR OTHER ADVERSE CONSEQUENCES.~~

23 ~~(C) "SOLICIT" HAS THE MEANING STATED IN § 11-301 OF THIS ARTICLE.~~

24 ~~9-802.~~

25 ~~(A) A PERSON MAY NOT THREATEN ANOTHER WITH PHYSICAL VIOLENCE~~
 26 ~~WITH THE INTENT TO COERCE, INDUCE, OR SOLICIT THE OTHER TO PARTICIPATE IN~~
 27 ~~OR PREVENT THE OTHER FROM LEAVING A FORMAL OR INFORMAL ONGOING GROUP,~~
 28 ~~CLUB, ORGANIZATION, OR ASSOCIATION OF INDIVIDUALS.~~

29 ~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON~~
 30 ~~CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE~~
 31 ~~NOT EXCEEDING \$1,000 OR BOTH.~~

32 ~~9-803.~~

33 ~~(A) A PERSON MAY NOT USE PHYSICAL VIOLENCE TO COERCE, INDUCE, OR~~
 34 ~~SOLICIT ANOTHER TO PARTICIPATE IN OR PREVENT THE OTHER FROM LEAVING A~~
 35 ~~FORMAL OR INFORMAL ONGOING GROUP, CLUB, ORGANIZATION, OR ASSOCIATION OF~~
 36 ~~INDIVIDUALS.~~

1 ~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON~~
 2 ~~CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE~~
 3 ~~NOT EXCEEDING \$1,000 OR BOTH.~~

4 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be~~
 5 ~~construed to limit prosecution for a violation of any other provision of law with respect~~
 6 ~~to any activity that constitutes a violation of this Act.~~

7 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Governor's Office of~~
 8 ~~Crime Control and Prevention (GOCCP) shall establish and fund pilot programs to~~
 9 ~~advance community-based intervention strategies in Baltimore City, Montgomery~~
 10 ~~County, and Prince George's County. The funding that the GOCCP shall use to pay for~~
 11 ~~the pilot programs is \$250,000.~~

12 ~~SECTION 4. AND BE IT FURTHER ENACTED, That:~~

13 (a) There is a Task Force to Study Youth Gang Activities.

14 (b) The Task Force consists of the following members:

15 ~~(1) one member of the Senate of Maryland, appointed by the President of~~
 16 ~~the Senate;~~

17 ~~(2) (1) three members of the House of Delegates, appointed by the~~
 18 ~~Speaker of the House;~~

19 ~~(3) (2) the Secretary of Juvenile Services, or the Secretary's designee;~~

20 ~~(4) (3) the Attorney General, or the Attorney General's designee;~~

21 ~~(5) (4) the Executive Director of the Governor's Office of Crime Control~~
 22 ~~and Prevention, or the Executive Director's designee;~~

23 ~~(6) the State's Attorney for Baltimore City, or the State's Attorney's~~
 24 ~~designee;~~

25 ~~(7) the State's Attorney for Montgomery County, or the State's Attorney's~~
 26 ~~designee;~~

27 ~~(8) (5) the State's Attorney for Prince George's County, or the State's~~
 28 ~~Attorney's designee;~~

29 ~~(9) the Public Defender for Baltimore City, or the Public Defender's~~
 30 ~~designee;~~

31 ~~(10) the Public Defender for Montgomery County, or the Public Defender's~~
 32 ~~designee;~~

33 ~~(11) (6) the Public Defender for Prince George's County, or the Public~~
 34 ~~Defender's designee;~~

- 1 (12) the Chief of Police of Baltimore City, or the Chief's designee;
- 2 (13) the Chief of Police of Montgomery County, or the Chief's designee;
- 3 (14) (7) the Chief of Police of Prince George's County, or the Chief's
4 designee;
- 5 (15) ~~the Superintendent of Baltimore City Schools, or the~~
6 ~~Superintendent's designee;~~
- 7 (16) ~~the Superintendent of Montgomery County Schools, or the~~
8 ~~Superintendent's designee;~~
- 9 (17) (8) the Superintendent of Prince George's County Schools, or the
10 Superintendent's designee; *and*
- 11 (18) ~~one representative of the Maryland Judiciary, appointed by the Chief~~
12 ~~Judge of the Court of Appeals;~~
- 13 (19) (9) ~~the following seven~~ two members, appointed by the Secretary of
14 Juvenile Services;
- 15 (i) ~~two representatives of faith leaders involved in youth violence~~
16 ~~prevention activities;~~
- 17 (ii) ~~two representatives of community organizations involved in~~
18 ~~youth violence prevention activities;~~
- 19 (iii) ~~one representative of the business community involved in youth~~
20 ~~apprenticeship programs; and~~
- 21 (iv) ~~two former gang members; and~~
- 22 (20) ~~any four individuals, appointed by the co-chairs of the Task Force.~~
- 23 (c) The Secretary of Juvenile Services and the State's Attorney for Prince
24 George's County or their designees shall be co-chairs of the Task Force.
- 25 (d) The Office of the State's Attorney for Prince George's County shall provide
26 staff for the Task Force.
- 27 (e) A member of the Task Force:
- 28 (1) may not receive compensation; but
- 29 (2) is entitled to reimbursement for expenses under the Standard State
30 Travel Regulations, as provided in the State Budget.
- 31 (f) The Task Force shall:

1 (1) receive testimony from community members, police officers, teachers,
2 and other experts regarding their experience in fighting emerging gang activities;

3 (2) collect data illuminating trends in youth gang activity in Baltimore
4 City, Montgomery County, and Prince George's County;

5 (3) examine prosecution diversion programs and wrap-around services
6 available to youth offenders and their families and rate the success of those programs;

7 (4) perform a best practices examination of diversion programs and
8 wrap-around services available in other states and make recommendations for
9 implementation and funding in Maryland;

10 (5) perform a best practices examination of community-based diversion
11 programs in other states and make recommendations for implementation and funding
12 in Maryland;

13 (6) examine inter-system collaboration among courts, schools, and
14 community-based institutions and make recommendations to improve those
15 collaborations; and

16 (7) perform an assets survey of current community-based gang
17 initiatives in Baltimore City, Montgomery County, and Prince George's County.

18 (g) The Task Force shall submit an interim report of its findings and
19 recommendations to the House Judiciary Committee and the Senate Judicial
20 Proceedings Committee, and, in accordance with § 2-1246 of the State Government
21 Article, to the General Assembly, on or before December 1, 2004, and shall submit a
22 final report in the same manner on or before December 1, 2005.

23 ~~SECTION 5. 2. AND BE IT FURTHER ENACTED, That Section 4 of this Act~~
24 ~~shall take effect July 1, 2004. It shall remain effective for a period of 1 year and 6 5~~
25 ~~months and, at the end of December 1, 2005, with no further action required by the~~
26 ~~General Assembly, Section 4 of this Act shall be abrogated and of no further force and~~
27 ~~effect.~~

28 ~~SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in~~
29 ~~Section 5 of this Act, this Act shall take effect October 1, 2004.~~