

SB0632/458170/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 632
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Administration, Attorney General, and Maryland State’s Attorneys’ Association)” and substitute “Administration and Attorney General) and Senators Brochin, Haines, Simonaire, and Stone”; in line 4, strike “or have engaged in”; in line 5, after “from” insert “knowingly and”; strike beginning with “promoting” in line 5 down through “a” in line 6 and substitute “directing or participating in a certain”; in line 7, after “gang;” insert “prohibiting a person from committing a violation of this Act involving the commission of an offense that results in the death of the victim;”; in line 13, strike “with the consent” and substitute “at the request”; in line 18, after “investigation” insert “requiring the Attorney General and the Maryland State’s Attorneys’ Association to provide the General Assembly with a certain report;”; and in the same line, strike “a certain term” and substitute “certain terms”.

AMENDMENT NO. 2

On page 2, in line 13, strike “**OTHER FORMAL OR INFORMAL**” and substitute “**ONGOING**”; in line 18, strike “**CRIMINAL ACTIVITIES**” and substitute “**UNDERLYING CRIMES**”; in line 19, after “be” insert “**UNDERLYING**”; in line 26, strike “**OF THE FOLLOWING**” and substitute “**UNDERLYING**”; in line 27, strike “A” and substitute “**AN UNDERLYING**”; and in line 28, strike the colon and substitute a period.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 7, inclusive; after line 8, insert:

“(F) “UNDERLYING CRIME” MEANS:

(Over)

(1) A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101 OF THIS ARTICLE;

(2) A FELONY VIOLATION OF § 3-203, § 3-701, § 4-503, § 5-602, § 6-103, § 6-109, § 6-202, § 6-203, § 6-204, § 7-104, § 7-105, § 9-302, § 9-303, OR § 9-305 OF THIS ARTICLE; OR

(3) A FELONY VIOLATION OF § 5-133 OF THE PUBLIC SAFETY ARTICLE.”;

in line 12, strike “OR HAVE ENGAGED IN A” and substitute “AN ONGOING”; strike beginning with “WILLFULLY” in line 14 down through “OFFENSE” in line 15 and substitute “KNOWINGLY AND WILLFULLY DIRECT OR PARTICIPATE IN THE COMMISSION OF AN UNDERLYING CRIME, OR ACT BY A JUVENILE THAT WOULD BE AN UNDERLYING CRIME IF COMMITTED BY AN ADULT,”; after line 16, insert:

“(B) A PERSON MAY NOT COMMIT A VIOLATION OF SUBSECTION (A) OF THIS SECTION INVOLVING THE COMMISSION OF AN UNDERLYING CRIME THAT RESULTS IN THE DEATH OF A VICTIM.”;

in line 17, strike “(B)” and substitute “(C)”; in the same line, after “(1)” insert “(I)”; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A”; in line 19, strike “30” and substitute “10”; after line 19, insert:

“(II) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH.”;

in line 24, strike “(C)” and substitute “(D)”; in the same line, strike “ONLY”; and in line 25, after “SECTION” insert “ONLY”.

AMENDMENT NO. 4

On page 4, in lines 1 and 18, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 1, strike “WITH THE CONSENT” and substitute “AT THE REQUEST”; after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General and the Maryland State’s Attorneys’ Association shall report to the General Assembly on or before January 1, 2008, in accordance with § 2–1246 of the State Government Article on recommendations for additional legislation to aid in the prosecution of gang activity.”;

and in line 24, strike “2.” and substitute “3.”.