

HOUSE BILL 1416

E1

4lr3153

By: **Delegates Mitchell and Clippinger**

Introduced and read first time: February 13, 2014

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Gang-Free Zones – Penalties for Gang Activity**

3 FOR the purpose of prohibiting a person from threatening an individual, or a friend or
4 family member of an individual, with or using physical violence to coerce,
5 induce, or solicit the individual to participate in or prevent the individual from
6 leaving a criminal gang in, on, or within a certain distance from a postsecondary
7 school, certain property operated by a certain transit authority, and a State or
8 local recreation area or park; increasing the penalty for certain gang activity;
9 and generally relating to gangs.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 9–803
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2013 Supplement)

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

17 **Article – Criminal Law**

18 9–803.

19 (a) A person may not threaten an individual, or a friend or family member of
20 an individual, with or use physical violence to coerce, induce, or solicit the individual
21 to participate in or prevent the individual from leaving a criminal gang:

22 (1) in a school vehicle, as defined under § 11–154 of the
23 Transportation Article; [or]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) in, on, or within 1,000 feet of real property owned by or leased to
2 an elementary school, secondary school, **POSTSECONDARY SCHOOL**, or county board
3 of education and used for elementary or secondary education;

4 (3) **IN, ON, OR WITHIN 1,000 FEET OF PROPERTY OPERATED BY A**
5 **STATE OR LOCAL TRANSIT AUTHORITY OR THE WASHINGTON METROPOLITAN**
6 **AREA TRANSIT AUTHORITY AND USED FOR THE PUBLIC AS A BUS, LIGHT RAIL,**
7 **OR METRO STOP OR STATION; OR**

8 (4) **IN, ON, OR WITHIN 1,000 FEET OF A STATE OR LOCAL**
9 **RECREATION AREA OR PARK.**

10 (b) Subsection [(a)] **(A)(1) AND (2)** of this section applies whether or not:

11 (1) school was in session at the time of the crime; or

12 (2) the real property was being used for purposes other than school
13 purposes at the time of the crime.

14 (c) A person who violates this section is guilty of a misdemeanor and on
15 conviction is subject to imprisonment not exceeding [4] **10** years or a fine not
16 exceeding [\$4,000] **\$10,000** or both.

17 (d) Notwithstanding any other law, a conviction under this section may not
18 merge with a conviction under § 9–802 of this subtitle.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2014.