

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE

House Bill 311

(Delegate Anderson, *et al.*) (By Request - Baltimore City Administration)

Judiciary

Gang-Related Crimes - Reporting

This bill requires a court, on request of a State’s Attorney, to make a finding of fact based on evidence produced at the trial of a defendant who is convicted of or receives probation before judgment for a crime, as to whether the crime is a “gang-related crime.” A “gang-related crime” is a crime committed by a defendant against a victim in furtherance of gang-related activity. The State must prove by a preponderance of the evidence that the crime is a gang-related crime. If the court finds that the crime is a gang-related crime, the finding must become a part of the court record for purposes of reporting to the Criminal Justice Information System (CJIS) Central Repository. The bill also adds a finding that a defendant has been convicted of or received probation before judgment for a gang-related crime to the list of events that must be reported to CJIS’s Central Repository.

Fiscal Summary

State Effect: General fund expenditures increase by \$61,000 in FY 2015 only for computer reprogramming at the Judiciary. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	61,000	0	0	0	0
Net Effect	(\$61,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None. The bill’s requirements can be met with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: The Criminal Law Article defines a “criminal gang” as a group or association of three or more persons whose members (1) individually or collectively engage in a pattern of criminal gang activity; (2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and (3) have in common an overt or covert organizational or command structure. While there are several gang offenses contained in statute, Maryland does not distinguish “gang-related crimes.”

Section 10-215 of the Criminal Procedure Article lists several events that criminal justice units must report to CJIS’s Central Repository, including an acquittal, conviction, verdict of not criminally responsible, or any other disposition of a case at or following trial, including a finding of probation before judgment. Chapters 554 and 555 of 2012 added a finding that a defendant has been convicted of or received probation before judgment for a “domestically related crime” to the list of reportable events.

Additional Information

Prior Introductions: None.

Cross File: SB 265 (Senator Jones-Rodwell)(By Request - Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Department of Public Safety and Correctional Services, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mc/kdm

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