HOUSE BILL 93

E2, D3 6lr0927

By: Delegate B. Wilson

Introduced and read first time: January 18, 2016

Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning
2	Courts – Evidence – Membership in or Association With a Criminal Gang
3	FOR the purpose of authorizing the admissibility of certain evidence in a criminal or civil
4	proceeding to prove membership in or association with a criminal gang, with a
5 6	certain exception; defining certain terms; and generally relating to the admissibility of evidence relating to criminal gang members and associates.
7	BY adding to
8	Article – Courts and Judicial Proceedings
9	Section 10–923
10	Annotated Code of Maryland
11	(2013 Replacement Volume and 2015 Supplement)
12	BY repealing and reenacting, without amendments,
13	Article – Criminal Law
14	Section 9–801(a) and (c)
15	Annotated Code of Maryland
16	(2012 Replacement Volume and 2015 Supplement)
17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18	That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

20 **10-923.**

19

21 **(A) (1)** IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS 22 INDICATED.



- 1 (2) "CRIMINAL GANG" HAS THE MEANING STATED IN § 9–801 OF THE 2 CRIMINAL LAW ARTICLE.
- 3 (3) "VALIDATED GANG MEMBER" MEANS AN INDIVIDUAL MEETING AT 4 LEAST TWO OF THE CRITERIA PROVIDED IN SUBSECTION (B) OF THIS SECTION.
- 5 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, FOR THE 6 PURPOSE OF ESTABLISHING IN A CRIMINAL OR CIVIL PROCEEDING THE 7 MEMBERSHIP OF AN INDIVIDUAL IN OR THE ASSOCIATION OF AN INDIVIDUAL WITH 8 A CRIMINAL CANCE ANY COMPETENT EXHIPTING THAT IS PROPATIVE OF THE
- 8 A CRIMINAL GANG, ANY COMPETENT EVIDENCE THAT IS PROBATIVE OF THE
- 9 MEMBERSHIP IN OR ASSOCIATION WITH A CRIMINAL GANG IS ADMISSIBLE,
- 10 INCLUDING THE FOLLOWING:
- 11 (1) SELF-ADMISSION BY THE INDIVIDUAL;
- 12 (2) IDENTIFICATION OF THE INDIVIDUAL AS A GANG MEMBER FROM A 13 RELIABLE SOURCE;
- 14 (3) IDENTIFICATION OF THE INDIVIDUAL AS A GANG MEMBER FROM 15 AN UNTESTED SOURCE;
- 16 **(4)** WEARING BY THE INDIVIDUAL OF AN IDENTIFYING GANG TATTOO OR BODY MARKING;
- 18 **(5)** ASSOCIATION BY THE INDIVIDUAL WITH VALIDATED GANG 19 MEMBERS;
- 20 (6) WEARING BY THE INDIVIDUAL OF GANG ATTIRE;
- 21 (7) USE BY THE INDIVIDUAL OF GANG HAND OR BODY SIGNS, SIGNALS, SYMBOLS, LOGOS, GRAFFITI, DOCUMENTS, CODE, OR SOCIAL MEDIA; AND
- 23 (8) BEING ARRESTED WITH A VALIDATED GANG MEMBER.
- 24 (C) NO EVIDENCE DESCRIBED IN SUBSECTION (B) OF THIS SECTION THAT IS
 25 MORE THAN 5 YEARS OLD ON THE DATE OF THE INITIATION OF THE CRIMINAL OR
 26 CIVIL PROCEEDING IS ADMISSIBLE UNDER THIS SECTION.
- 27 Article Criminal Law
- 28 9-801.
- 29 (a) In this subtitle the following words have the meanings indicated.

"Criminal gang" means a group or association of three or more persons whose 1 (c) 2 members: 3 (1) individually or collectively engage in a pattern of criminal gang activity; 4 (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 5 if committed by adults; and 6 7 (3) have in common an overt or covert organizational or command 8 structure. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 9

10

October 1, 2016.