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

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2004

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~~
16 ~~membership, co-chairs, and staffing of the Task Force; requiring the Task Force~~
17 ~~to receive testimony from certain persons and collect and examine certain data;~~
18 ~~requiring the Task Force to make certain recommendations; requiring the Task~~
19 ~~Force to submit certain reports to certain committees and to the General~~
20 ~~Assembly on or before certain dates; defining certain terms; providing for the~~
21 ~~effective dates of this Act; providing for the termination of a portion of this Act;~~
22 ~~and generally relating to criminal group enterprises.~~

23 ~~BY adding to~~
24 ~~Article – Criminal Law~~
25 ~~Section 9-801 through 9-803, inclusive, to be under the new subtitle "Subtitle 8.~~

1 Criminal Group Enterprises"
2 Annotated Code of Maryland
3 (2002 Volume and 2003 Supplement)

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

6 **Article—Criminal Law**

7 **SUBTITLE 8. CRIMINAL GROUP ENTERPRISES.**

8 ~~9-801.~~

9 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
10 ~~INDICATED.~~

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

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

14 ~~9-802.~~

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

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

22 ~~9-803.~~

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

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

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

33 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the Governor's Office of~~
34 ~~Crime Control and Prevention (GOCCP) shall establish and fund pilot programs to~~
35 ~~advance community-based intervention strategies in Baltimore City, Montgomery~~

1 County, and Prince George's County. The funding that the GOCCP shall use to pay for
2 the pilot programs is \$250,000.

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

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

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

6 (1) one member of the Senate of Maryland, appointed by the President of
7 the Senate;

8 (2) three members of the House of Delegates, appointed by the Speaker
9 of the House;

10 (3) the Secretary of Juvenile Services, or the Secretary's designee;

11 (4) the Attorney General, or the Attorney General's designee;

12 (5) the Executive Director of the Governor's Office of Crime Control and
13 Prevention, or the Executive Director's designee;

14 (6) the State's Attorney for Baltimore City, or the State's Attorney's
15 designee;

16 (7) the State's Attorney for Montgomery County, or the State's Attorney's
17 designee;

18 (8) the State's Attorney for Prince George's County, or the State's
19 Attorney's designee;

20 (9) the Public Defender for Baltimore City, or the Public Defender's
21 designee;

22 (10) the Public Defender for Montgomery County, or the Public Defender's
23 designee;

24 (11) the Public Defender for Prince George's County, or the Public
25 Defender's designee;

26 (12) the Chief of Police of Baltimore City, or the Chief's designee;

27 (13) the Chief of Police of Montgomery County, or the Chief's designee;

28 (14) the Chief of Police of Prince George's County, or the Chief's designee;

29 (15) the Superintendent of Baltimore City Schools, or the
30 Superintendent's designee;

31 (16) the Superintendent of Montgomery County Schools, or the
32 Superintendent's designee;

1 (17) the Superintendent of Prince George's County Schools, or the
2 Superintendent's designee;

3 (18) one representative of the Maryland Judiciary, appointed by the Chief
4 Judge of the Court of Appeals;

5 (19) the following seven members, appointed by the Secretary of Juvenile
6 Services:

7 (i) two representatives of faith leaders involved in youth violence
8 prevention activities;

9 (ii) two representatives of community organizations involved in
10 youth violence prevention activities;

11 (iii) one representative of the business community involved in youth
12 apprenticeship programs; and

13 (iv) two former gang members; and

14 (20) any four individuals, appointed by the co-chairs of the Task Force.

15 (c) The Secretary of Juvenile Services and the State's Attorney for Prince
16 George's County or their designees shall be co-chairs of the Task Force.

17 (d) The Office of the State's Attorney for Prince George's County shall provide
18 staff for the Task Force.

19 (e) A member of the Task Force:

20 (1) may not receive compensation; but

21 (2) is entitled to reimbursement for expenses under the Standard State
22 Travel Regulations, as provided in the State Budget.

23 (f) The Task Force shall:

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

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

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

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

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

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

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

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

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

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