

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 849

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “another” and substitute “an individual, or a friend or family member of an individual.”; in line 6, in each instance, strike “other” and substitute “individual”; strike beginning with “prohibiting” in line 7 down through “gang;” in line 9 and substitute “prohibiting a person from threatening to use or using physical violence with the intent to coerce, induce, or solicit an individual, or a friend or family member of an individual, to participate in or prevent the individual from leaving a criminal gang in, on, or within a certain distance of certain school property;”; in line 10, after “Act;” insert “providing for the application of certain provisions of this Act; prohibiting the merging of certain crimes;”; and in line 28, strike “7-303(a)(5)” and substitute “7-303(a) and (b)”.

AMENDMENT NO. 2

On page 2, strike beginning with “GROUP” in line 19 down through “ACTS” in line 22 and substitute “CRIMINAL GANG, AS DEFINED IN § 9-801 OF THE CRIMINAL LAW ARTICLE”; and strike beginning with “WHOSE” in line 31 down through “ACTS” in line 33 and substitute “OR ANY ASSOCIATION OF THREE OR MORE PERSONS:

(1) THAT FORMS TO ENGAGE IN CRIMINAL ACTIVITY, INCLUDING ACTS BY JUVENILES THAT WOULD BE CRIMES IF COMMITTED BY ADULTS, FOR THE PURPOSES OF PECUNIARY GAIN OR TO CREATE AN ATMOSPHERE OF FEAR AND INTIMIDATION EITHER COLLECTIVELY OR WITH KNOWLEDGE OF THE ACTS OF THE MEMBERS OF THE GROUP; AND

(2) WHOSE MEMBERS HAVE A COMMON IDENTIFYING SIGN, SYMBOL, OR NAME”.

AMENDMENT NO. 3

(Over)

On page 3, in line 2, strike “ANOTHER” and substitute “AN INDIVIDUAL, OR A FRIEND OR FAMILY MEMBER OF AN INDIVIDUAL,”; in lines 3 and 4, in each instance, strike “OTHER” and substitute “INDIVIDUAL”; in line 5, strike “FELONY” and substitute “MISDEMEANOR”; strike in their entirety lines 8 through 14, inclusive; and after line 14, insert:

“9-803.

(A) A PERSON MAY NOT THREATEN AN INDIVIDUAL, OR A FRIEND OR FAMILY MEMBER OF AN INDIVIDUAL, WITH OR USE PHYSICAL VIOLENCE TO COERCE, INDUCE, OR SOLICIT THE INDIVIDUAL TO PARTICIPATE IN OR PREVENT THE INDIVIDUAL FROM LEAVING A CRIMINAL GANG:

(1) IN A SCHOOL VEHICLE, AS DEFINED UNDER § 11-154 OF THE TRANSPORTATION ARTICLE; OR

(2) IN, ON, OR WITHIN 1,000 FEET OF REAL PROPERTY OWNED BY OR LEASED TO AN ELEMENTARY SCHOOL, SECONDARY SCHOOL, OR COUNTY BOARD OF EDUCATION AND USED FOR ELEMENTARY OR SECONDARY EDUCATION.

(B) SUBSECTION (A) OF THIS SECTION APPLIES WHETHER OR NOT:

(1) SCHOOL WAS IN SESSION AT THE TIME OF THE CRIME; OR

(2) THE REAL PROPERTY WAS BEING USED FOR PURPOSES OTHER THAN SCHOOL PURPOSES AT THE TIME OF THE CRIME.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(D) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 9-802 OF THIS SUBTITLE.”.

AMENDMENT NO. 4

On page 3, in line 17, after “(a)” insert “(1) In this section the following words have the meanings indicated.”

(2) “CRIMINAL GANG” HAS THE MEANING STATED IN § 9-801 OF THE CRIMINAL LAW ARTICLE.

(3) “Law enforcement agency” means the law enforcement agencies listed in § 3-101(e) of the Public Safety Article.

[(3)] (4) “Local school system” means the schools and school programs under the supervision of the local superintendent.

[(4)] (5) “Local superintendent” means the county superintendent, for the county in which a child is enrolled, or a designee of the superintendent, who is an administrator.”;

in line 17, strike “(5)” and substitute “(6)”; and after line 29, insert:

“(b) If a child enrolled in the public school system is arrested for a reportable offense OR AN OFFENSE THAT IS RELATED TO THE CHILD’S MEMBERSHIP IN A CRIMINAL GANG, the law enforcement agency making the arrest shall notify the local superintendent of the arrest and the charges within 24 hours of the arrest or as soon as practicable.”.

AMENDMENT NO. 5

On page 3, in line 27, strike “OR”; after line 27, insert:

“(VI) A VIOLATION OF § 6-102, § 6-103, § 6-104, OR § 6-105 OF THE CRIMINAL LAW ARTICLE; OR”;

and in line 28, strike “(VI)” and substitute “(VII)”.