

HOUSE BILL 896

E4, E3

71r0365

By: **Delegates James, Barkley, Bronrott, DeBoy, Donoghue, Dumais, Frank, Griffith, Guzzone, Heller, Hubbard, Kullen, McDonough, Montgomery, Morhaim, Niemann, Riley, Robinson, Shewell, Sossi, Stifler, and Tarrant**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Criminal Gang Task Force and Database**

3 FOR the purpose of requiring the Department of State Police to create and oversee a
4 Criminal Gang Task Force within the Department; establishing the purpose of
5 the Task Force; authorizing certain law enforcement agencies to participate in
6 the Task Force; requiring the Department to develop and manage a statewide
7 Criminal Gang Database to facilitate the exchange of information among
8 federal, State, and local law enforcement agencies related to the location,
9 membership, and activities of certain criminal gangs operating in the State;
10 requiring the Department to utilize certain technology in developing the
11 Database; requiring the Secretary of State Police to adopt certain regulations;
12 requiring a certain law enforcement officer to enter certain information into the
13 Criminal Gang Database in certain circumstances; requiring the law
14 enforcement officer to enter the information within a certain time period;
15 defining certain terms; and generally relating to the Criminal Gang Task Force
16 and Database.

17 BY adding to

18 Article – Public Safety

19 Section 2–901 through 2–906 to be under the new subtitle “Subtitle 9. Criminal
20 Gang Task Force and Database”

21 Annotated Code of Maryland

22 (2003 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 **SUBTITLE 9. CRIMINAL GANG TASK FORCE AND DATABASE.**

5 **2-901.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

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

10 (C) “CRIMINAL GANG ASSOCIATE” MEANS A PERSON WHO:

11 (1) ADMITS TO INVOLVEMENT WITH A CRIMINAL GANG; OR

12 (2) MEETS A SINGLE DEFINING CRITERION FOR BEING A
13 CRIMINAL GANG MEMBER.

14 (D) “CRIMINAL GANG MEMBER” MEANS A PERSON WHO MEETS TWO OR
15 MORE OF THE FOLLOWING CRITERIA:

16 (1) ADMITS TO CRIMINAL GANG MEMBERSHIP;

17 (2) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY A PARENT OR
18 GUARDIAN;

19 (3) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY A
20 DOCUMENTED RELIABLE INFORMANT;

21 (4) RESIDES IN OR FREQUENTS A CRIMINAL GANG’S AREA,
22 ADOPTS THE STYLE OF DRESS, USE OF HAND SIGNS, OR TATTOOS OF THE
23 CRIMINAL GANG, AND ASSOCIATES WITH KNOWN CRIMINAL GANG MEMBERS;

1 (5) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY AN
2 INFORMANT OF PREVIOUSLY UNTESTED RELIABILITY AND THE IDENTIFICATION
3 IS CORROBORATED BY INDEPENDENT INFORMATION;

4 (6) HAS BEEN ARRESTED MORE THAN ONCE IN THE COMPANY OF
5 IDENTIFIED CRIMINAL GANG MEMBERS FOR OFFENSES THAT ARE CONSISTENT
6 WITH USUAL CRIMINAL GANG ACTIVITY;

7 (7) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY PHYSICAL
8 EVIDENCE SUCH AS PHOTOGRAPHS OR OTHER DOCUMENTATION; OR

9 (8) HAS BEEN STOPPED IN THE COMPANY OF KNOWN CRIMINAL
10 GANG MEMBERS FOUR OR MORE TIMES.

11 (E) "GANG-RELATED INCIDENT" MEANS AN INCIDENT IN WHICH
12 INVESTIGATION REVEALS:

13 (1) THE PARTICIPANTS ARE CRIMINAL GANG MEMBERS OR
14 CRIMINAL GANG ASSOCIATES ACTING INDIVIDUALLY OR COLLECTIVELY TO
15 FURTHER A CRIMINAL PURPOSE OF THE GANG;

16 (2) A RELIABLE INFORMANT IDENTIFIES THE INCIDENT AS
17 CRIMINAL GANG ACTIVITY; OR

18 (3) AN INFORMANT OF PREVIOUSLY UNTESTED RELIABILITY
19 IDENTIFIES THE INCIDENT AS CRIMINAL GANG ACTIVITY AND THE
20 IDENTIFICATION OF GANG ACTIVITY IS CORROBORATED BY INDEPENDENT
21 INFORMATION.

22 (F) "TASK FORCE" MEANS THE CRIMINAL GANG TASK FORCE
23 CREATED UNDER § 2-902 OF THIS SUBTITLE.

24 **2-902.**

25 (A) THE DEPARTMENT SHALL CREATE AND OVERSEE A CRIMINAL
26 GANG TASK FORCE.

27 (B) THE PURPOSE OF THE TASK FORCE SHALL BE TO FACILITATE
28 COLLABORATION AND SHARING OF INFORMATION AMONG, FEDERAL, STATE,

1 AND LOCAL LAW ENFORCEMENT RELATING TO THE LOCATION, MEMBERSHIP,
2 AND ACTIVITIES OF CRIMINAL GANGS.

3 **2-903.**

4 FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES MAY
5 PARTICIPATE IN THE TASK FORCE BY AGREEING TO:

6 (1) EXCHANGE INFORMATION REQUIRED FOR THE DEVELOPMENT
7 AND MAINTENANCE OF THE CRIMINAL GANG DATABASE CREATED UNDER THIS
8 SUBTITLE; AND

9 (2) COMPLY WITH ANY OTHER TERMS REQUIRED BY THE
10 DEPARTMENT.

11 **2-904.**

12 (A) THE DEPARTMENT SHALL DEVELOP AND MANAGE A STATEWIDE
13 CRIMINAL GANG DATABASE TO FACILITATE THE EXCHANGE OF INFORMATION
14 AMONG TASK FORCE PARTICIPANTS RELATED TO THE LOCATION, MEMBERSHIP,
15 AND ACTIVITIES OF CRIMINAL GANGS OPERATING IN THE STATE.

16 (B) THE DEPARTMENT SHALL UTILIZE INTERNET-BASED TECHNOLOGY,
17 SUCH AS THE DATABASE COMMONLY KNOWN AS GANGNET, OR AN EQUIVALENT
18 TECHNOLOGY, IN THE DEVELOPMENT OF THE CRIMINAL GANG DATABASE.

19 **2-905.**

20 THE SECRETARY SHALL ADOPT REGULATIONS:

21 (1) FOR PROTOCOLS AND OPERATIONS OF THE STATEWIDE
22 CRIMINAL GANG DATABASE; AND

23 (2) TO GOVERN THE METHODS USED TO OBTAIN INFORMATION
24 FROM THE STATEWIDE CRIMINAL GANG DATABASE, INCLUDING PROCEDURES
25 TO VERIFY THE IDENTITY AND AUTHORITY OF THE INDIVIDUAL OR AGENCY
26 THAT REQUESTS THE INFORMATION.

27 **2-906.**

1 **(A) ON DETERMINATION, EITHER BY ADMISSION OR INVESTIGATION, BY**
2 **A TASK FORCE PARTICIPATING LAW ENFORCEMENT AGENCY THAT A PERSON**
3 **WHO HAS BEEN ARRESTED IS A CRIMINAL GANG MEMBER OR CRIMINAL GANG**
4 **ASSOCIATE, OR THAT AN INCIDENT BEING INVESTIGATED IS A GANG-RELATED**
5 **INCIDENT, THE ARRESTING OR INVESTIGATING OFFICER SHALL ENTER THE**
6 **INFORMATION AND ANY OTHER APPROPRIATE GANG-RELATED INFORMATION**
7 **REQUIRED BY THE DEPARTMENT INTO THE CRIMINAL GANG DATABASE.**

8 **(B) THE ARRESTING OFFICER SHALL ENTER THE INFORMATION**
9 **DESCRIBED IN SUBSECTION (A) OF THIS SECTION INTO THE CRIMINAL GANG**
10 **DATABASE AS SOON AS PRACTICABLE AFTER THE DETERMINATION IS MADE**
11 **THAT THE PERSON ARRESTED IS A CRIMINAL GANG MEMBER OR CRIMINAL**
12 **GANG ASSOCIATE OR THAT AN INCIDENT BEING INVESTIGATED IS A**
13 **GANG-RELATED INCIDENT.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2007.