

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE

House Bill 896 (Delegate James, *et al.*)
 Judiciary

Public Safety - Criminal Gang Task Force and Database

This bill establishes a criminal gang task force and database within the Department of State Police.

Fiscal Summary

State Effect: General fund expenditures would increase by \$925,600 in FY 2008, which includes the purchase of GangNET. Out-year costs reflect annualization, inflation, replacement vehicles, and GangNET hardware in FY 2011. Revenues would not be affected.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	925,600	340,200	347,200	413,400	361,500
Net Effect	(\$925,600)	(\$340,200)	(\$347,200)	(\$413,400)	(\$361,500)

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

Local Effect: None. It is assumed that local law enforcement could fulfill their obligations under the bill with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: This bill requires the Department of State Police (DSP) to create and oversee a Criminal Gang Task Force to facilitate collaboration and sharing of information among federal, State, and local law enforcement relating to the location, membership, and

activities of criminal gangs. Federal, State, and local law enforcement agencies may participate in the task force by agreeing to exchange information required for the development and maintenance of the criminal gang database created under the bill.

The bill requires DSP to develop and manage a statewide criminal gang database to facilitate the exchange of information among task force members relating to the location, membership, and activities of criminal gangs. DSP is required to utilize Internet-based technology, such as the database known as GangNET, or an equivalent technology, in the development of the new statewide database.

The bill requires the Secretary of State Police to adopt regulations for protocols and operations of the database and to govern the methods used to obtain information from the database.

An arresting or investigating law enforcement officer is required to provide information to the database, as specified.

Current Law: Chapter 313 of 2005 created new offenses relating to criminal gang activity. A person is prohibited from threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for two years and/or a fine of \$1,000. As a separate crime, a person is also prohibited from making such threats in a school vehicle or within 1,000 feet of a school. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for four years and/or a \$4,000 fine. A conviction for the latter offense may not merge with a conviction for the former offense. These provisions may not be construed to limit prosecution for a violation of any other provision with respect to any activity that constitutes a violation of these provisions.

Chapter 313 authorizes prior felony or misdemeanor convictions, if related to the defendant's membership in a criminal gang, to be included in a presentence investigation report for a court by the Division of Parole and Probation.

Under the Act, "criminal gang" is defined as a group 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.

A person, with the intent to unlawfully extort money, property, or anything of value from another, may not verbally threaten to (1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or (2) cause physical injury to a person, inflict emotional distress on a person, cause economic damage to a person, or cause damage to the property of a person. A violator is guilty of a felony and subject to maximum penalties of imprisonment for 10 years and/or a fine of \$10,000.

A person or group may not engage in an act or conduct solely to coerce or intimidate another person to contribute or donate any money, goods, materials, or services to a social, economic, or political association or organization. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 90 days and/or a fine of \$100. Each day on which a violation occurs is a separate violation.

Reportable offenses to school superintendents include crimes of violence, crimes not within the original jurisdiction of the juvenile court, certain weapon and drug offenses, and possession of explosives and bomb threats. Chapter 313 added violations of these criminal gang activity prohibitions, as well as arson and malicious burning, to the list of offenses that must be reported to the local superintendent of schools if a public school student is arrested and charged with the offense. If a child enrolled in a public school system is arrested for any of these offenses, the law enforcement agency making the arrest must notify the local superintendent of schools of the arrest and the charges within 24 hours or as soon as practicable. The State's Attorney must promptly notify the superintendent of the disposition of a reportable offense. Information about a reportable offense obtained by a local superintendent must be used to provide appropriate educational programming and related services to the child committing the offense and to maintain a safe school environment for students and personnel. Information may only be transmitted to the principal of the school the child attends and a limited number of other school personnel who need to know.

Background: In November 2006, Baltimore City published a *Baltimore City Gang Violence Reduction Plan*. The plan includes a multi-agency approach consisting of the following eight elements:

- initial and continuous problem assessment using qualitative and quantitative data;
- targeting of the area and populations of individuals most closely associated with the problem;
- utilizing five key activities: community mobilization, social intervention, opportunities provision, suppression, and organizational change/development;
- creating a Steering Committee;

- mobilizing a direct contact team including community outreach staff in addition to law enforcement, probation, and others;
- a plan for coordinating efforts and sharing information among those working with youth on a daily basis;
- community capacity building; and
- ongoing data collection and analysis to inform the process.

The Baltimore City plan also included recommendations to:

- increase the maximum sentence for a felon in possession of a firearm;
- provide consistent definitions and sentencing enhancements for crimes committed by gang members and/or in furtherance of gang activity in or around schools; and
- expand reporting requirements under the Education Article, which requires mandatory disclosure of specific arrest categories and dispositions to schools.

Because the Education Article also requires notification if the offense is related to the student's membership in a gang, the Baltimore City plan proposed that reporting requirements be extended to include all gang-related arrests and incidents. In addition, all gang-related arrests at or near a school should be reported to school authorities.

The Mid-Atlantic Regional Gang Investigators Network (MARGIN), formally known as Washington/Baltimore Metropolitan Area Regional Gang Investigators Network, is an organization consisting of federal, state, and local law enforcement/criminal justice officers, representing agencies from throughout Maryland, Virginia, and Washington, DC. The stated primary goal of MARGIN is to "enhance officer safety by providing relevant gang information to law enforcement officers and for the overall public safety." The State Police are active participants in MARGIN.

The White House Office of National Drug Control Policy (ONDCP) was established by the Anti-Drug Abuse Act of 1988. ONDCP designated the Washington/Baltimore area a High Intensity Drug Trafficking Area (HIDTA) in 1994 to address the serious public safety threats arising from the distribution of illegal drugs. Washington/Baltimore HIDTA has arranged for the purchase of GangNET through the Arlington County Police Department and it will, among other uses, be available to track gang data collected in Maryland. Once protocols are established, the Maryland State Police will have access to this data on a basis determined by HIDTA.

There are currently 102 active grants to a variety of State and local government entities aimed at tracking and/or combating gang activities in the State, totaling \$4,784,946 in federal funds and \$1,572,972 in State funds.

State Expenditures: General fund expenditures could increase by an estimated \$925,620 in fiscal 2008, which accounts for the bill's October 1, 2007 effective date. This estimate reflects the cost of hiring one assistant region commander, one investigator/trooper, one intelligence analyst, and one data entry clerk to operate the Criminal Gang Task Force. It includes salaries, fringe benefits, one-time start-up costs (including the purchase of two new vehicles), the purchase and service costs for GangNET, and ongoing operating expenses.

GangNET (purchase and service)	\$562,000
Salaries and Fringe Benefits	136,300
Trooper Vehicle Purchase (2)	45,090
Additional Equipment	42,363
Other Operating Expenses	<u>139,867</u>
Total FY 2008 State Expenditures	\$925,620

Future year expenditures reflect • full salaries with 4.5% annual increases and 3% employee turnover; • replacement automobile purchases in fiscal 2011; • hardware replacement costs in fiscal 2011 and annual service fees for GangNET; and • 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany County, Montgomery County, Talbot County, Department of State Police, Department of Legislative Services

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