

SENATE BILL 635

N1, E1, D3

8lr1674

By: **Senators Jacobs, Klausmeier, Mooney, Munson, and Stone**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

Real Property – Criminal Gangs – Abatement of Nuisance

3 FOR the purpose of establishing that the use of real property by members of a certain
4 criminal gang in the furtherance of certain criminal gang activity is a nuisance
5 that may be the subject of a certain action for abatement; and generally relating
6 to the use of real property by criminal gangs.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 9–801(a),(c), (d), and (f), 9–802, 9–803, and 9–804(a), (b), and (c)
10 Annotated Code of Maryland
11 (2002 Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 14–120(a)(5)
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2007 Supplement)

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

Article – Criminal Law

20 9–801.

21 (a) In this subtitle the following words have the meanings indicated.

22 (c) “Criminal gang” means a group or ongoing association of three or more
23 persons whose members:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) individually or collectively engage in a pattern of criminal gang
2 activity;

6 (3) have in common an identifying sign, symbol, name, leader, or
7 purpose.

12 (f) "Underlying crime" means:

13 (1) a crime of violence as defined under § 14-101 of this article;

17 (3) a felony violation of § 5-133 of the Public Safety Article.

18 9-802.

19 (a) A person may not threaten an individual, or a friend or family member of
20 an individual, with physical violence with the intent to coerce, induce, or solicit the
21 individual to participate in or prevent the individual from leaving a criminal gang.

22 (b) A person who violates this section is guilty of a misdemeanor and on
23 conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
24 \$1,000 or both.

25 9-803.

26 (a) A person may not threaten an individual, or a friend or family member of
27 an individual, with or use physical violence to coerce, induce, or solicit the individual
28 to participate in or prevent the individual from leaving a criminal gang:

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

5 (c) A person who violates this section is guilty of a misdemeanor and on
6 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding
7 \$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.

10 9-804.

(a) A person may not:

12 (1) participate in a criminal gang knowing that the members of the
13 gang engage in an ongoing pattern of criminal gang activity; and

(b) A person may not commit a violation of subsection (a) of this section involving the commission of an underlying crime that results in the death of a victim.

(2) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

Article – Real Property

30 14-120.

31 (a) (5) "Nuisance" means a property that is used:

(i) 1. By persons who assemble for the specific purpose of
2 illegally administering a controlled dangerous substance;

3 [(ii)] 2. For the illegal manufacture, or distribution of:

4 [1.] **A.** A controlled dangerous substance; or

[2.] **B.** Controlled paraphernalia, as defined in § 5–101 of the Criminal Law Article; or

10 [1.] **A** A controlled dangerous substance; or

[2.] B. Controlled paraphernalia, as defined in § 5–101 of the Criminal Law Article; OR

13 (II) BY A MEMBER OF A CRIMINAL GANG, AS DEFINED IN §
14 9-801 OF THE CRIMINAL LAW ARTICLE:

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2008.